

# The Role of Victim and Witnesses Protection Agency in Achieving Sustainable Development Goals: The Best Practice of Indonesia

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**Abstract**— The embodiment of peace, justice, and strong institution is one of 17 sustainable development goals that shall be carried out by Indonesia in term of achieving a better and more sustainable prosperity for the upcoming generation. As a state institution established to support criminal justice through its authority to provide protection and assistance services for witnesses and victims based on Law Number 13 of 2006 as amended into Law Number 31 of 2014, the Indonesia's Victim and Witnesses Protection Agency (hereinafter called with LPSK which stands for *Lembaga Perlindungan Saksi dan Korban*) is certainly expected to take part in achieving the sustainable development goals. Considering that LPSK is placed in a criminal justice process in which almost all cases of criminal offense is possible to obtain its service, this article is driven to explore the extent to which the institutional role and performance of LPSK in promoting justice and strong institution as a part of sustainable development goals in field of criminal justice system in Indonesia.

**Keywords**— *Role of LPSK, Sustainable Development Goals, Criminal Justice System, Best Practice of Indonesia*

## I. INTRODUCTION

In today's changing world, every country is facing various forms of global challenges that are increasingly complex and may hamper the success of national development, such as the imperialism of digital technology, the enhancement of poverty and welfare inequality, climate change, financial crises, and legal issues concerning justice delivery. In order to deal with the negative excesses of social change, strategic steps are required to integrate and harmonize economic, social and environmental development into national development policies. The integration of these three aspects of development according to Dernbach J.C. & Stoddart is a key point to achieve sustainable development goals.<sup>1</sup>

The concept of sustainable development is development that is geared to achieve the long-term stability in whole aspects of human life. It can also be defined as development meets the needs of the present without compromising the right to fulfill the needs of future generations<sup>2</sup>. The aim is none other than to improve the welfare of society and meet the needs and aspirations of the current and future generations. Since September 2015, this sustainable development has become a global agenda that has been adopted and will be realized within the next 25 years by almost all countries in the world, including Indonesia. This

agenda has set 17 core goals of sustainable development and 169 measurable targets that are expectedly realized by 2030.

As an initial manifestation of national commitment to the 2030 agenda for Sustainable Development Goals (hereinafter abbreviated with SDGs), the Indonesian government has issued presidential regulation No. 59 of 2017 regarding the implementation of sustainable development goals. In addition to being a reference to the implementation of SDGs, the presidential regulation also clearly emphasizes the involvement or participation of all parties, encompassing governmental institutions, regional governments, NGOs, academics and local communities in an effort to achieve the overall goals and targets of the sustainable development agenda. In other words, it can be inferred that the government also expects that the work performance of respective institutions may be directed to achieve each goal and target of sustainable development by 2030.

One of the core goals of the sustainable development is promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable, and inclusive institutions at all levels, or commonly abbreviated with "peace, justice, and strong institutions". This goal is further broken down into 12 measurable targets that can be simplified into a number of core activities, namely ending violence, promoting the rule of law, strengthening institutions and increasing access to justice.

As a supporting institution in the criminal justice system, the existence of Indonesia's Victims and Witnesses Protection Agency (hereinafter called with LPSK) is certainly expected to take part in achieving the sustainable development goals, primarily to realize the 16th goal on peace, justice, and strong institutions. LPSK itself is an independent governmental institution that plays an important role in providing guarantees for the protection of witnesses and

<sup>1</sup> Dernbach & Stoddart cited by Rachel Emas, *The Concept of Sustainable Development: Definition and Defining Principle*, Brief for GSDR 2015, Florida International University, 2015, p.3, [https://sustainabledevelopment.un.org/content/documents/5839GSDR%202015\\_SD\\_concept\\_definiton\\_rev.pdf](https://sustainabledevelopment.un.org/content/documents/5839GSDR%202015_SD_concept_definiton_rev.pdf)

<sup>2</sup> United Nations General Assembly, 1987, p. 43. <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>, 27 August 2019.

victims in the criminal justice process so that it can help other law enforcement agencies in uncovering criminal acts as well as realizing justice for the concerned parties.

It is important for LPSK to internalize the SDGs into their programs. It is due to based on Law Number 31 of 2014 concerning amendments to Law number 13 of 2006 on the protection of witnesses and victims, the scope of crimes that become priority of the handling by LPSK is largely in accordance with the targets stated in the SDGs document, namely serious human rights crimes, terrorism, criminal acts of trafficking in persons, torture, sexual violence, and severe maltreatment. Considering the suitability of the LPSK work object coverage with the SDGs target in the 16<sup>th</sup> goal, this article examines the role as well as strategic steps of LPSK in supporting the Indonesian government to realize the SDGs. This article aims to find out the best practices of LPSK in contributing to the achievement of sustainable development goals.

## II. RESEARCH METHOD

This paper was composed based on legal research using the statute as well as participatory approaches. The selection of these two types of approaches is due to we analyze the legal basic of LPSK's in applying its role and the data collection is based on practical experience and participation of the first author of this paper as the commissioner of LPSK.

### III. RESULT AND DISCUSSION

#### A. THE ROLE OF LPSK IN ACHIEVING SUSTAINABLE DEVELOPMENT GOALS

##### 1. Mission, Function and Authority of LPSK

In addition to perpetrator, victim and witness are two important elements involved in every crime. Their existences play a pivotal role in disclosing the material truth of a crime. Article 184 paragraph 1 (a) of the Criminal Procedure Code of Indonesia even puts witness statements as the main evidence in the criminal justice process. Although the position of the victim is not explicitly regulated in the Criminal Procedure Code, the victim also has a significant position as the witness. Referring to Article 1 point 20 of the Criminal Procedure Code of Indonesia, it is stipulated that those who directly has experienced a crime may also be presumed as a witness. Thus, it can be inferred that a victim is essentially a witness of a crime, but not so is the witness who is not necessarily a victim.

Notwithstanding the roles of victims and witnesses are very important, often the rights of both are ignored. Not infrequently both of them feel intimidated and obtain safety threats that eventually may result in a disruption of criminal justice process. Since the issuance of Law Number 13 of 2006 concerning Protection of Witnesses and Victims, the legal protection of victim and witness' rights are guaranteed by law. LPSK becomes an the only institution mandated by law to provide the best protection and assistance services to witnesses and victims of crime in accordance with the authority listed in Article 12 A of Law Number 31 of 2014 concerning the Amendment to law No 13 of 2006 on witness and victim protection. Its existence is geared to create a

condition where witnesses and victims feel truly protected, as well as to support the disclosure of various cases in criminal justice. In addition to witnesses and victims, LPSK is also authorized to provide protection to perpetrators<sup>3</sup>, informers<sup>4</sup>, and expert witnesses<sup>5</sup>.

In carrying out its performance, LPSK is based on its five missions<sup>6</sup>, namely:

- a) Realizing the protection and fulfillment of the rights for witnesses and victims in Criminal Justice;
- b) Realizing professional institution in providing protection and fulfillment of rights for witnesses and victims;
- c) Strengthening the legal foundation and ability to fulfill the rights of witnesses and victims;
- d) Realizing and developing networks with stakeholders in order to fulfill the rights of witnesses and victims; and
- e) Realizing conducive conditions and community participation in the protection of the witnesses and victims.

Meanwhile, LPSK has two general functions<sup>7</sup>, namely:

- a) Assisting legal enforcers in uncovering crimes by a way of providing protection to informers, witnesses, and victims as well as justice collaborators, and expert witnesses so that the perpetrators can be fairly sentenced;
- b) Assisting victims of crime in claiming their rights so that their rights are soon fulfilled.

Based on Article 1 number 5 of Law No. 31 of 2014, LPSK has the general authority to provide protection and fulfillment of other rights to Witnesses and / or Victims. Other rights referred to this law include the right to:

- a. Obtain protection for witness or victim's personal, family, and property security, and be free from any threats relating to the testimony that will be, is being, or has been given;
- b. Participate in the process of selecting and determining forms of protection and security support;
- c. Give information without pressure;
- d. Have a translator;
- e. Be free from entrapment questions;
- f. Receive information about the progress of the case;
- g. Receive information about court decisions;
- h. Receive information about the convict is released;
- i. Be withheld his identity;
- j. Get a new identity;
- k. Get a temporary residence;
- l. Get a new residence;
- m. Obtain reimbursement of transportation costs as needed;
- n. Have legal advice;
- o. Receive temporary living expenses assistance until the Protection deadline expires; and/or
- p. Get advocacy, medical assistance, as well as psychosocial and psychological rehabilitation assistance specifically for particular crimes<sup>8</sup>.

<sup>3</sup> See Article 28 paragraph 2 of Law No. 31 of 2014

<sup>4</sup> See Article 28 paragraph 3 of Law No. 31 of 2014

<sup>5</sup> *ibid.*

<sup>6</sup> Annual Report of LPSK 2018, p.7

<sup>7</sup> *ibid.*

<sup>8</sup> Article 5 and Article 6 of Law Number 31 of 2014. Additional rights to receive medical and psychological assistance are given to victims of gross human rights violations, victims of terrorism, victims of trafficking in persons, victims of torture, victims of sexual violence, and victims of severe abuse

The general authority mentioned above is further broken down into several special authorities regulated in Article 12 A of Law Number 31 of 2014, namely:

- a. Requesting verbal and/or written information from the applicant and other parties related to the application;
- b. Examining the information, letters, and / or documents related to obtaining the truth of the application;
- c. Requesting a copy or photocopy of the letter and / or related documents from any agency that are required to examine the applicant's report in accordance with statutory provisions;
- d. Requesting information about the progress of the case from legal enforcers;
- e. Changing the identity of the protected person in accordance with statutory provisions;
- f. Managing a safe house;
- g. Moving or relocating the protected person to a safer place;
- h. Conducting safekeeping and escorting;
- i. Conducting accompaniment to witnesses and / or victims in the judicial process; and
- j. Conducting redressal assessment in granting restitution and compensation.

## 2. The Types of Case under the Handling of LPSK

Principally, witnesses and victims of all crimes have the equal right to obtain protection services from LPSK. However, Law Number 31 of 2014 directs LPSK to pay special attention to certain specific crimes, namely:

- a) Serious crimes or those that have a high level of threat such as gross violations of human rights, terrorism, trafficking in persons, torture, sexual violence, and severe abuse;
- b) other criminal offenses that attract public attention.

Detail crimes that LPSK has to handle are further stipulated in the elucidation of Article 5 paragraph 2 and Article 6 paragraph 1 of Law No. 31 of 2014.

During 2018, there were 1,401 applications for protection that were successfully registered by the LPSK<sup>9</sup>. The highest number of applications for protection occurred in March and April 2018 with 196 and 201 cases, while the least occurred in June as many as 45 applications. The number of applications above 100 occurred in January, February, May, October and December 2018. Meanwhile, the number of applications with a range of 50 to 100 occurred in July to September.

Of the overall applications received by LPSK throughout 2018, it clearly appeared that the types of crime of which the victims and/or witnesses asked for protection from LPSK were the specific crimes that by the law is required to have special attention from LPSK. Those aforementioned applications can be classified into several types of specific crimes as follows:

- a) 311 applications for gross human rights violations;
- b) 131 applications for Corruption / money laundering;
- c) 104 applications for Trafficking in persons;
- d) 142 applications for terrorism;
- e) 6 applications for illegal drugs;
- f) 284 applications for Sexual violence against children;

<sup>9</sup> Annual Report of LPSK 2018, p. 25

- g) 5 applications for severe abuse;
- h) 23 application for Torture; and
- i) 360 applications for other criminal acts.

## 3. Ending Violence against Children

In recent decades, violence against children has become a global issue faced by almost all countries. Even David Archard argues that children actually have experienced violence, throughout human history and even across cultures.<sup>10</sup> The results of research conducted by David Finkelhor, et.al, showed that a child has the potential to experience more than one form of violence in his/her daily life, including physical, verbal, psychological, and sexual violence.<sup>11</sup> It is scientifically proven that violence may bring bad impact on children's life. Children may not only suffer physical injuries, but also psychological and social disturbances which will greatly influence to their growth and development.

As an irreplaceable asset for a country, protecting children from violence shall be placed in the utmost priority of national development. It is because children today will be the upcoming generation who will continue as well as determine the future of nations. Considering the significant role of children for the future, it is no wonder if ending violence against children becomes an indicator of achieving the 2030 agenda for sustainable development goals. In this matter, each country is expected to be able to undertake strategic steps to minimize or overcome the issue of violence against children that occurs within the scope of the respective countries.

With respect to violence against children, LPSK has shown its commitment of supporting Indonesian Government in realizing the target of SDGs, precisely target number 16.1, namely "significantly reduce all forms of violence and related death rates everywhere". Until now, violence against children has become LPSK's work priority. Witnesses and victims of violence against children have been prioritized to get protection and assistance services from LPSK. In fact, for some severe cases LPSK acts proactively to meet the families of victims of violence against children to help them make applications for protection. Not surprisingly, throughout 2018, the application for protection and assistance to LPSK was somewhat dominated by cases of violence against children, especially sexual violence<sup>12</sup>.

Based on the info-graphics released by LPSK, it was noted that there were an increase in the number of victims of child sexual violence who applied for protection and assistance. In 2017, there were 70 application for protection and assistance, in 2018 it was increasing to 149 applications, and by June 2019 there were 78 applications. In 2018 until June 2019, there were 391 children who were victims of sexual violence, the majority of perpetrators is their closest people such as: family or teacher, which was as much as 80.23

<sup>10</sup> David Archard, *Children (Rights and Childhood)*<sup>2nd Ed</sup>, Routledge Publisher, New York, 2004, p 192

<sup>11</sup> David Finkelhor, et.al, *Polyvictimization: Children's Exposure to Multiple Types of Violence, Crime, and Abuse*, Juvenile Justice Bulletin, OJDP Department of Justice, USA, October 2011, accessed from <https://www.ncjrs.gov>, 17 April 2017, p.1

<sup>12</sup> Annual Report of LPSK 2018, p. 26

percent.<sup>13</sup> The number of application for protection and assistance to LPSK can be seen in the following bar chart (Figure.1):

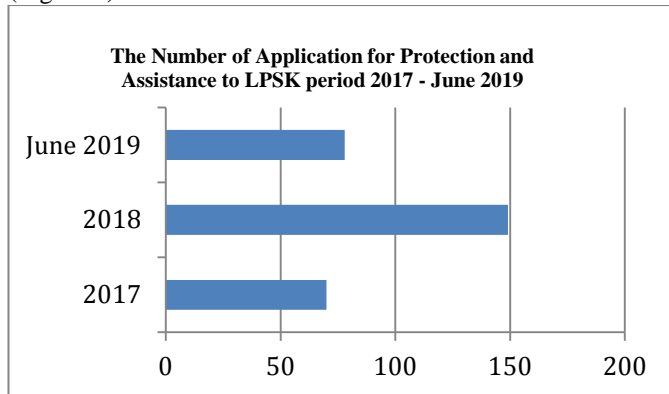


Figure 1 The number of application for protection and assistance to LPSK. Sources: Annual Report of LPSK 2018 and the Author experience

In overcoming sexual violence against children, the role of LPSK is not in the context of carrying out repressive actions against perpetrators as conducted by legal enforcers in general. The role of LPSK in this case is more focused on services that help restoring the victims' conditions well as protecting witnesses, such as:

a) fulfillment of procedural rights

This service is in the form of providing protection services during the case disclosure process from providing information in the investigation to the trial process. This service is intended to make witnesses and victims feel safe, without intimidation, pressure or safety threats in providing information related to the case they face.

b) Physical Protection

The physical protection conducted by LPSK means protection in a safe house, protection of inherent security in a protected residence, and monitoring by the LPSK security task force in collaboration with the police. In 2018 there were 116 physical protection services provided by LPSK<sup>14</sup>.

c) Providing Medical Assistance

This service is constituting a medical rehabilitation provided to witnesses and victims who have suffered physical injuries. LPSK provides for the medical assistance through:

- (1) LPSK internal medical staff;
- (2) LPSK referral mechanism to clinics or hospitals;
- (3) reimbursement of medical costs paid by protected persons;
- (4) cooperation scheme between LPSK and the Social Security Organizing Agency /BPJS; or
- (5) Cooperation Scheme between LPSK and Local Government<sup>15</sup>.

<sup>13</sup> Presentation of LPSK, Infographic of Sexual Violence against Children in Indonesia, 2019

<sup>14</sup> Annual Report of LPSK 2018, p.52

<sup>15</sup> Antonius PS Wibowo, "Peran LPSK-RI Dalam Memenuhi Hak-hak Korban Tindak Pidana Perdagangan Orang (TPPO)", presented at Pelatihan Teknik Pendeteksian Dokumen Perjalanan Palsu dan Penanganan Korban Tindak Pidana Perdagangan Orang bagi Aparat

d) Providing Psychological Assistance

This service is in the form of non-physical rehabilitation to witnesses and victims suffering mental shock due to criminal acts. Similar to medical assistance, psychological rehabilitation services are also carried out based on psychological assessments by psychologists who are LPSK partners.

e) Providing Psychosocial Rehabilitation

This service is provided to witnesses and victims so that they can be prepared and empowered mentally and/or materially to be able to live life in the community. In practice, LPSK collaborates with several relevant ministerial institutions for instances the Social Affairs Ministry and the Education ministry.

f) Facilitating the submission as well as the acquisition of restitution

Based on Article 1 point 11 of Law No. 31 of 2014, restitution is redressal given to the victim or his family by the perpetrator or a third party. Whereas according to Article 1 point 1 of Government Regulation No. 43 of 2017, restitution is the payment of redressal which is charged to the perpetrator based on a court decision that has acquired permanent legal force for material and/or immaterial losses suffered by the victims or his heirs. In 2018 LPSK had filed a restitution for victims of criminal acts in the amount of Rp. 2,347,921,157, but the Court only approved Rp. 580,316,150. Whereas restitution paid by criminals is only Rp. 5,000,000<sup>16</sup>. As a part of its main role, LPSK also assists victims of criminal acts including the victims of sexual violence to obtain restitution. The service of restitution given by LPSK starts from the submission of restitution to be filed in the court's decision to the process of receiving the restitution money by the victim. Throughout 2018, LPSK has succeeded in facilitating the acquisition of restitution for victims of child sexual violence as many as 8 cases, which is worth Rp. 322,644,000<sup>17</sup>.

g) Facilitating the submission as well as the acquisition of Compensation

According to Article 1 number 4 of Government Regulation No. 44 of 2008 concerning Provision of Compensation, Restitution, and Assistance to Witnesses and Victims, compensation is such of a redressal given by the state because the perpetrators are unable to fully provide redressal which is their responsibility. Throughout 2018, LPSK has succeeded in facilitating the submission of compensation up to the court's decision for 22 victims<sup>18</sup>, however, the submission of compensation granted was

Penegak Hukum dan Petugas Garda Depan, p. 11, Joining organized by IOM and US Department of State's Bureau for International Narcotics and Law Enforcement Affairs (INL) and US Department of Homeland Security, Homeland Security Investigations, Immigration and Customs Enforcement, US Embassy Jakarta (HSI) and US Department of State, Diplomatic Security Service, Overseas Criminal Investigations, US Consulate General Surabaya (DS), in Hotel Ayana Labuan Bajo, 14-16 Agustus 2019.

<sup>16</sup> Antonius PS Wibowo, "Peran LPSK-RI Dalam Memenuhi Hak-hak Korban Tindak Pidana Perdagangan Orang (TPPO)", *op.cit.*, p. 21

<sup>17</sup> Annual Report of LPSK 2018, p. 54

<sup>18</sup> Annual Report of LPSK 2018, p. 53



only for victims of terrorism, including if the victims is children.

Some victims of violence cases successfully handled by LPSK during 2018 are encompassing<sup>19</sup>: (1) protection for victims of alleged torture cases against four members of LG's family who were victims of alleged torture to death by military personnel in northern Maluku. The forms of protection given consist of physical protection, fulfillment of procedural rights, and services psychosocial rehabilitation; (2) protection for victims of child sexual violence, namely providing protection to victims aged 4 years who experienced rape / sexual abuse committed by members of the military; and (3) Assistance for 16 child victims of molestation in Pasarebo, East Jakarta.

#### **4. Promoting Rule of Law and Supporting Access to Justice**

In the criminal justice process, all victims of crime certainly are eager to obtain justice for themselves through law enforcement processes. Unfortunately, not all victims and their families have the courage to use their rights even though the acquisition of their rights has been guaranteed by the law. Not seldom we find victims of crime unable to exercise their rights for several reasons, such as due to feelings of shame, feelings of worry about the legal process becoming increasingly long and wordy, feelings of fear of intimidation and safety threats from perpetrators and his family.

By nature, the rule of law and access to justice are two interdependent variables. Rule of law is a basic principle of access to justice, in turn, accessible justice for all becomes the main condition to uphold the rule of law. Thus, promoting rule of law can also be figured out as an effort to make law and justice accessible for all human. Rule of law itself is a legal term that has a quite broad meaning. A.V. Dicey expressed rule of law as "the characteristic of our country, not only that with us no man is above the law, but every man, whatever be his rank or condition is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals".<sup>20</sup>

From the aforementioned notion, it can be inferred that all men, either perpetrator, victim, witness, or those related to legal cases, have equal position before the law and each person has equal right of access to justice. In relation to victims and witnesses, LPSK is certainly required to run promoting the rule of law and assist victims and witnesses having equal access to justice. A Former head of LPSK, Abdul Haris Semendawai once revealed that the handling of victims of crime rests on how the implementation of norms of various laws and regulations governing the protection and fulfillment of the rights of victims. It is a state obligation to guarantee that both victims and witnesses gain equal protection of their rights and access to justice.<sup>21</sup>

Internationally, the United Nations Declaration No. 40 / A / Res / 34 of 29 November 1985 has stipulated that the simple way to assist victims (as well as witnesses) getting

access to justice is by a way of fulfilling their rights during the process of criminal justice. Both of them are at least entitled to:<sup>22</sup>

- a. Be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered;
- b. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms;
- c. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:
  - (1) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;
  - (2) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;
  - (3) Providing proper assistance to victims throughout the legal process;
  - (4) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
  - (5) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims;
- d. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.

As it is publicly known, the practice of the criminal justice system in Indonesia has been too focused on how to punish perpetrators without reflecting on how to protect victims who are potentially affected by the process of the criminal justice. The existence of LPSK here certainly allows the victims of criminal acts to gain justice as they expect for. The role of LPSK in promoting the rule of law and helping victims and witnesses to gain justice is demonstrated through several service programs such as fulfilling procedural rights, facilitating victims to get restitution and compensation, as well as fulfilling other protection services as well as medical, psychological and psychosocial assistances.

In term of fulfilling procedural rights to the victims as well as witnesses, LPSK assures that both victims and witnesses will receive advocacy in every stage of criminal justice process starting from the investigation, prosecution,

<sup>19</sup> Annual Report of LPSK 2018, p. 55

<sup>20</sup> A.V. Dicey, J.W.F. Allison (ed), *The Law of The Constitution*, Oxford University Press, United States of America, 2013, p. 100

<sup>21</sup> LPSK Magazine, *Kesaksian*, edition II, 2015, Jakarta, p.12-13

<sup>22</sup> Paragraph 4,5,6, and 7 of The United Nations Declaration No. 40 / A / Res / 34 of 29 November 1985 on Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

and court's examination. Thus, the victims and witnesses enable to freely give testimony without being overwhelmed with feelings of frightened and worried. Additionally, the service also allows victims to be heard without having to be present at court.

In carrying out the role of promoting rule of law, LPSK is not only acted passively by waiting for an application of protection submitted by the victim and/or witness but also acted proactively by running into the victims and/or witnesses in order to help them submit the application of protection to LPSK. Some instances of case that were proactively dealt with by LPSK are the cases of sexual violence against underage children conducted by the son of a teacher in Bandung, the cases of sexual violence against minors by biological father of the victims in DKI Jakarta, the cases of sexual violence against underage children carried out by a sports teacher at SMPN 184Pasar Rebo, East Jakarta.<sup>23</sup>

To date, LPSK has provided several variants of the application mode that can be chosen by the public including submitting the application directly to LPSK, submitting the application by registered mail, electronic mail, facsimile, the official website of LPSK, namely [www.lpsk.go.id](http://www.lpsk.go.id), hotline 148, and the online application through android phone. The application of a number of modes of submitting the application for protection is intended to facilitate public in getting equal access to witness and or victim protection services so that the achievement of access to justice for victims and witnesses can be equally fulfilled.

From 1401 applications successfully registered by LPSK throughout 2018<sup>24</sup>, 325 application were submitted in person, 846 applications were submitted by registered mail, as many as 43 applications were submitted via email, facsimile and telephone, 187 application through the LPSK team who run into directly to witnesses and victims, while 35 applications were submitted online through the LPSK website and online applications through android mobile phone, and as many as 94 applications were submitted via the hotline 148. Of the many applications that entered the LPSK, the applications for fulfillment of procedural rights were the most application submitted, namely around 290 application. From this condition, it can be inferred that the more application for the fulfillment of procedural rights submitted, the more likely victims and witnesses assisted to get access to justice. The following pie chart portrays the number of types of application mode submitted to LPSK in 2018 as showed in Figure 2.

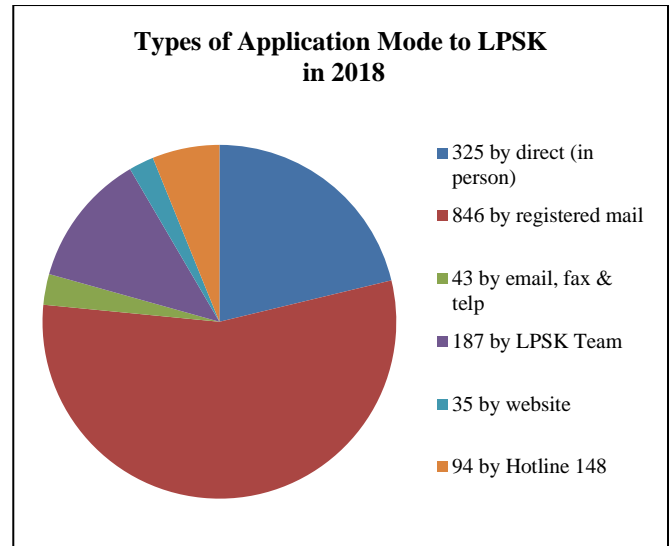


Figure 2. the number of types of application mode submitted to LPSK. *Source:* It is abstracted from the Annual report of LPSK 2018

In the context of promoting the rule of law, in addition to having the authority to draw up internal regulations of the institution, LPSK also plays an active role in the discussion of several national laws and regulations, for example in 2017 LPSK was also participated in revising Government Regulation No. 44 of 2008 concerning Provision of Compensation, Restitution and Assistance to Witnesses and Victims. At present, the previous government regulation has been replaced by Government Regulation No. 7 of 2018 concerning Provision of Compensation, and Assistance to Witnesses and Victims.

In addition, LPSK was also involved in formulating the draft of terrorism law which was later issued by Law Number 5 of 2018 concerning Eradication of Terrorism, re-formulating the Draft of Law on the Elimination of Sexual Violence, formulating the draft of the Presidential Regulation on the Implementation of the Rights of Witness Children and the Rights of Terrorism Child Victims, inventorying problems for the Draft of Government Regulation on Appropriate Accommodations for Persons with Disabilities in the Judicial System, and is involved in formulating the draft of Government Regulation No. 43 of 2018 concerning Procedures for Implementing Community Participation and Awarding in Preventing and Eradicating Corruption, which was approved on September 18, 2018<sup>25</sup>.

In addition to being involved in legislation activities, LPSK also plays a role in the dissemination of regulations and outreach on the "Role of witness and victim protection in assisting Disclosure of Crimes" to communities in regions throughout Indonesia. The socialization was carried out with several variant methods, ranging from seminars, cross-department socialization in the regions, and through an academic paper approach. The purpose of this program is to convey information about the duties and functions of the LPSK to various public elements, such as legal enforcers, NGOs, academics, journalists, and local government, so as to

<sup>23</sup> Annual Report of LPSK, 2018, p. 43

<sup>24</sup> Annual Report of LPSK, *loc.cit*

<sup>25</sup> Annual Report of LPSK, p.85

create the same public perception of LPSK and public awareness to take advantage of LPSK is increasing. Throughout 2018, LPSK has conducted 37 socialization activities to almost whole regions in Indonesia<sup>26</sup>.

Relating to LPSK's role in facilitating the acquisition of restitution and compensation for victims, it is officially recorded that (1) LPSK has succeeded in facilitating the acquisition of compensation for 22 victims of terrorism with a total amount of compensation is Rp.2,288,164,987,-<sup>27</sup>. The service of facilitating compensation ranging from the process of submitting application to being included in court's decision to the process of receiving refunds to the victim; (2) LPSK has also facilitated the filing of restitution up to the process of receiving restitution for 23 victims of crime consisting of 1 victim of Domestic Violence, 14 victims of Trafficking in Persons and 8 victims of Child Sexual Violence. The total amount of restitution that successfully defended by LPSK is Rp. 480,964,000<sup>28</sup>.

### 5. Strengthening the Institution

Within social life, institutions are inseparable elements that greatly influence the success of national development. John L. Campbell expressed that as the foundations of social life, strong or stable institutions may evade the social life of a country from being in turmoil and complicated<sup>29</sup>. Hence, the 2030 agenda of SDGs set it out as a vital requirement to achieve other goals stipulated in SDGs. In simply words, it can be described that how a country can successfully reach out good governance, embody people welfare, promote rule of law, deliver justice and increase economic growth if the government institutions as the organizer as well as the executor of development apparently weak and unable to solve the problems occurred. In this matter, Wahiduddin Mahmud firmly asserted that without improving institution, it is impossible to achieve sustainable development<sup>30</sup>.

Obtaining strong institutions is not easy. It, of course, requires precise and strategic planning, and the implementation needs to be arranged sustainably. To be said as a strong institution, the institutions must always conduct the improvement which at least indicates the effective, transparent, inclusive and accountable performance. Hence, those indicators surely must appear on the quality of programs planned and executed by the institutions. Other basic criteria to indicate the institutional quality is also provided by Jose Antonio Alonso, namely: static efficiency, credibility, security or predictability, and adaptability or dynamic efficiency<sup>31</sup>. Of these four criteria, Alonso also argued that the level

institutional quality is determined by several determinant factors as follows:<sup>32</sup>

- a. The availability of resources to build good institutions;
- b. Income distribution;
- c. International openness;
- d. Education; and
- e. A country's legal system

Taking into account the aforementioned criteria of institutional quality, LPSK's performance apparently has met the criteria to be said qualified institution. Since it was established on August 8, 2008, LPSK has gradually made strategic efforts to strengthen the institutions and improve the quality of protection services. Until mid-2019, efforts to strengthen institutions that have been carried out by LPSK include<sup>33</sup>:

- 1) Issuing 10 internal regulations of LPSK, such as LPSK Regulation number 1 of 2018 concerning Gratification Control within the Witness and Victim Protection Agency. Later, this regulation will be complemented by the formation of the Gratification Control Unit, LPSK Regulation Number 2 of 2018 concerning the Submission of Report on Assets of State Officials (In Indonesia, it is well-known with the abbreviation of LHKPN = *Laporan Harta Kekayaan Penyelenggara Negara*) and Report on the Wealth of the State Civil Apparatus (In Indonesia, it is well-known with the abbreviation of LHKASN = *Laporan Harta Kekayaan Aparatur Sipil Negara*) within the Witness and Victim Protection Agency, and LPSK Regulation Number 4 2018 concerning the Code of Ethics in the Environment of Witness and Victim Protection Agency.
- 2) Implementing the Government Internal Control System (it is well-known with SPIP). Since its establishment in 2008, LPSK has implemented government internal controls in 2015 and will redo it in 2019. The implementation of this system aims to meet the observance of witness and victim protection agencies with the legislation and asset security, to create financial reports that are more relevant and reliable as a form of control in case of irregularities, and to embody an effective and efficient organization;
- 3) Organizing a public accountability program for the period 2013-2018. In this program, all LPSK leaders conveyed their respective target achievements;
- 4) Carrying out various innovations and adopting digital technology and other new technologies. For example, building a hotline 148 and application for requesting protection based on Android;
- 5) Holding the selection process for LPSK leaders in the 2019-2024 period in a tight, transparent and measurable manner. The selection process involves various professional circles as a selection committee team;
- 6) Throughout 2018, the LPSK had held an auction of high leadership positions for the position of bureau chief. At present, LPSK's performance has been strengthened by the presence of three important bureaus that have assisted determining the success of LPSK's efforts in protecting

<sup>26</sup> Annual Report of LPSK 2018, p. 92-95

<sup>27</sup> *ibid*, p. 54

<sup>28</sup> *ibid*, p. 53

<sup>29</sup> John L. Campbell, *Institutional Change and Globalization*, Princeton University Press, New Jersey, 2014, p.1

<sup>30</sup> The Daily Star, Strong Institutions Key to Lasting Sustainable Development, published at 12:00 AM, October 26, 2015, <https://www.thedailystar.net/business/strong-institutions-key-lasting-development-162304>, August 28, 2019.

<sup>31</sup> Jose Antonio Alonso and Carlos Garcimartín, *The Determinant of Institutional Quality: More on The Debate*, Instituto Complutense de Estudios Internacionales, Madrid, Spain, 2009, p. 8

<sup>32</sup> *ibid*, p.10

<sup>33</sup> Annual Report of LPSK 2018, p. 78 - 82

- witnesses and victims, such as Administrative Bureau (it is well-known with *Biro Administrasi*), Application Review Bureau (it is well-known with BPP = *Biro Penerimaan Permohonan*), and Bureau of fulfilling witnesses and victims' rights (it is well-known with Biro PHSK = *Pemenuhan Hak Saksi dan Korban*);
- 7) Improving the quality of human resources through recruiting staff of LPSK selected from the best candidates from higher education. In addition, LPSK also increases the competence and professionalism of its employees by involving them in various training and education programs, such as training for witness and victim protection task force and training for the juvenile justice system;
  - 8) Carrying out Bureaucratic Reform. This effort is made to make LPSK as an adaptive, integrity, clean and free Corruption, Collusion and Nepotism government agency. Bureaucratic reform is carried out in eight areas of change, namely: reform management, structuring and strengthening the organization, structuring legal regulations, structuring human resources, arranging the management of governance, strengthening supervision, strengthening work accountability, and improving the quality of public services. The realization of the bureaucratic reform is demonstrated by making several efforts, including forming a bureaucratic reform team, conducting an independent assessment, evaluating the accuracy of the functions of LPSK, compiling performance documents only with Echelon IV level, and establishing an integrity zone towards an area free of corruption, collusion, and nepotism. The latter attempt is evidently successful based on the survey of public satisfaction level toward LPSK's performance, in which LPSK received a very good response from the community for its success in eliminating illegal fees and gratuities within the LPSK environment.
  - 9) Submitting an annual report to the President
  - 10) Conducting a hearing with Commission III of the Indonesian Parliament in relation to the annual program and implementation of the LPSK. This meeting is usually held in the second semester, which is between July and December. In addition, the LPSK also hold a hearing with the House of Representatives Commission II regarding the annual budget of the LPSK. In general, the annual budget approval will not be passed by the legislature if the realization of the programs proposed in previous years was not working out. The hearing is such of a mechanism for transparency and accountability of performance that LPSK must undertake;
  - 11) Collaborating with several relevant government agencies such as the Ministry of Social Affairs, the Ministry of Women's Empowerment and Child Protection, the Corruption Eradication Commission, and the Indonesian Child Protection Commission, law enforcement agencies, legal aid institutions, local governments, higher education or university, and several medical and psychological service agencies;
  - 12) Holding a coordination meeting about building the same perceptions and actions on the legal subject of justice collaborator;
  - 13) Conducting international cooperation through organizing the 3rd Annual Meeting of the Asian Network for Witness

and Victims Protection (ANWVP) in Bali; participating in yearly meeting of EUROPOL; be a member of VSA (Victim Support Asia) organization.

- 14) Preparing and establishing some Branches of LPSK in several local areas in Indonesia. Two Branches of LPSK that are estimated to be established in the beginning of 2020 are Yogyakarta and Medan.

#### IV. CONCLUSION

Of the elaboration above, we conclude that although LPSK is not included into the main executor of SDGs in Indonesia as mandated by Presidential Regulation No. 59 of 2017, LPSK's performance so far has reflected the fulfillment of some targets stipulated in the the 16th goal of the 2030 Agenda of SDGs. Some of those are classified into four indicators: (1) types of crimes prioritized to be addressed by LPSK are specific crimes that become focus of SDGs; (2) LPSK is strongly committed to ending violence, especially violence against children. The role of LPSK in this matter is evidently appears in its efforts to protect victims and witnesses, to fulfill victims 'rights, and also to recover victims' condition after the incident; (3) LPSK is also participated in promoting rule of law and supporting both victims and witnesses to obtain equal access to justice, such as give them advocacy and protection during the judicial is on progress; (4) LPSK also conducts an array of improvement in order to enhance the institutional quality.

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