



Recovery Efforts for Victims of Terrorism Crimes in Indonesia

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Abstract *Terrorism is a criminal act that poses a serious threat to the sovereignty of every country which can pose a danger to security, world peace and disrupt the welfare of society. A crime that has an extraordinary traumatic impact on the victim so that it requires efforts to recover from the crime of terrorism. In this case, the role of the state is really needed in order to provide the rights of the victims of this crime. The purpose of this research is to find out what efforts are being made to help the recovery of victims of criminal acts of terrorism in Indonesia and to find out what obstacles are faced when making efforts to recover victims of criminal acts of terrorism in Indonesia. The research method used is a normative legal research method which uses library materials as main data, namely secondary legal materials. Then the legal materials are analyzed descriptively qualitatively to obtain results and conclusions from the problem formulations that have been determined. The results of this research indicate that efforts to recover or medically treat victims of terrorism continue to use the same legal basis as the disaster law which has the authority to provide assistance to victims in hospitals. Because all victims of criminal acts of terrorism are the responsibility of the government, which in practice always faces many obstacles.*

Keywords : *Recovery Efforts, Victims, Crime, Terrorism.*

1. INTRODUCTION

Background

Etymologically, the word terrorism comes from the Latin *terrere* , which means to cause people to tremble. So terrorism is defined as an attempt to make people afraid. This is also what creates debate among experts because no one can accept the true meaning of terrorism. The Big Indonesian Dictionary (KBBI) itself defines terror as an attempt to create fear, horror and cruelty by a person or certain group. This definition is not much different from that expressed in *Webster's New School and Office Dictionary* , namely to create fear or horror by carrying out intimidation or threats whose aim is to frighten. (Merriam Webster,1996)

According to C. Manullang, what is meant by terrorism is a way to seize power from other groups which is triggered by many things such as conflicting understandings of religion, ideology and ethnicity, economic disparities and blockage of communication between society and the government due to the existence of separatism and fanaticist ideology. (Manullang,2001) Meanwhile, according to Law of the Republic of Indonesia Number 5 of 2018 concerning Amendments to Law of the Republic of Indonesia Number 15 of 2003 concerning the Determination of Perpu of the Republic of Indonesia Number 1 of 2002 concerning the Eradication

of Criminal Acts of Terrorism, the definition of terrorism is an act that uses violence or the threat of violence that causes an atmosphere of terror or widespread fear that can cause mass casualties and/or cause damage or destruction to vital strategic objects, the environment, public facilities or international facilities with ideological, political or security disturbance motives.

Crime is an action that is carried out intentionally, meaning that a person cannot be punished just because of his thoughts, but there must be an action or omission in the act. Failure to act can also be considered a crime if the action contains a legal obligation and there is malicious intent in certain circumstances. (Yasmirah Mandasari Saragih, 2021) Terrorism in Indonesia is a crime that endangers ideology, security, state sovereignty, human values towards various aspects of social, national and state life which is cross-border, organized and has a wide network with specific objectives so that its eradication is carried out specifically, planned, directed, integrated and sustainable based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

According to Ben Enderson, there are 4 (four) categories that are considered victims of criminal acts of terrorism, namely:

- 1) Direct Victims of Terrorism are people who have been killed or suffered serious physical or psychological injuries as a result of acts of terrorism;
- 2) Secondary Victims of Terrorism (*Secondary Victims of Terrorism*), namely the immediate family or dependents of direct victims as a result of acts of terrorism;
- 3) Indirect Victims of Terrorism are individuals who have suffered serious physical or psychological disorders as an indirect result of acts of terrorism. This category includes members of the public who have been killed or injured through the use of potentially lethal force against suspected terrorists (hostages or terrorist spies), eyewitnesses who have suffered serious psychological damage as a result of witnessing violent terrorist incidents or their aftermath, rescue workers who suffered serious physical or psychological harm while taking part in emergency assistance to victims; And
- 4) Potential Victims of Terrorism are potential victims of terrorism who are the main recipients of state obligations under article 6 of the International Covenant on Civil and Political Rights.

The Indonesian state is a legal state based on Pancasila and the 1945 Constitution and forms an Indonesian government which aims to protect the entire Indonesian nation and all of Indonesia's blood as well as realizing a prosperous, safe, peaceful national order of life and realizing a commitment to upholding the rights of every person. Life in a society that runs

more or less in an orderly and orderly manner is supported by the existence of an order because with this order life becomes orderly. (Satjipto Rahardjo, 2003)

The crime of terrorism has caused many losses to victims. Article 1 paragraph (3) of Law of the Republic of Indonesia Number 31 of 2014 concerning amendments to Law of the Republic of Indonesia Number 13 of 2006 concerning Protection of Witnesses and Victims, states that victims are people who experience physical, mental suffering and economic losses caused by a criminal act. For this reason, it is necessary to make recovery efforts for the victims of criminal acts of terrorism in accordance with statutory regulations so that the victims of criminal acts do not feel traumatized by the things around them.

Based on the descriptions in the background above, the author feels interested in studying in more depth the essence of the various institutions that have the duties and authority to provide recovery efforts for victims as a form of protection and handling from the impact of criminal acts of terrorism. So with the dynamics that occur in the impact of criminal acts of terrorism, it is necessary to carry out research on **"Recovery Efforts for Victims of Criminal Acts of Terrorism in Indonesia"**.

Formulation of the problem

From the background description above, the problem formulation that will be studied in this paper is:

1. What efforts are being made to assist the recovery of victims of criminal acts of terrorism in Indonesia?
2. What are the obstacles faced when making efforts to recover victims of criminal acts of terrorism in Indonesia?

2. RESEARCH METHODS

The research method used is a normative legal research method carried out by means of library research, namely reviewing existing studies in the library. (Soerjono Soekanto ,1995) The library materials in question are data obtained from official documents, books, research results in the form of reports and so on. (Soerjono Soekanto,2006) By taking a legal approach and collecting legal materials related to the problem formulations to be researched. Then the data obtained is analyzed descriptively qualitatively, namely arranging sentences well to make it easier to convey

conclusions from the problem formulations that have been researched to other people. (Ahmad. 2009)

3. DISCUSSION

Efforts Made to Help the Recovery of Victims of Terrorism Crimes in Indonesia

Attacks by terror groups that are indiscriminate or that deliberately target civilians are serious human rights violations according to international law. This action is considered an act of genocide for certain behavior carried out to destroy all or part of a national, ethnic, racial and religious group. The victims of terrorism feel they are suffering because they have lost their rights to justice, truth and reparation. Meanwhile, on the other hand , the state only focuses on policies for preventing and controlling criminal acts of terrorism. The state should not ignore the needs and rights of victims. The state must guarantee the protection of victims' human rights through appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. (Mukul Sharma,2010)

Efforts to restore victims of criminal acts of terrorism can be carried out in various ways and must be in accordance with the legal basis so as not to cause new problems. The efforts made to assist the recovery of victims of criminal acts of terrorism in Indonesia include :

1. Efforts to recover victims carried out by the police are to carry out first steps after a criminal act of terrorism occurs. The police immediately secured the location of the terrorism incident and evacuated the victims. The police also play a role in providing certificates to victims of terrorism in an effort to apply for aid and compensation. In handling the recovery of victims of criminal acts of terrorism, the police collaborate with various institutions in emergency management such as hospitals (RS), Indonesian National Army (TNI), Regional Disaster Management Agency (BPBD), Health Service (Dinkes), Social Service (Dinsos), National Unity, Political and Community Protection Agency (Kesbangpolinmas), Regional Government (Pemda), State Intelligence Agency (BIN) and other countries that can assist in the victim identification process.(Adam Crowford,2000)
2. Efforts to recover victims carried out by the Social Service include providing training in cooking, sewing and other skills. In fact, not all social services play a role in efforts to recover victims because the scope of the social services' main duties and functions is only for disadvantaged people and those with special needs. (Jonathan Doak,2008) In this case, social

services collaborate with government and private institutions under the coordination of the Governor;

3. The hospital's efforts to recover victims include providing medication, physical and psychological care to the victims through psychologists in order to heal their trauma. Hospitals also play a role in handling victims who have died through body storage units. The priority for handling victims of terrorism is the same as victims of natural disasters. Victims will be provided with appropriate, safe facilities and free treatment/care. In this case, the hospital collaborates with the Regional Government (Pemda) and the Regional Disaster Management Agency (BPBD).;
4. Efforts to recover victims carried out by Kesbangpolinmas are to help evacuate victims, carry out location monitoring, carry out further detection of the possibility of further explosions, conduct surveys, search for and collect information regarding the number of victims, monitor so that all facilities and infrastructure are available so that the handling process runs smoothly. good and smooth. In this case, Kesbangpol is collaborating with BPBD (Regional Disaster Management Agency), Regional Government (Pemda), Social Service (Dinsos), Health Service (Dinkes), Police, all stakeholders and other related agencies;
5. Efforts to recover victims carried out by the Indonesian Red Cross (PMI) include providing first aid to victims, evacuating victims, assisting forensic teams at hospitals, registering or identifying victims. Apart from that, PMI also provides ambulance facilities and makes donations wheelchairs , helping to provide blood, medical equipment and medical personnel.(Martin,1984) PMI assists in searching for and finding family members who have disappeared as a result of criminal acts of terrorism. PMI also carries out further healing such as *trauma healing* to heal trauma for victims of criminal acts of terrorism by visiting victims, opening *trauma centers* , opening command posts or community service posts to provide counseling and holding FGDs. In this case PMI collaborates with the International Red Cross, Foundations working in the humanitarian sector, Regional Government (Pemda), Hospitals (RS), Regional Disaster Management Agency (BPBD), Fire Department (Damkar), Police, Health Service (Dinkes) and Social Services (Dinsos);
6. Efforts to recover victims carried out by the Witness and Victim Protection Agency (LPSK) include providing medical assistance, psychological rehabilitation and

psychosocial for victims of criminal acts of terrorism as well as facilitating the fulfillment of the rights of victims of criminal acts of terrorism in collaboration with the National Police, Ministry of Social Affairs (Kemensos), Regional Government (Pemda), Non-Governmental Organizations (NGOs) and foundations operating in the field of handling and recovery of victims of criminal acts of terrorism. In this case, LPSK collaborates with universities to conduct outreach regarding LPSK, especially in efforts to recover victims of criminal acts of terrorism; And

7. Efforts to recover victims carried out by Non-Governmental Organizations (NGOs) are to facilitate the fulfillment of the rights of victims of criminal acts of terrorism. NGOs fight for their members who are victims of criminal acts of terrorism to receive assistance, compensation, advocacy and trauma healing, carry out reconciliation and mediation between victims and perpetrators of terrorism and collaborate with government and non-governmental institutions in handling and recovering victims of criminal acts of terrorism. In this case, NGOs collaborate with the Social Service (Dinsos) and the Manpower Service (Disnaker) to provide training or work skills (psychosocial) for victims of criminal acts of terrorism. NGOs also collaborate with LPSK to obtain health assistance and psychological healing. Meanwhile, NGO collaboration with non-governmental organizations is in the humanitarian sector and collaborates with the community as donors who provide assistance to victims of criminal acts of terrorism.

Obstacles Faced When Carrying Out Efforts to Recover Victims of Terrorism Crimes in Indonesia

Acts of criminal acts of terrorism have had a very large impact on crime both nationally and internationally, so efforts need to be made to restore victims of criminal acts of terrorism. However, in its implementation, institutions that have the duties and authority to handle the recovery of victims of criminal acts of terrorism often experience obstacles. This obstacle can be seen from the lack of relevance and lack of strict regulations from law enforcement. In fact, the aim of law enforcement is to protect individual interests, protect human rights and protect the interests of society and the state from crimes or disgraceful acts that harm individuals, society and the state and ensure that authorities do not act arbitrarily against individuals or society. (Yasmirah Mandasari Saragih,2003)

Obstacles in recovering victims of criminal acts of terrorism are divided into two, namely juridical obstacles and empirical obstacles. Which can be explained as follows:

1) Constraints from a Juridical Perspective are obstacles seen from the perspective of the statutory provisions themselves. The obstacles are:

- The existence of victims' rights should not require a decision from the LPSK. Because this right is a right inherent in the victim when giving testimony. And this has become the responsibility of all law enforcement institutions in accordance with the stages of the judicial process. But in fact, based on Article 5 of Law of the Republic of Indonesia Number 13 of 2006 concerning Protection of Witnesses and Victims, these rights must be based on LPSK decisions. It is feared that this will become an excuse for other law enforcers not to fulfill the rights of the victim. There are several rights that victims of criminal acts of terrorism actually have, namely providing information without pressure, being free from ensnaring questions, getting an interpreter, getting information about the progress of the case, getting information about court decisions, getting information in the event that the convict is released, getting transportation costs, getting legal advice and assistance;
- There are no clear regulations regarding determining which institutions can be collaborated with and what form of implementation this will take. Because the right to self-help has not been regulated in the Terrorism Crime Law. So there are no regulations on the state's obligation to fulfill them. Even though Article 6 paragraph (1) of the LPSK Law has determined that victims of criminal acts of terrorism have the right to medical assistance, psychological rehabilitation and psychosocial rehabilitation. However, in efforts to grant the right to assistance, refer to the Republic of Indonesia Government Regulation Number 44 of 2008 concerning Providing Compensation, Restitution and Assistance to Witnesses and Victims. As regulated in Article 40 of the Republic of Indonesia Government Regulation Number 44 of 2008 which stipulates that the provision of LPSK assistance is in collaboration with health units, both government and private;
- There is a conflict between 2 (two) laws which both regulate the provision of compensation for victims of criminal acts of terrorism. However, this law is equally unclear because the LPSK Law states that the procedure for providing compensation for victims of criminal acts of terrorism follows the rules in the Terrorism Eradication Law

.(JM Van Dijk,1986) Meanwhile, the LPSK Law itself states that the procedure for providing compensation for victims of criminal acts of terrorism refers to the Republic of Indonesia Government Regulation Number 44 of 2008, which in fact this law is intended for the implementation of compensation for victims of criminal acts of violation of Human Rights (HAM). heavy;

- There are provisions for providing compensation that require a court decision. This is considered to be contrary to the principle of compensation which does not depend on the perpetrator's fault and the court's decision. Because compensation only has a correlation with the victim's suffering and the state's responsibility towards its citizens;
- There are no clear regulations regarding determining which institution is responsible for handling compensation payments for victims of criminal acts of terrorism; And
- There are problems regarding determining restitution. LPSK does not have the authority to reject applications for restitution submitted by victims through LPSK. Because LPSK is an institution that plays a role in helping victims get restitution. Meanwhile, the court determines whether the restitution application is accepted or not. Restitution itself is defined as the right or compensation received by the victim for the losses suffered due to being a victim of crime.

2) Obstacles from an empirical perspective are obstacles seen from the victim's side, the institutional or government agency side and the LPSK itself as the institution that is given the authority to provide assistance in the form of recovery to victims. The obstacles are:

- From the Victim's Side. Victims of terrorism are those who are directly or indirectly affected by criminal acts of terrorism. Those directly affected are those who directly experience physical and non-physical suffering due to the incident. Victims who are indirectly affected are those who are indirectly affected by terrorist incidents and who experience non-physical suffering;
- From the side of state institutions. Institutions that have the authority to recover victims of criminal acts of terrorism are very limited because not all institutions are familiar with LPSK. Government institutions do not have procedures for providing assistance for the recovery of victims of criminal acts of terrorism because they are not equipped with knowledge about the existence of assistance and the rights that victims of criminal acts of terrorism have regarding assistance and the establishment of an institution that is given

decision-making authority. In this case, the regional government will act if there is an order from the central government; (FAM Stroink, 2014)

- From the side of the Witness and Victim Protection Agency (LPSK). It is difficult to reach victims of criminal acts of terrorism in the regions because LPSK does not have access in the area which can facilitate the process of assisting victims, LPSK movements are very limited because LPSK cannot work without a victim certificate issued by the police to assist in the process of applying for recovery assistance. victims of terrorism to the state, lack of strong coordination between LPSK and other institutions regarding the recovery of victims, especially victims of terrorism, even though there have been agreements with several authorized institutions (MoU) and limited LPSK funding budget to carry out efforts to recover victims of terrorism.

4. CONCLUSION

Based on the results of the discussion of the problem formulation above, the author draws the following conclusions:

1. Efforts made to assist the recovery of victims of criminal acts of terrorism in Indonesia include police agencies directly securing the location of the terrorism incident, evacuating victims and providing certificates of terrorism victims for applications for assistance and compensation ; social services provide training in cooking and sewing skills; The hospital provides medication, physical and psychological care to the victim through psychologists in order to heal the trauma; Kesbangpolinmas helps evacuate victims, monitors locations, carries out further detection of the possibility of further explosions, carries out surveys, searches for and collects information regarding the number of victims, monitors that all facilities and infrastructure are available so that the handling process runs well and smoothly; The Indonesian Red Cross (PMI) provides first aid to victims, evacuates victims, assists forensic teams at hospitals, registers or identifies victims, provides ambulance facilities, donates wheelchairs, helps provide blood, medical equipment and medical personnel, helps search and finding family members who were lost as a result of criminal acts of terrorism, carrying out further healing such as *trauma healing* to heal trauma in victims of criminal acts of terrorism by visiting victims, opening a *trauma center* and opening a post or community service post to provide counseling and conduct FGDs; The Witness and Victim Protection Agency (LPSK)

provides medical assistance, psychological and psychosocial rehabilitation for victims of criminal acts of terrorism and facilitates the fulfillment of the rights of victims of criminal acts of terrorism; and Non-Governmental Organizations (NGOs) facilitate the fulfillment of the rights of victims of criminal acts of terrorism, fight for their members who are victims of criminal acts of terrorism to obtain assistance, compensation, advocacy and trauma healing as well as carry out reconciliation and mediation between victims and perpetrators of criminal acts of terrorism.

2. The obstacles faced when making efforts to recover victims of criminal acts of terrorism in Indonesia can be seen from 2 (two) sides, namely obstacles from a juridical perspective and obstacles from an empirical perspective. Obstacles from a juridical perspective are the existence of victims' rights which should not require a decision from the LPSK, the absence of clear regulations regarding determining which institutions can be collaborated with and what form of implementation they will take, the existence of conflicts between 2 (two) laws which both regulate the provision of compensation for victims of criminal acts of terrorism, there are provisions for the provision of compensation that require a court decision, there are no clear regulations regarding determining which institution is responsible for handling compensation payments for victims of criminal acts of terrorism and there are problems related to determining restitution. LPSK does not have the authority to reject applications for restitution submitted by victims through LPSK. Meanwhile, obstacles from an empirical perspective can be seen from the victim's side, the institutional or government agency side and the LPSK side itself as the institution that is given the authority to provide assistance in the form of recovery to victims.

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