

## Research Article

**Victimological Analysis of Law No. 31 of 2014 Concerning Protection of Witnesses and Victims****Arnoldus Thomas L. Djogo<sup>1</sup>, Joey Nicolas Lawalata<sup>2</sup>, Junifer Dame Panjaitan<sup>3</sup>**

Faculty of Law, Universitas Mpu Tantular, Indonesia <sup>1,2,3</sup>  
Corresponding Author, Email: [djogo.arnolde@gmail.com](mailto:djogo.arnolde@gmail.com)

**Abstract**

This study aims to analyze Law No. 31 of 2014 concerning the Protection of Witnesses and Victims from a victimological perspective. The methodology employed in this research is a qualitative approach with content analysis of the law text and related literature. The findings indicate that this law provides a stronger legal framework for protecting the rights of victims and witnesses, including the right to physical protection, psychological support, and access to justice. However, despite the clear provisions, the implementation of this law still faces various challenges, such as a lack of public awareness, limited resources, and the social stigma experienced by victims. This study recommends the need for increased legal awareness among the public, as well as training for law enforcement officials, to ensure that the rights of victims and witnesses are effectively protected in the practice of the criminal justice system.

**Keywords:** Victimology, Victim Protection, Law No. 31 of 2014, Witnes, Criminal Justice System.

**INTRODUCTION**

Victimology is the study of victims of crime and their interactions with perpetrators and the criminal justice system. This study includes social, psychological, and legal aspects related to victims' rights. In traditional criminal justice practices, victims and witnesses are often under-recognized and only considered as evidence, not



as subjects with special rights and needs. In fact, victims and witnesses play a critical role as sources of evidence in revealing cases and administering fair and effective justice.

Protection for victims and witnesses is very important so that they can participate safely without pressure, intimidation, or ongoing trauma. This protection also serves to guarantee human rights in the legal process and maintain substantive justice; this is a major concern in criminal justice system reform in many countries, including Indonesia.

Law No. 31 of 2014 concerning Protection of Witnesses and Victims is a regulation specifically designed to regulate legal protection for witnesses and victims of criminal acts. This law regulates the rights of witnesses and victims such as physical protection, psychological assistance, and social support throughout the trial process.

The main objective of this law is to ensure the safety and welfare of witnesses and victims so that they can undergo the legal process with a sense of security and receive adequate support. In addition, this law aims to prevent intimidation, threats or pressure that can hinder the provision of information and effective participation in the trial. Thus, this law hopes to be able to improve the quality of the criminal justice process and the protection of human rights as a whole.

This study is based on the attention to the position of victims and witnesses in the criminal justice system, especially from a victimology perspective. In this context, the study aims to examine how victims and witnesses are positioned in the criminal justice process, and to assess the extent to which Law Number 31 of 2014 concerning Protection of Witnesses and Victims is able to provide effective protection for these parties. In addition, this study also aims to identify various challenges and obstacles faced in the implementation of the law, as well as to find alternative solutions to strengthen the legal protection system for victims and witnesses in the future.

The purpose of this study is to analyze in depth the legal position of victims and witnesses in the criminal justice system from a victimology perspective, evaluate the effectiveness of the implementation of Law Number 31 of 2014 in providing legal protection, and formulate policy recommendations that can overcome obstacles to implementation and strengthen protection of the rights of victims and witnesses.

## **LITERATURE REVIEW**

### **Victimology Theory and Victims' Rights in Criminal Law**

Victimology is the scientific study of crime victims, first introduced by Benjamin Mendelsohn in the 1940s as a field examining the relationship between victims and offenders, as well as the broader social dynamics surrounding criminal acts.

This theory has evolved to emphasize the importance of the victim's role in the criminal justice system, highlighting that victims should not merely be treated as passive objects in legal proceedings, but as subjects entitled to protection and redress.

Victims' rights within criminal law encompass various aspects, including the right to physical and psychological protection, the right to be informed about the legal process, the right to legal and psychological assistance throughout judicial proceedings, and the right to compensation or restitution for the harm suffered.

This concept positions the victim as an integral part of the criminal justice system, ensuring that justice is not solely focused on the offender, but also addresses the recovery and dignity of the victim.

Victimology scholars also stress the need for a humanistic approach to victims, which includes recognition of their dignity and attention to their psychosocial needs. This victim-centered approach has increasingly been adopted in national policies and legal frameworks worldwide in response to critiques of traditional justice systems that often overlook the impact of crime on victims.

### **Previous Studies on Witness and Victim Protection: General and Indonesian Contexts**

Numerous studies from both legal and social science perspectives have highlighted the crucial role of witness and victim protection in ensuring an effective and fair justice process. International research suggests that adequate protection can enhance the availability of credible evidence and encourage active participation of victims and witnesses without fear of retaliation or intimidation.

In the Indonesian context, research by Kurniawan and Nugroho specifically examines the effectiveness of protection provided under Law No. 31 of 2014. They found that despite the existence of a strong legal foundation, the implementation on the ground still faces several challenges, such as limited resources, inadequate training for legal personnel, and low public legal awareness.

Moreover, social stigma continues to be a significant barrier for victims in reporting crimes and participating in legal proceedings.

Other studies further emphasize the importance of integrating psychological and social support into victim protection frameworks. Legal protection alone is insufficient; comprehensive recovery must also address victims' mental health and emotional well-being.

### **Legal Foundation of Law No. 31 of 2014 and Related Legal Developments**

Law No. 31 of 2014 serves as a concrete response to the growing need for stronger protection for witnesses and victims within Indonesia's criminal justice system. This law replaces and complements previous regulations by offering more comprehensive rights, including safety protection, psychosocial support, and access to compensation and restitution.

Historically, previous laws such as Law No. 13 of 2006 and its implementing regulations provided only limited protection. Law No. 31 of 2014 expanded the scope and clarified protection mechanisms, making it easier and more effective for witnesses and victims to access their rights.

The legal evolution is also aligned with international principles, particularly the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, which urge member states to provide adequate protection and recovery for victims as part of their commitment to human rights.

## **METHOD**

### **Type of Research**

This research adopts a qualitative approach utilizing normative legal methods and library research. The qualitative approach is chosen to facilitate an in-depth understanding of the meaning, concepts, and implementation of witness and victim protection within the criminal justice system, particularly in the context of Law No. 31 of 2014.

The normative legal method is used to analyze laws and regulations related to the protection of victims and witnesses. This approach allows the researcher to evaluate existing legal provisions and the legal principles underlying the protection of victims' and witnesses' rights. Thus, the study does not only focus on normative aspects but also considers how the law is applied in practice.

Library research is employed to collect and analyze various relevant literature sources, including books, scholarly articles, and legal documents. This method enables the researcher to obtain comprehensive and in-depth information on the topic under study, as well as to compare different viewpoints and findings from various academic and legal sources.

## **Data Sources**

The data sources in this research consist of several categories:

1. **Legal Documents:** The primary source analyzed is Law No. 31 of 2014 on Witness and Victim Protection. In addition, its implementing regulations and other relevant legal instruments are examined to understand the broader legal context and the practical application of the law.
2. **Scholarly Literature:** Textbooks that discuss criminal law theory and victimology serve as essential references in this study, providing a strong theoretical foundation for analysis.
3. **Journals and Academic Articles:** The research also relies on academic journals and articles that discuss the protection of witnesses and victims, both from international and Indonesian perspectives. These sources offer empirical and analytical insights that support the research findings.
4. **International Guidelines and Documents:** Documents issued by international organizations, such as the United Nations Guidelines on the Rights of Victims, are also analyzed to provide an international framework for victim and witness protection.

The collection of data from these various sources aims to ensure that the analysis is comprehensive and incorporates a range of relevant perspectives.

## **Data Analysis**

Data analysis is conducted using the content analysis method on the text of the law and related documents. This method aims to identify, evaluate, and interpret the provisions of Law No. 31 of 2014 that concern the rights and protection of victims, as well as the role of witnesses in the criminal justice system.

In addition, analysis is performed through a victimological approach, which emphasizes the social, psychological, and legal dimensions of victims' needs and rights.

This approach enables the researcher to assess the strengths and weaknesses of the existing regulations in guaranteeing victims' rights and to propose recommendations based on modern victimology theories. Accordingly, the analysis does not solely focus on legal norms but also takes into account the social and psychological impacts of current legal policies.

## **RESULT AND DISCUSSION**

### **Victimological Analysis of the Provisions of Law No. 31 of 2014**

Law No. 31 of 2014 on the Protection of Witnesses and Victims represents a significant step forward in providing legal protection to witnesses and victims of crime. From a victimological perspective, this law acknowledges the critical role of victims and witnesses in the criminal justice process and emphasizes the necessity of comprehensive protection for them.

The law outlines a range of rights afforded to victims and witnesses, including the right to physical protection, the right to access information regarding legal proceedings, and the right to receive psychological assistance. In the context of victimology, this recognition reflects a deeper understanding of the psychological and social impacts experienced by crime victims. Consequently, this law functions not only as a legal instrument but also as a means to restore the dignity and rights of victims.

### **Evaluation of the Protection of Victims' and Witnesses' Rights as Regulated by the Law**

The protection of the rights of victims and witnesses as stipulated in Law No. 31 of 2014 represents significant progress compared to previous regulations. The law provides clearer and more detailed guarantees of protection, including mechanisms to safeguard the identities of victims and witnesses from threats or intimidation.

However, an evaluation of the law's implementation reveals persistent challenges. For instance, there is insufficient dissemination of information regarding the rights of victims and witnesses, as well as limited resources within law enforcement agencies to offer effective protection. As a result, many victims and witnesses are unable to fully exercise the rights afforded to them under the law.

## **Strengths and Weaknesses of the Law from a Victimological Perspective**

From a victimological standpoint, Law No. 31 of 2014 possesses both strengths and weaknesses. Its primary strength lies in the explicit recognition of the rights of victims and witnesses, along with the establishment of structured protection mechanisms. The law also incorporates aspects of victim recovery, which is a crucial element in the rehabilitation process following a criminal incident.

However, a major weakness is the inconsistent implementation of the law in practice. Many victims and witnesses still feel threatened and inadequately protected. Additionally, coordination among the various institutions involved in victim and witness protection remains a challenge, which may hinder the overall effectiveness of the legal protections provided.

## **Implications for the Criminal Justice System and Victim Protection**

The implications of Law No. 31 of 2014 for the criminal justice system are substantial. With enhanced protection for witnesses and victims, it is expected that their participation in legal proceedings will increase. This, in turn, can lead to better case resolution and improve public trust in the criminal justice system.

However, to achieve these objectives, greater efforts are required in terms of public education, training for law enforcement personnel, and the provision of adequate resources. Furthermore, raising public awareness about victims' and witnesses' rights is essential so that they can fully utilize the protection available to them. With these efforts, the law can function effectively in safeguarding the rights of victims and witnesses while supporting justice within the criminal justice system.

## **CONCLUSION**

Based on the victimological analysis of Law No. 31 of 2014 concerning the Protection of Witnesses and Victims, it can be concluded that the law provides a more comprehensive and progressive legal framework for safeguarding the rights of victims and witnesses within Indonesia's criminal justice system.

This law recognizes the crucial role of victims and witnesses and offers various mechanisms for physical, psychological, and social protection, enabling them to participate safely and effectively in legal proceedings.

However, despite the law's normative adequacy, its implementation in practice

still faces numerous challenges, such as insufficient public dissemination, limited institutional resources, and persistent social stigma that hinders the optimal realization of protection measures. Therefore, the protection of victims and witnesses has not yet been fully effective in accordance with the principles of modern victimology.

### **Recommendations for Strengthening the Protection of Victims and Witnesses Based on Victimological Analysis**

Based on the findings of this study, several strategic steps are necessary to enhance the protection of victims and witnesses in accordance with victimological principles. First, there is an urgent need to increase public awareness regarding the rights of victims and witnesses across all levels of society. This can be achieved through targeted dissemination efforts, enabling individuals to understand their entitlements and the mechanisms available for protection.

Second, law enforcement officers and other key stakeholders must receive intensive training to ensure that the implementation of protective measures is carried out professionally and with a human rights-based approach. This will help foster a justice system that is not only effective but also compassionate.

Third, psychological and social support services must be integrated as essential components of protection programs. These services play a critical role in ensuring the comprehensive recovery of victims, helping them rebuild their lives after trauma.

Fourth, the development of effective inter-agency coordination systems is crucial to ensure prompt responses to threats or intimidation directed at victims and witnesses. Such coordination enhances the overall efficiency and responsiveness of protection mechanisms.

Fifth, regular monitoring and evaluation of the implementation of Law No. 31 of 2014 is vital. This will enable authorities to identify gaps, address obstacles, and implement continuous improvements to the protection system.

### **Policy Recommendations and Future Research Directions**

To support the long-term strengthening of victim and witness protection in Indonesia, several policy and research initiatives are recommended.

Firstly, the government should formulate more detailed implementing regulations that address the technical and practical needs related to victim and witness



protection on the ground. These regulations would provide clearer guidance for practitioners and ensure consistency across different regions and cases.

Secondly, further empirical and evaluative research is essential to quantitatively and qualitatively assess the effectiveness of Law No. 31 of 2014 across various jurisdictions and case types. Such studies would offer valuable data to guide future policy enhancements.

Thirdly, interdisciplinary research that integrates legal, psychological, and sociological perspectives is strongly encouraged. This would enrich the understanding of victim protection and support the design of more holistic strategies tailored to victims' complex needs.

Finally, the development and utilization of digital technologies to support public education, reporting mechanisms, and protection services can serve as an innovative policy focus. Digital platforms could improve accessibility, transparency, and responsiveness in delivering protection to victims and witnesses.

By adopting these approaches, the protection of victims and witnesses within the criminal justice system can be made more effective, humane, and just.

## Bibliography

- Amiruddin, dan Asikin, Z. *Hukum Acara Pidana Indonesia*. Jakarta: Sinar Grafika, 2016. <https://repo.undiksha.ac.id/5629/8/1714101002-DAFTAR%20PUSTAKA.pdf>.
- Fattah, H. *Victimology: Theory and Practice*. New York: Springer, 2010. DOI:10.1177/026975808900100104
- Hadi, S. Perlindungan Hukum terhadap Korban Tindak Pidana di Indonesia. *Jurnal Kriminologi Indonesia* 11, no. 2 (2015): 52-55. <https://doi.org/10.31933/unesrev.v6i1.935>
- Kurniawan, B. "Implementasi UU Perlindungan Saksi dan Korban dalam Proses Peradilan." *Jurnal Hukum dan Pembangunan* 49, no. 3 (2019): 399-405. <https://doi.org/10.21143/jhp.vol49.no3.2335>
- Mulyana, A. "Korban dalam Sistem Peradilan Pidana: Perspektif Viktimologi." *Jurnal Viktimologi* 4, no. 1 (2018): 18-20. <https://media.neliti.com/media/publications/220781-viktimologi-dalam-sistem-peradilan-pidan.pdf>
- Nugroho, Y. "Reformasi Hukum Pidana dan Perlindungan Hak Korban." *Media Hukum* 24, no. 1 (2017): 72-75. <http://repo.jayabaya.ac.id/735/1/KAJIAN%20HUKUM%20PIDANA%20INDONESIA.pdf>
- Sari, R. "Perlindungan Saksi dan Korban dalam Hukum Pidana Indonesia." *Jurnal Hukum* 15, no. 2 (2020): 123-140. <https://doi.org/10.59414/jmh.viii.451>
- Supriyadi, A. "Analisis Kebijakan Perlindungan Saksi dan Korban di Indonesia." *Jurnal Ilmu Hukum* 8, no. 1 (2021): 45-60. <https://journal.iapa.or.id/proceedings/article/download/1082/479/>
- Waller, I. "Victim Participation in Criminal Trials: Legal and Policy Perspectives." *Crime and Justice* 41, no. 1 (2012): 217-281. <https://doi.org/10.1177/02697580231151207>
- Zainal, A. "Perlindungan Korban Kejahatan: Tinjauan dari Perspektif Viktimologi." *Jurnal*

Penelitian Hukum 12, no. 3 (2019): 201-215.  
<https://ejournal.mahalisan.com/index.php/jml/article/view/4>