

Resolving Wrongful Arrest Cases from a Victimological Perspective

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ABSTRACT

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This study examines the resolution of wrongful arrest cases from a victimological perspective, particularly in light of the changes introduced by Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code. These changes reflect a shift from procedural justice toward a more substantive and human rights-oriented approach. The study aims to analyze the legal mechanisms for resolving wrongful arrest cases and to identify the rights and obligations of the state toward victims. This research employs a normative legal research method, utilizing statutory, conceptual, and case approaches. Data are derived from primary and secondary legal materials, including legislation and relevant literature, which are analyzed descriptively and qualitatively. The findings indicate that the new Criminal Procedure Code provides stronger legal protection for victims of wrongful arrest through mechanisms such as compensation and rehabilitation. Compensation is no longer merely procedural but serves as a substantive instrument of justice, encompassing material and immaterial losses. Furthermore, the state bears responsibility for fulfilling victims' rights as part of its obligation to uphold human rights and ensure justice. In conclusion, the legal framework governing wrongful arrest in Indonesia has evolved toward a more victim-oriented approach, emphasizing restoration, accountability, and the prevention of future violations.



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Introduction

The criminal justice system is fundamentally established to uphold justice, protect human rights, and ensure equality before the law. As a core component of a state governed by the rule of law, the system is expected to function fairly, transparently, and accountably in addressing criminal acts. However, in practice, the implementation of criminal justice often reveals significant disparities between normative ideals and empirical realities. One of the most concerning manifestations of this gap is the occurrence of wrongful arrest, which constitutes a serious violation of individual rights and undermines public trust in legal institutions.

Wrongful arrest not only represents a procedural error but also reflects deeper structural problems within the criminal justice system. These problems may include abuse of authority, lack of professionalism among law enforcement officers, weak oversight mechanisms, and systemic pressures to resolve cases quickly. As a result, individuals who are innocent may be subjected to arrest, detention, prosecution, and even trial without sufficient legal basis. Such actions clearly contradict the principles of due process of law and the presumption of innocence, which are fundamental in modern legal systems.

From a victimological perspective, victims of wrongful arrest occupy a particularly vulnerable position. Unlike conventional victims of crime, they suffer harm directly caused by the state or its agents. This harm is not limited to physical deprivation of liberty but often extends to psychological trauma, social stigma, economic loss, and damage to personal dignity. Furthermore, these victims frequently experience secondary victimization during legal proceedings, where their rights and experiences are overlooked or minimized. In

many cases, they are treated merely as objects within the legal process rather than as subjects entitled to protection and justice.

Historically, the criminal justice system has been predominantly offender-oriented, focusing on punishing perpetrators and maintaining public order. In this framework, victims have often been marginalized and their interests subordinated. Although legal developments have gradually recognized the importance of victim protection, the implementation of victim-oriented justice remains inconsistent. This is particularly evident in cases of wrongful arrest, where mechanisms for redress are often limited, complex, or ineffective.

In the Indonesian context, recent legal reforms indicate a significant shift toward a more victim-centered approach. The enactment of Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code represents an important milestone in this transformation. The law introduces more comprehensive provisions regarding compensation and rehabilitation for individuals who have been wrongfully arrested, detained, prosecuted, or tried. These provisions reflect a broader paradigm shift from procedural justice to substantive justice, emphasizing not only the correctness of legal procedures but also the fairness and humanity of legal outcomes.

Compensation, in this new framework, is no longer viewed merely as a formal right but as a substantive instrument to restore the losses suffered by victims, including material and immaterial damages. Similarly, rehabilitation is recognized as an essential mechanism to restore the dignity, reputation, and social standing of victims. These developments align with international human rights principles, which emphasize the right to remedy and reparation for victims of violations. Nevertheless, the effectiveness of these mechanisms depends largely on their practical implementation, which remains a critical challenge.

Despite these progressive legal changes, several important questions arise. To what extent do these legal provisions effectively protect victims of wrongful arrest? How are compensation and rehabilitation mechanisms implemented in practice? And to what degree does the state fulfill its obligations to ensure justice and restore the rights of victims? Addressing these questions is essential to evaluate the extent to which the criminal justice system has truly shifted toward a victim-oriented paradigm.

Based on these considerations, this study aims to analyze the resolution of wrongful arrest cases from a victimological perspective, with a particular focus on the legal framework provided by Indonesian law. In addition, this research seeks to examine the rights and obligations of the state toward victims of wrongful arrest, especially in relation to compensation and rehabilitation mechanisms. By doing so, this study is expected to contribute to the development of a more just, humane, and victim-oriented criminal justice system.

Method

This study employs a normative legal research method, which focuses on analyzing legal norms, principles, and doctrines governing the resolution of wrongful arrest cases. Normative legal research conceptualizes law as a set of rules and principles that regulate human behavior and serve as a guideline for legal practice.

The approaches used in this research include the statutory approach and the conceptual approach. The statutory approach is applied by examining relevant laws and regulations, particularly Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code, Law Number 1 of 2023 concerning the Criminal Code, and Law Number 31 of 2014 concerning the Protection of Witnesses and Victims. Meanwhile, the conceptual approach is used to analyze legal doctrines and theories related to victimology, victim protection, compensation, and rehabilitation.

The types of legal materials used in this study consist of primary and secondary legal materials. Primary legal materials include statutory regulations and official legal documents, while secondary legal materials consist of legal textbooks, journal articles, and scholarly opinions relevant to the topic. These materials are collected through a literature study.

The analysis of legal materials is conducted using a qualitative descriptive method. The collected data are systematically organized, interpreted, and analyzed to draw conclusions regarding the legal mechanisms for resolving wrongful arrest cases and the state's responsibilities toward victims. This method allows for a comprehensive understanding of both normative frameworks and their implications for victim protection.

Results and Discussion

Resolution of Wrongful Arrest Cases from the Perspective of Victimology

The simple definition of a crime is an act that is prohibited by a legal rule, this prohibition is accompanied by a threat (sanction) in the form of a criminal penalty for the violators. (Ismu Gunadi, 2014)

Based on the provisions of Article 144 of Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code, criminal acts include conspiracy, preparation, attempt, and assistance in committing a crime, unless otherwise specified in the law.

Crime victims were initially neglected in the criminal justice system and even experienced secondary victimization. With demands for the criminal justice system to pay greater attention to the interests and rights of victims, the victim's position began to gain prominence. Ultimately, there was a shift in the conceptualization of crime, from a violation of the public interest to a conflict between the perpetrator and the victim. (Mahrus Ali, 2021)

Secondary victimization in the criminal justice system begins when victims interact with government processes and the people who work within them. Victims often experience secondary victimization when they realize that the criminal justice system is designed to protect the rights of the accused and offers little protection to the victim. (Mahrus Ali, 2021)

Victim involvement in the criminal justice process is characterized by choice-based participation. Victims are given the authority to determine the processes and procedures through which their rights are protected and fulfilled by the criminal justice system. When victims decide to testify about their experiences, the method, form, and substance of the questions must accommodate or minimize the victim's suffering, mental trauma, or psyche. Without freedom of choice, victims are little more than witnesses in a criminal justice process. (Mahrus Ali, 2021)

It is understandable that the criminal justice system has its own public, always linked to the social context in which it operates. The complexity of the criminal justice system in interpreting its functions, which are affiliated with interests, can be understood from the character of the criminal justice system itself. (C Maya Indah, 2019)

The victim's role in the criminal justice process is not directly involved in defending their rights, because the state, through public prosecutors, has taken away the victim's right to prosecute. By ceding the victim's rights to prosecution, the prosecution conducted by the public prosecutor should protect the victim's interests. (I Ketut Sudira, 2020)

In trials, public prosecutors prosecute defendants for acts that have harmed victims of criminal acts. Therefore, the prosecutor's role is essentially to represent the victim, although the law clearly states that prosecutors represent the state. With provisions regarding victim and witness protection, it is hoped that the victim's sense of justice will be heard as a basis for prosecuting the defendant. (I Ketut Sudira, 2020)

In Indonesian law, the pretrial institution, which addresses the status of victims in criminal justice, is the pretrial institution, which is the result of efforts to protect human rights, particularly those involved in criminal cases. Therefore, the purpose of the pretrial process is none other than to uphold the law and protect the human rights of suspects during the investigation and prosecution stages. (Rusli Muhammad, 2007)

The law grants several types of authority to pretrial proceedings. These pretrial proceedings are as follows:

- a. Examining and deciding on the legality of arrests and detentions.
- b. Examining and deciding on the legality of termination of investigations or prosecutions.
- c. Examining compensation and rehabilitation. (Rusli Muhammad, 2007)

In line with the protective function of the criminal justice system, which must integrally protect the interests of the state, the public interest, and the interests of individuals (both victims and perpetrators). (C Maya Indah, 2019)

According to the provisions of Article 149 of the Republic of Indonesia Law Number 1 of 2023 concerning the Criminal Code (KUHP), a victim is a person who experiences physical and mental suffering and/or economic loss resulting from a criminal act.

In Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code (KUHP), the definition of a victim is stated in Article 1 Number 50, which states: "A victim is a person who experiences physical or mental suffering and/or economic loss resulting from a criminal act."

A critical perspective on the normative provisions of Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code (KUHP) and Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) regarding victim protection. Various alternative solutions outside the criminal justice system have been pursued by various parties, which are perceived as more satisfying to the public's sense of justice.

The changes to compensation provisions in the new Criminal Procedure Code reflect a shift from procedural justice to substantive justice. While the old Criminal Procedure Code was like a rigid iron fence, the new Code serves as a bridge of healing, connecting the state, law enforcement officials, and citizens in a more humane landscape of justice.

Regarding the resolution of wrongful arrest cases from a victimological perspective, within the scope of the Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) and positive legislation, including:

1. Within the Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP)

1) Compensation

Protection of victims, particularly the right of victims to receive compensation, is an integral part of human rights in the area of welfare and social security. This is also recognized in Article 25, paragraph 1 of the Universal Declaration of Human Rights, which states : Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control. (C Maya Indah, 2019)

In Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP), the definition of compensation is stated in Article 1 Number 41. Compensation is a person's right to receive compensation in the form of a sum of money for being arrested, detained, prosecuted, or tried without a valid reason under the law, due to a mistake regarding the person, or due to an error regarding the applicable law.

In criminal law enforcement cases in Indonesia, there are two legal bases used: formal and substantive. Formal legal bases are the laws that serve as the basis for criminal law enforcement procedures, or the rules that must be used in the process of enforcing substantive criminal law (the Criminal Code and other criminal laws).

The substantive legal bases are the statutory regulations that are the object of criminal law enforcement, including the Criminal Code, other laws and regulations, and other regulations classified as criminal. (Hartono, 2012)

Compensation is a person's right to obtain fulfillment of a claim in the form of compensation for a sum of money due to being detained, arrested, prosecuted, tried, without a reason based on law or error regarding the person or the law applied in accordance with the method regulated in this law. (Rusli Muhammad, 2007)

While the old Criminal Procedure Code viewed compensation as a limited procedural right, the Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) shifted it to become an instrument for human rights protection and state accountability. This change marks a paradigm shift from the crime control model to due process and human rights-oriented justice, where compensation is no longer symbolic but substantive and meaningful for victims.

Regarding compensation related to cases of wrongful arrest, this is regulated in Article 173 of the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code, which reads:

- (1) A suspect, defendant, or convict has the right to demand compensation for being arrested, detained, prosecuted, tried, or subjected to other actions without a valid reason under the law or due to a mistake regarding the person or the applicable law.
- (2) Claims for compensation by a suspect or his/her heirs for arrest or detention and other actions without a valid reason under the law or due to a mistake regarding the person or the applicable law as referred to in paragraph (1) shall be decided in a pretrial hearing.

- (3) Claims for compensation as referred to in paragraph (1) shall be submitted by the suspect, defendant, convict, or their heirs to the court authorized to adjudicate the case in question.
- (4) To examine and decide on the claim for compensation as referred to in paragraph (1), the chief justice of the district court shall appoint the same judge who tried the criminal case in question.
- (5) The examination of compensation as referred to in paragraph (4) shall follow the pretrial proceedings.

In the Criminal Procedure Code we know various types of compensation, by looking at the contents of the table below, it can be detailed as follows:

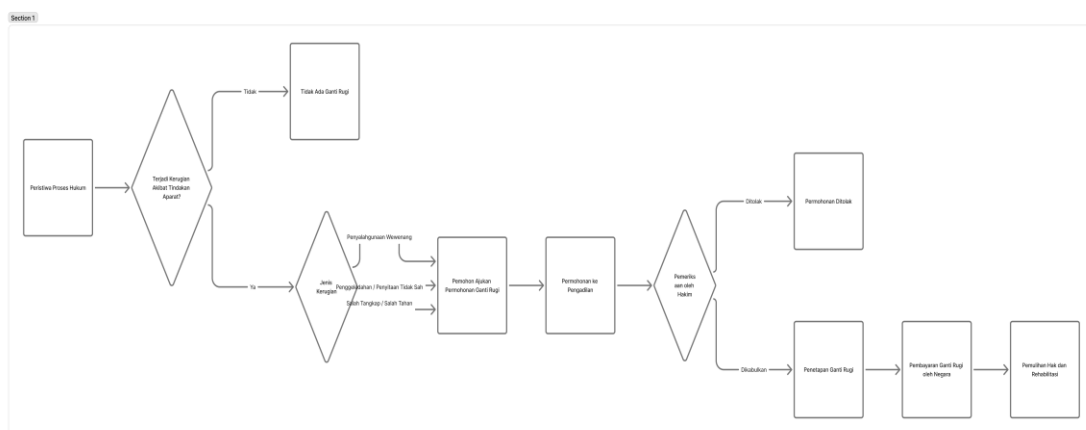
Comparison Table of Types of Compensation

Comparative Aspect	Law of the Republic of Indonesia Number 8 of 1981 concerning the Criminal Procedure Code	Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code
Compensation for Wrongful Arrest	Implicitly acknowledged through pretrial	Explicitly recognized as a constitutional right of legal subjects
Compensation for Wrongful Detention	Limitedly regulated	Widely regulated including disproportionate detention
Compensation for Misuse of Power	Not yet known explicitly	Arranged as abuse of authority of the apparatus
Compensation for Unlawful Search/Seizure	Limited and rarely implemented	It is emphasized as an object of compensation that can be requested.

From the table above, we can see several differences in compensation for wrongful arrest cases between the Republic of Indonesia Law Number 8 of 1981 concerning the Criminal Procedure Code and the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code. Philosophically, compensation contains the meaning of the Due process of law, restorative justice, and human rights-based approaches, as follows:

- a. Those entitled to compensation are no longer limited to suspects or defendants, but are now also entitled to witnesses, victims, third parties, and experts harmed by the actions of law enforcement officers.
- b. Through pretrial motions, preliminary examination judges, or court decisions.
- c. The object of damages has been expanded beyond material losses to include psychological suffering, social stigma, and loss of dignity.
- d. In cases of wrongful arrest, it is linked to administrative, ethical, and criminal sanctions.
- e. The purpose of compensation is no longer solely compensation but now encompasses restoration, justice, rehabilitation, and prevention of recurrence.

The following is explained through a flowchart regarding the compensation mechanism based on the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code.



Compensation for wrongful arrest is determined through a decision. This is based on the provisions of Article 174 of Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code. This reads as follows :

Article 174

- (1) The decision to award compensation shall be in the form of a decision.
- (2) The decision referred to in paragraph (1) shall fully contain all matters considered as reasons for the decision.

The District Court is authorized to award compensation for wrongful arrest cases based on the provisions of Article 158 of Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code, which reads as follows:

Article 158

The district court has the authority to examine and rule, in accordance with the provisions of this Law, regarding:

- a. the validity of the implementation of Coercive Measures;
- b. the validity of the termination of an investigation or the termination of a prosecution;
- c. a request for compensation and/or rehabilitation for a person whose criminal case was terminated at the investigation or prosecution stage;
- d. the confiscation of objects or goods unrelated to the crime;
- e. the postponement of the handling of a case without valid reason; and
- f. the suspension of detention.

This process is determined through a pre-trial hearing, based on Article 159 of the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code, which reads:

Article 159

- (1) The authority of the district court as referred to in Article 158 is exercised through a pre-trial hearing.
- (2) The pre-trial hearing is led by a single judge appointed by the head of the district court and assisted by a clerk.

If we examine the term "pre-trial" used by the Criminal Procedure Code, its literal meaning and intent are different. "Pra" means before or precedes, meaning "pre-trial" is the same as before a court hearing. (Andi Hamzah, 2017)

The basic basis for this compensation arises from the provisions of Article 142 letter P which states that suspects and defendants have the right to "submit a claim for compensation and rehabilitation".

From the discussion above, it is known that the resolution of cases of wrongful arrest is regulated in Article 1 number 41 in conjunction with Article 173 paragraph 1 of the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code.

2) Rehabilitation

The definition and reasons for rehabilitation can be seen in Article 1 number 42 of the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code, which states "Rehabilitation is a person's right to receive restoration of his rights in accordance with his ability, position, and dignity and honor given at the stage of investigation, prosecution, or examination in court because he was arrested, detained, charged, or tried without a reason based on the law, because of an error regarding the person, or because of an error regarding the law applied."

By following this article, it can be seen that rehabilitation is a person's right to receive restoration of their rights in terms of their abilities, status, and dignity. Reasons for rehabilitation include arrest, detention, prosecution, or trial without statutory grounds or due to a mistake regarding the person or the applicable law. In addition to these reasons, rehabilitation can also be obtained by issuing a final and binding court decision, freeing them from all charges.

Requests for rehabilitation due to arrest or detention without statutory grounds or due to a mistake regarding the person or the applicable law, where the case has not been submitted to the district court, may be examined through a pretrial motion. This request must be submitted by the suspect, their family, or their legal representative no later than fourteen days after the decision regarding the legality of the arrest or detention is issued to the applicant. (Rusli Muhammad, 2007)

Rehabilitation is regulated by Article 176 of Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code, with the following provisions:

- (1) A person has the right to receive rehabilitation if the court acquits or dismisses them from all legal charges, the decision of which has obtained permanent legal force.
- (2) Rehabilitation as referred to in paragraph (1) includes:
 - a. social rehabilitation;
 - b. medical rehabilitation;
 - c. social empowerment; and
 - d. social reintegration.
- (3) Such rehabilitation is granted and included in the court decision as referred to in paragraph (1).
- (4) A request for rehabilitation by a suspect for arrest or detention without reason based on law or error regarding the person or the applicable law, and the case not being submitted to the district court, shall be decided by the pre-trial judge.

The problem arises when suspects are not brought to the District Court, whether because the investigation was discontinued or the prosecution was discontinued. In this case, the suspect, their attorney, or their family can file a request. However, a case that has been set aside (deponering) cannot be requested for rehabilitation. (I Ketut Sudira, 2020)

In Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims

Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 concerning the Protection of Witnesses and Victims (PSK Law). The general explanation of the PSK Law mentions several reasons why it is important to regulate legal protection for (witnesses) and victims in a separate law. (Mahrus Ali, 2021)

Law Number 13 of 2006 as amended by Law Number 31 of 2014 concerning Protection of Witnesses and Victims is partially revoked by Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code, including Article 37, Article 38, Article 39, and Article 41.

Article 5 of the Law on Sexual Assault (UU PSK) stipulates that victims have the following rights:

- a. To receive protection for the safety of their person, family, and property, and to be free from threats related to testimony they will, are, or have given;
- b. To participate in the process of selecting and determining the form of protection and security support;
- c. To provide information without pressure;
- d. To receive an interpreter;
- e. To be free from interrogative questions;
- f. To receive information regarding case developments;
- g. To receive information regarding court decisions;
- h. To receive information regarding the release of the convict;
- i. To have their identity kept confidential;
- j. To receive a new identity;
- k. To receive temporary housing;
- l. To receive new housing;
- m. To receive reimbursement for transportation costs as needed;
- n. To receive legal advice;
- o. To receive temporary living expenses until the protection period ends;
- p. To receive assistance. (Mahrus Ali, 2021)

The existence of Law No. 13 of 2006, as amended by Law No. 31 of 2014 concerning the Protection of Witnesses and Victims, represents a state obligation as a response to criminal acts to fulfill the rights of witnesses and victims involved in criminal events. It also provides state facilities to witnesses and victims by providing compensation, restitution, and assistance to witnesses and victims affected by a crime. (Siswanto Sunarso, 2012)

Law No. 13 of 2006, as amended by Law No. 31 of 2014 concerning the Protection of Witnesses and Victims, also provides protection in the form of a guarantee that witnesses, victims, and informants cannot be prosecuted, either criminally or civilly, for reports or testimony they will, are, or have provided. It also serves as a legal umbrella for efforts to reparate victims, ensuring that punishment imposed for criminal acts does not diminish efforts to redress the victims most harmed by a crime. (I Ketut Sudira, 2020)

A closer look at the provisions governing the protection of witnesses and victims reveals that certain rights are already guaranteed for witnesses and victims.

The Rights and Obligations of The State Towards Victims of Wrongful Arrest

In criminal procedural law, there are principles of criminal procedural law, including the principles of compensation and rehabilitation. These principles are regulated in Article 173 and Article 176 of the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code and Article 9 of Law Number 48 of 2009 concerning Judicial Power. It states that if a person is arrested, detained, and charged or tried without reason based on the Law or due to an error regarding either the person or the application of the law, he is obliged to receive rehabilitation if the court decides to be acquitted (*vrijspraak*) or free from all legal charges (*onslag van alle rectorvolging*) as referred to in Article 176 paragraph (1) which reads:

"A person has the right to receive rehabilitation if the court decides to be acquitted or free from all legal charges, the decision of which has obtained permanent legal force."

The rights of victims and witnesses in the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code, include:

Witnesses have the right:

- a. not to be prosecuted, either criminally or civilly, for testimony and/or reports they will, are, or have given, unless the testimony or report was not given in good faith;
- b. to choose, contact, and receive assistance from an advocate during every examination;
- c. to receive legal assistance;
- d. to provide testimony without pressure;
- e. to receive a translator or interpreter;
- f. be free from interrogative questions;
- g. refuse to provide information that could incriminate themselves, even if the witness has taken an oath or affirmation;
- h. receive protection for the security of their person, family, and property, and be free from threats related to the testimony they will, are, or have given;
- i. have their identity kept confidential;
- j. receive reimbursement for transportation costs during the case handling process;
- k. participate in the process of selecting and determining the form of protection and security support;
- l. receive reimbursement for transportation costs during the service provision process; and/or
- m. be free from torture, intimidation, inhumane or degrading treatment of human dignity during the legal process carried out based on the provisions of this Law. (Article 143 of the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code)

Victims have the right:

- a. not to be prosecuted, either criminally or civilly, for testimony, reports, and/or complaints they will, are, or have provided, unless such testimony, reports, and/or complaints are not provided in good faith;
- b. to choose, contact, and receive assistance from an advocate during every examination;
- c. to provide information without pressure;
- d. to have a translator or interpreter;
- e. to be free from any interrogative questions;
- f. to receive information regarding the progress of the case;
- g. receive information regarding the Court's Decision;
- h. receive information if the Convict is released;
- i. receive protection for the security of his/her person, family, and property, and be free from threats related to testimony he/she will, is, or has given;
- j. have his/her identity kept confidential;
- k. receive reimbursement for transportation costs during the case handling process;
- l. file for restitution through a lawsuit;
- m. undertake the Restorative Justice mechanism;
- n. participate in the process of selecting and determining the form of security protection and support;
- o. receive medical assistance and psychosocial and psychological rehabilitation;
- p. receive legal advice;

- q. receive assistance from a Counselor during every examination in the judicial process;
- r. receive temporary accommodation;
- s. receive temporary financial assistance until the end of the protection period;
- t. receive reimbursement for transportation costs during the service provision process;
- u. obtain a new identity;
- v. receive restitution through a court order submitted after the Court's decision has become legally binding;
- w. obtain a new residence;
- x. submit a written or verbal statement regarding the impact of the crime they experienced; and/or
- y. be free from torture, intimidation, or inhumane or degrading treatment of human dignity during the legal process carried out based on the provisions of this Law. (Article 144 of the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code)

One of the important instruments that serves as the basis for fulfilling the obligation to provide reparation to victims is the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law (1955); and the Declaration of Basic Principles of Justice for Victims of Crime and Abuses of Power. Based on the provisions of the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law, victims have five rights to reparation:

- a) Restitution
- b) Compensation
- c) Rehabilitation
- d) Satisfaction
- e) Guarantee of Non-recurrence. (I Ketut Sudira, 2020)

The restitution application process can be carried out through several stages of criminal case resolution, namely:

- a) Restitution application before a final and binding decision.
- b) Restitution application after a final and binding decision. (I Ketut Sudira, 2020)

In addition to restitution, the state is also obligated to provide compensation. This compensation is given to the victim or the victim's family, who are their heirs. Relevant government agencies, including the Ministry of Finance, are explicitly mentioned in the ruling and are responsible for implementing the compensation based on the final and binding decision of the Human Rights Court. (Mahrus Ali, 2021)

Philosophically, the state's provision of compensation to victims is evidence of its failure to protect and provide a sense of security. These philosophical differences and characteristics of compensation must serve as the basis for reforming compensation legislation in Indonesia. In this context, the compensation paradigm must, on the one hand, address the fulfillment of citizens' rights, and on the other, serve as a form of acknowledgement of the state's "guilt" for failing to protect and provide a sense of security to each citizen. (Mahrus Ali, 2021)

Compensation is a form of redress provided by the state, drawn from a special fund through a request from the victim, followed by an examination to determine whether or not the victim was wrongfully arrested through a pre-trial decision.

Conclusion

Based on the description and discussion of the preceding chapters, it is clear that the resolution of wrongful arrest cases from a victimological perspective:

The resolution of wrongful arrest cases is regulated by Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code, Article 1, paragraph 41 in conjunction with Article 173 paragraph 1 in conjunction with Law Number 13 of 2006, as amended by Law Number 31 of 2014 concerning Witness and Victim Protection.

The state's rights and obligations towards victims of wrongful arrest are stipulated in Law of the Republic of Indonesia Number 20 of 2025 concerning the Criminal Procedure Code, Articles 173 and 176, and Article 9 of Law Number 48 of 2009 concerning Judicial Power.

The important thing is that in the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code, a person who is a victim of wrongful arrest who has received a permanent legal decision through a pre-trial hearing is allowed to ask the state for compensation and rehabilitation.

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