



CRIME VICTIMS' PERCEPTION OF THE PROCESS OF CRIMINAL CASE BY LAW ENFORCEMENT IN INDONESIA

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***Abstract:** In the process of criminal justice, the victims are not actively involved. The criminal court arbitrates perpetrators because they were charged with violation of the criminal law, not the violation of the victims' rights, even though the victim suffered due to the cases. The police officer and prosecutors act not to represent the interests of the victims, but rather to represent the state or the interests of society in general. The process of resolving criminal cases through criminal justice attracts particular attention for the victim or party who mostly suffered from the circumstances. This study aims to determine the victim's perception of the completion of the case that happened to him by the Law Officers. The study was conducted in Makassar city, Indonesia, with 100 respondents.*

***Keywords:** Law, Victims of crime, Perception of victims, Law enforcement.*

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1. INTRODUCTION

The victims of crime have broad and decisive authority in the initial stage of the process of completion of the case through criminal justice. However, in the next step, the victim's power is lost, while the jurisdiction of the police officer and prosecutors is getting stronger. The loss of the victim's influence in the process of completing criminal cases will much invite particular problems, especially regarding the roles of law enforcers, namely the police officer, prosecutors, and judges as well as mechanisms for completing criminal cases through criminal justice according to the view of the victims of crime (Latif, 2010) ¹. Based on data obtained at the Makassar District Court, the number of criminal cases from 2007 to 2009 totaled 1128 cases. Around 10%-15% of the number of cases filed for appeal and cassation. Particularly, until May 2010, out of 837 cases, according to the clerk of the head of

¹ A. LATIF, "Jaminan UUD 1945 dalam Proses Hukum yang Adili," *Jurnal Konstitusi, Mahkamah Konstitusi Vol. 7 No. 1*, pp. 49-65, 2010.



the Makassar District Court, 30% filed appeal and cassation. The victim's response to the completion of a criminal case (criminal justice process) is usually greatly influenced by the level of the victim's oversight. While the level of guilts in criminal law is mostly determined by one's inner attitude and the magnitude of the role in the occurrence of crime, besides, it is also influenced by perceptions and experiences or direct services of the criminal justice court.

The limitation of this research in analyzing the views of crime victims towards the process of completing criminal cases is limited to law enforcers, namely police officers, public prosecutors, and judges. The research data was obtained from victims who directly felt the services provided by the law enforcement agencies themselves.

2. RESEARCH METHODS

This study uses a qualitative approach using a qualitative descriptive research method that looks directly at the phenomena or events that occur or are felt by the community, which in this study were the victims of crime in the Makassar district, Indonesia. The respondents were 100 people with snowball sampling applied (Sunggono, 2001)² and also by using data collection techniques in the form of document review, surveys, and interviews (Abdurrahman, 2009)³.

1. RESPONDENT DESCRIPTION

a. Sex

Table 1. Respondent Sex

No	Sex	Number	%
1	Male	20	57
2	Female	15	43
N:		35	100

Male respondents were slightly more than female respondents

b. Education

Table 2
The Education Level of Respondents

No	Education Level	Number	%
1	Elementary	2	6
2	School	6	17
3	Junior High	15	43
4	School	10	28
5	Senior High School	2	6
	University		
	Not go to school		
N:		35	100

² B. SUNGGONO, *Metode Penelitian Hukum.*, Jakarta: Radja Grafindo Persada, 2001

³ M. ABDURRAHMAN, *Sosiologi dan Metode Penelitian Hukum*, Malang: UMM, 2009.



The education level of the respondents is relatively high. Those who are in senior high school level around 43% and undergraduate 28%, while junior high school 17%, elementary school 6% and 6% belongs to those who did not go to school

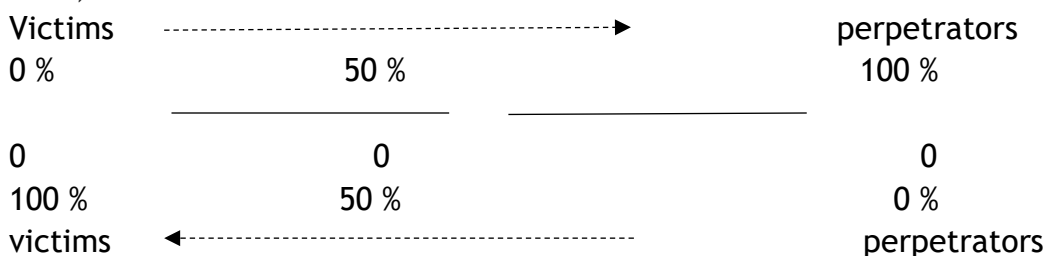
c. Classification of Victims

The crime victims who are made as respondents are classified into three groups; namely, the first is the group of victims of crime against life, body, and honor; the second is the crime against the property; and the third is a crime against trust (Fadillah&Syarif, 2004)⁴. While the number of respondents can be seen through this table 3 below:

Table 3
Classification of Victims

No	Victims Types	Jumlah	%
1	Crime against life - body, and honor	13	37
2	Crime against property	15	43
3	Crime against trust	7	20
N:		35	100

This classification assumes the victim's reaction to perpetrators of crime is largely determined by their role in the occurrence of the crime and its crime perception. The role or contribution of the victims to the occurrence of the crime varies greatly, from mild to severe, and determines the occurrence of crime (HUDA, 2006)⁵. The victim's role is exhibited as follows:



A crime occurs because of the initiative or intention, and its implementation (error) can be entirely inflicted on the perpetrator. Still, sometimes the occurrence of the crime is due to the role of the victim whose presentation may be quite large (Faisal, 2010)⁶. In other words, an error in a criminal act can be entirely caused by the perpetrator alone, but it can also be charged to the victim. In the first group, the crimes against life, body, and honor are around 37%. The characteristics of the role of the victims of this first group are varied. That is, before the occurrence of

⁴ C. FADILLAH and SYARIF, Korban Kejahatan dalam Perspektif Viktimologi dan Hukum Pidana Islam, Jakarta.: Ghalia Press, 2004

⁵ C. HUDA, Dari Tiada Pidana tanpa Kesalahan Menuju kepada Tiada Pertanggungjawaban Pidana tanpa Kesalahan, Jakarta: Prenada Media, 2006

⁶ FAISAL, Menerobos Positivisme Hukum,, Yogyakarta: Rengkong Education, 2010

crime, sometimes the victim is qualitatively active, for example doing acts that are provocative or as the originator of a crime, sometimes they are passive.

In the second group, crimes against properties stood at 43%. The characteristics of this role of victims are generally passive. This means that because the target is property, and the property is passive. Whereas in the third group, crimes against the trust, stood at 20%. The third type of crime is closely related to the victim's confidence in the perpetrator, such as fraud or embezzlement. Therefore, the problem is not determined by the active or passive role of the victim. But the extent of the victim's confidence towards the perpetrator.

The level of education description of the victims in each group can be seen in the following table:

Table 4
The Education Level of Criminal Victims

Group of Criminal Victims	Education Level of Victims				
	Elementary School	Junior High School	Senior High School	University	Not Go to School
Lives, body and honor	2 13 %	4 26 %	6 40 %	2 13 %	1 7 %
Property, Wealth	-	-	8 53 %	6 40%	1 7%
Trust	-	2 40%	1 20%	2 40%	-

The average level of education of victims of crime is quite high, especially crime victims belonging to the second group or victims of crime against property. In general, victims of this type of crime are relatively occupying work positions capable of producing high incomes so that crimes potentially target them. But the education level of the victims in the first group is relatively lower, namely senior high school and junior high school. At the secondary education level, the self-defense mechanism is generally still unstable if it is compared to the level of tertiary education where instability often creates a negative side in the form of violation of the criminal law itself.

3. RESULTS & DISCUSSION

1. PERCEPTION TOWARDS THE POLICEMAN

a. Police Response in Receiving Victim Report

The first step in a criminal case can be processed or examined through criminal justice is by reporting it to the police. This assumes that the policeman treats almost 100% of crimes due to the reports from the victims or community. Hence, without reporting to the policeman or other designated agencies, a criminal case is less likely to be processed through criminal justice. In the pre-trial process, the role of the policeman is vast. In essence, indeed, the process of investigating or

collecting evidence according to the Criminal Procedure Code (KUHAP) is the responsibility of the police (Kuffal, 2002)⁷ so that criminal cases finally reach the court as the victims make a report of it (Winata, 2000)⁸.

In this position, the victim feels being protected or defended by the policeman. The policeman acts to arrest the person suspected of committing an offense and collect evidence, which then submits the case to the prosecutor for the prosecution to be held in court. Therefore, generally, the victims of crime consider that the policeman's response to reports submitted by victims about the occurrence of a particular crime is usually regarded as something good (Tyler, 2005)⁹.

Table 5
The Perception of the victims towards the policeman
in responding to the report from the victims
according to the types of crimes

Types of crime victims towards:	Victims Perception				
	Very good	Good	So-So	Bad	Very Bad
Lives, body and honor	2 15 %	5 38 %	1 8 %	3 24 %	2 15 %
Property and Wealth	3 20 %	10 66 %	2 12 %	2 14 %	-
Trust	-	5 100 %	-	-	-

The assessment of the victims of crime against the lives, body, and honor of the policeman's responses in receiving victims' reports is varied. Around 53% stated that it is good, and approximately 39% rated the intervention of police officers is not good. The policeman's adverse reaction to receiving the victim's report is mostly determined by the condition of the victim when they make a report. The victims of these first group crimes are overwhelmed by unstable psychiatric conditions (Tahir, 2010)¹⁰.

The attitude of revenge shows the impression of being the target of a crime that affects the victims' physical and psychological. While the policeman, when they are receiving reports, tend to be selective. That is, even though the policeman always takes aside to the victim or someone who makes the report, not all information provided by the victim is taken for granted but rather is selected what is relevant to policeman duties (criminal law). The policeman in carrying out their

⁷ H. KUFFAL, Penerapan KUHAP Dalam Praktek Hukum, Malang: UMM, 2002.

⁸ F. H. WINATA, Bantuan Hukum Suatu Hak Asasi Manusia Bukan Belas Kasihan, Jakarta: Elex Media Komputindo, 2000.

⁹ T. R. TYLER, "Policing in Black and White: Ethnic group differences in trust and confidence in the police," *Police Quarterly*, 8(3) doi:10.1177/1098611104271105, p. 322-342, 2005

¹⁰ H. TAHIR, Proses Hukum Yang Adil Dalam, Sistem Peradilan Pidana di Indonesia, Yogyakarta: LaksBang PRESSindo, 2010

duties represent the state so that they cannot step in and become one with the emotions of the victim (Kelsen, 2008)¹¹. The policeman's critical attitude (Assidiqie, 2000)¹² to this fact was considered by some victims to be unresponsive to the victims' reports.

The negative assessment of the victim could be since the policeman service was not satisfactory (Cheurprakobkit & Bartsch, 2001)¹³. The task of the police is always faced with an entirely negative situation. In carrying out their duties, the policeman is often influenced by internal factors and their perception of crime, so the reactions given to reports are not the same (Kaligis, 2006)¹⁴.

The response of victims of the crime of property and trust is generally positive or pleasant. Victims of this group of crime in physically and psychologically are not directly involved in the process of crime, and the role of victims is generally passive. Reporting to the policeman is an alternative way to recover the victims' property. Some of them put the policeman as mediators in resolving the cases. This means that whatever the policeman responds to the report, they tend to be considered as useful because what they demand is not how the policeman enforces the law but how the policeman can help to resolve the proposed case so that the symptoms of the property can be returned.

The crime victims, after the report, are generally still in contact with the policeman, namely by visiting the police station, both on their initiative and fulfilling the policeman's summons. The frequency of victims' visits to the police station in each case is shown in the table. Most of the victims of crime claimed to have come to the police station more than twice to follow up on the reported cases. Some even claimed that they come to the police station more than ten times, which is considered to take too many times. On Average, victims visit the police station is twice, namely, to report and provide information to complete the case file, which is reported.

Table 6
The Frequency of victims visit police station based on their education level


The education level of victims	The frequency of victim's attendance				
	1 - 2	3 - 4	5 - 6	7 - 8	9 - >
Elementary School	-	3	-	-	-
		100 %			
Junior High School	2	3	-	1	-
	33 %	50 %		17 %	
Senior High School	6	5	2	1	1
	40 %	33 %	13 %	7 %	7 %

¹¹ H. KELSEN, *Dasar-Dasar Hukum Normatif* (diterjemahkan oleh Nurulita Yusron), Jakarta.: Nusamedia, 2008.

¹² J. ASSIDIQIE, *Penegakan Hukum di Indonesia*, Jakarta: Mappi, 2000.

¹³ S. CHEURPRAKOBKIT and R. A. BARTSCH, "Police performance: A model for assessing citizen's satisfaction and the importance of police attributes.," *Police Quarterly*, 4, pp. 449-468, 2001

¹⁴ KALIGIS, OC. (2006). *Perlindungan Hukum Atas Hak Asasi Tersangka, Terdakwa dan Terpidana*,. Bandung: Alumni.



University	4	2	1	1	2
	40%	20 %	10 %	10 %	20 %
Not Go To School	2	-	-	-	-
	100 %				

The education level of the victim is not a determining factor in the frequency of victims' attendance at the police station. The rate of presence of victims at all levels of education to the police station was, on average, one to four times for each case. The frequency of attendance is more determined by the quality of the incident reported or the victim's interest in a case. Hence, the cases classified as heavy and complicated given more attention to the victim to go to the police station, then the classification of victims is not a factor whether they often come to the police station or not. Each victim has different perceptions and interests from one another.

b. Victims Requests to the Policeman for Case to Proceed Immediately

Among the victims who contacted the policeman after making the report, 34% urged a request to have their case to be processed immediately. The policemen are considered entirely take a long time in conducting investigations on reported crimes. 66% victims did not actively submit a request to the police mostly because the defendant had been caught; the investigation process finished, and the victims are only waiting for the police's call, even the victims did not want to know the continuation of the case.

Meanwhile, the victims who request to police to resolve their case immediately are because, in practice, the police are generally not actively notifying the progress of the case to the complainant or the victim. Except for matters that are severe and have a psychological impact on the victim or the victim's family. The policeman who took the initiative to inform the complainant is relatively small frequency, as shown in the following table:

Table 7
The Information of Cases Progress

No	Qualification	Number	%
1	Informed by policeman	9	26
2	Ask for the information to the policeman	18	51
3	Not informed and not ask for	8	23
N:		35	100

The police who took the initiative to notify the progress of the investigation to the complainant or victim stood at 26%. This notification was given because there were new instructions or evidence or the success of the policeman in finding or arresting perpetrators of crime. Most often, the policeman provides information about court plans and asked for their readiness to be witnesses in court. The



policeman justified this information, the intention that witness (victim) recalled information given under oath and used as a case file. Considering the time lag between the giving of data and the trial process is usually quite far.

In general, it was the victims who were active in requesting information on the progress of the case from the policeman (51%), because it was the victims who experienced the essence of a violation of criminal law. Ideally, the policeman, as the party who receives the report and is responsible for the investigation, the policeman must actively inform the victims about the results of the investigation as the person who made the report. This attitude is shown by the high number of the crime victims who have submitted requests to the policeman so that their cases can be resolved quickly, as in the following table.

Table 8

The victim's data submitted a request to the policeman to be quickly in processing the case according to the group of victims

Victims group towards:	Sent a request to Police Officer	
	ever	never
Lives, body, and honor	5 33 %	10 77 %
Property and wealth	5 33 %	10 67 %
Trust	2 40 %	3 60 %

The criminal victims in all groups generally submitted requests to the policeman for their cases could be resolved quickly. However, The group with the highest number stood at 40% is the group of victims of trust. This type of crime resembles civil litigation; even it can enter both legal fields, depending on the injured party (victim) to choose.

c. Victim's Perception towards Policeman's Ability to Resolve Crimes that Occur in the Community

Whereas the victims' evaluation - per their experience of directly experiencing the police service in solving the criminal case that the victims have reported - based on the ability of the policeman to anticipate crimes that occur in society, generally, crimes that arise in life and reported by the community. The majority of victims assess the policeman works in resolving crimes that commonly occur in society are not good (55%). They are not convinced by the ability of the policeman to finish cases quickly, as required by law.

Table 9

Policeman' Ability in Resolving Crimes that Occur in the Community

No	Qualification	Number	%
1	Very Good	1	3
2	Good	4	11
3	So-So	7	20
4	Bad	19	55
5	Very Bad	4	11
N:		35	100

Furthermore, crime victims from all groups generally consider that it is not suitable for the ability of the policeman to resolve criminal cases that occur in the community. The table shows that there are no difference judgments between groups of victims of crime against the ability of the police to resolve crimes that occur in the community. The policemen are considered slow, often delaying work, and do not appear to be trying optimally as set out in table 10.

Table 10

Perception of the ability of the police to solve crimes according to the classification of victims of crime

Types of Victims of Crime Towards:	Victims' Perception				
	Very good	Good	So-So	Bad	Very Bad
Lives, body and honor	2 15 %	3 24 %	1 8 %	5 38 %	2 15 %
Property and wealth	3 20 %	2 14 %	2 12 %	10 66 %	-
Trust	-	-	-	5 100%	-

A negative assessment of the ability of the police officer to process crimes that occur in the community may be a factor that causes the victim does not submit a request to the police so that the case is immediately processed or resolved. With this negative perception, there is less hope that the police officer can finish the situation quickly. But it could be the other way around, precisely because the negative judgment invites the expectations and urges of the victim by submitting a request that the case can be resolved immediately (Cheurprakobkit & Bartsch, 2001)¹⁵. A description of the victim's perception of the ability of the police to process claims in the community by never asking for a request can be seen in this following table:

¹⁵ CHEURPRAKOBKIT, S., & BARTSCH, R. A. (2001). Police performance: A model for assessing citizen's satisfaction and the importance of police attributes. *Police Quarterly*, 4, 449-468

Table 11

The victim's perception of the ability of the police officer by never asking for an appeal to the police officer to finish the cases immediately.

The victims have never made a request	Victims' Perception of Police Officer's Ability				
	Very good	Good	Average	Bad	Very Bad
Never	-	3 12,5%	4 17 %	14 58 %	3 12,5%
Ever	1 9%	1 9%	3 27%	5 46%	1 9%

d. Offering Settlement in a peaceful or familial manner

The police officer does not automatically proceed with the claims after receiving the victim's report to the next stage, but instead of providing other alternatives, for example, peace or family settlement. Because, not all crimes are reported by victims to the police officer in the hope that they will proceed through criminal justice, but some expect that the police officer as a mediator who can resolve the case that they are facing. It can be seen in the following table below:

Table 12

The offer of peace or family settlement by the police to the victim			
No	Qualification	Number	%
1	Ever	11	31
2	Never	21	60
3	None of them	3	9
N:		35	100

The table shows that the police officer who never offered peace to the victim's case was around 60%. It is more than those who had offered, about 31%. This police officers' demeanor also determines the attitude of the victim to report whether he is a victim or not. A person's emotional level - according to some victims' confessions - changes due to factors, both external and internal, that affect one's consciousness (Poerlawandari, 2000)¹⁶. The existence of a long period between the incident and the trial process often arises a new awareness of the victims and perpetrators of crime. Hence, it is not impossible to derive initiatives and approve ways of peace or kinship.

Against the victims who claimed to have been offered a way of peace or kinship by the police officer (31%), it means that the effort failed so that the case was further proceeded by the court. This also means that there are criminal cases at the level of investigation by the police officer, which then the evidence does not reach the court.

¹⁶ K. E. Poerlawandari, *Kekuasaan Terhadap Perempuan*, Tinjauan Psikologi, Alumni: Bandung, 2000.



Regarding the settlement by way of making peace at the police level, this was justified by several investigators (Interview session on 20 April 2010). There are some considerations that the police officers offer peacefully resolve that is based on these considerations:

- 1) The case is classified as a complaint offense
- 2) The perpetrators are relatively young and have committed to do the crimes for the first time
- 3) The crime committed is relatively mild and does not disturb the community
- 4) Done with idle or forced motives
- 5) Losses incurred by crime are not big
- 6) There is a request from the perpetrator or his family with the consent of the victim, or on the victim's initiative
- 7) There is a relationship between the perpetrator and the victim, namely close family, neighbors, peers, or business relations

The percentage of completed cases in a peaceful manner at the police level is around 12% of the case data that was completed by the police officers. In comparison, the data obtained from the police showed in figures around 20%, 5%, and 10%. It was difficult to determine the exact percentage because it is not listed in the statistical data in the Police Department of Makassar. The initiative to finish the case through peace or kinship is sourced from the perpetrator or his family and receives the victim's written consent. At this time, the initiative came from the victim because he felt pity for the perpetrators or did not want to deal with criminal justice, which was considered inefficient in resolving cases.

The police officer once gave the offer to finishing the cases through making peace to the victims was on the third rank, which was 57%, then the first group was 46%, and the second group was 7%. Generally, peaceful or kinship way in the first crimes group victim occurs in cases, namely traffic cases (because it can cause death), crimes against bodies, such as fights or because of resulting injuries in traffic cases, and crimes against honor (humiliation, decency). In the third crime victims group usually occur in cases of fraud and embezzlement.

The demeanor of the police officer to offer a solution through peace or kinship way is much influenced by the size of the victim's fault, whether it is small or big. If the role of the victim is very dominant in the process of the crime, then the level of responsibility (error) of the victim is also higher. The possibility to make peace or settlement in a family is even higher, or the crime is included in the offense of complaint, which is both absolute and relative (Marpaung, 2009)¹⁷.

2. THE PERCEPTION TOWARDS PROSECUTORS

After completing the initial stage of the investigation stage, if there are sufficient reasons and sufficient evidence, the next case is transferring the claims

¹⁷ MARPAUNG, L. (2009). *Proses Penanganan Perkara pidana (Penyelidikan dan Penyidikan)*. Jakarta: Sinar Grafika

to the Prosecutor's Office. A claim if it has been delegated and there is no pre-prosecution action means that it is a full responsibility which lies on the prosecutor. The prosecutor subsequently held a prosecution.

The act of prosecution means that the public prosecutor in submitting a criminal case to the authorized district court is regulated by law, in the matter of demanding the procedure, which requests to be examined and decided by a judge at a court (Mulyadi, 2007)¹⁸. The prosecutor's actions are the decisive step in the case. The success of the prosecutor in proving the indictment at the trial can affect the image of the police officer and the prosecutor in the eyes of the victim itself.

a. Victim's Assessment Towards the Prosecutors' Duties

In general, victims felt that the prosecutors' activities in the case of resolving cases were functional, as it is shown in the following table:

Table 13

No	Qualification	Number	%
1	Very Good	3	9
2	Good	21	60
3	So-So	6	17
4	Bad	5	14
5	Very Bad	-	0
N:		35	100

The prosecutor is considered good enough to carry out his duties. This has to do with the success of the prosecutor in proving his indictment, which ended in criminal conviction - whether the decision was accepted or not by the defendant or prosecutor.

Table 14

Perceptions of prosecutors' activities according to groups of crime victims

Groups of Victims towards:	Perceptions of prosecutors' activities				
	Very Good	Good	So-So	Bad	Very Bad
Lives, body, and honor	3 23 %	5 39 %	2 15 %	3 23 %	-
Property and wealth	-	11 73 %	4 27 %	-	-
Trust	-	5 71 %	2 29 %	-	-

Good judgment is generally given by victims from all groups and all levels of education. There were some victims of the first group of victims who considered the prosecutors' duties to be corrupt because the prosecutors did not pay attention to

¹⁸ MULYADI, L. (2007). *Kapita Selekta Hukum Pidana, Kriminologi dan Viktimologi*. Jakarta: Djambatan

the interests of the victims and tended to pay attention to the importance of the defendant. This opinion is given by victims whose education level is relatively high.

Table 15

Victim's Evaluation of Prosecutors' Activities
according to the Education Level of Victims of Crimes

Education Level of Victims of Crimes	Perceptions of prosecutors' activities				
	Very Good	Good	So-So	Bad	Very Bad
Elementary School	1 17 %	5 83 %	-	-	-
Junior High School	2 13 %	8 54 %	3 20 %	2 13 %	-
Senior High School	2 13 %	8 54 %	3 20 %	2 13 %	-
University	-	6 60 %	3 30 %	1 10 %	-
Not go to school	-	2 100 %	-	-	-

The victims who judge that it is not good because the prosecutor is umpired not to represent a state or community representative in the field of criminal prosecution. Prosecutors appear to have a personal interest in prosecuting and not considering the importance of crime victims. The impression of the victim of this crime can be understood, because he only looks at a narrow spectrum, namely to his interests, while the prosecutor does not. The prosecutor in demanding a case always considers the formal juridical and the legal non-juridical aspects, including the socio-political issues of the fact, the background of the defendant, the size of the loss, the effect on victims of crime and society (Mulyadi, 2008)¹⁹. While victims of crime look more at a narrow spectrum of interests.

Prosecutors recognize this difficulty that prosecutors often have trouble considering the interests, which is evidenced by the prosecution duty. On what consideration the prosecutor demanded for years, months, and whether the demands were in line with the community's sense of justice (Interview session on 15 April 2010). The prosecutor acts on behalf of the state or the public interest related to the importance of the victim. If it is not solely representing the interests of crime victims. The characteristics of the relationship between the prosecutor and the victim are very different from the relationship between the legal advisor and the defendant. The legal advisor over the power of the accused acts directly to represent and fight for the interests of the defendant. In contrast, the victim in the

¹⁹ MULYADI, L. (2008). *Bunga Rampai Hukum Pidana Perspektif, Teoritis dan Praktif*. Bandung: Alumni

eyes of the public prosecutor is no more as evidence, namely as the main witness (victim).

The victim could not choose a reasonable prosecutor as the defendant to the legal counsel. Because the prosecutor has dominant and monopolistic authority over the settlement of the case, it is understandable if some victims feel the prosecutor's activities do not fully represent them.

b. Victims ' Interests and Prosecutors' Duties

Thus, the prosecutor's activities that ended with the conviction were not enough to be said to represent the interests of crime victims.

Table 16

The Victim's Interest in the Prosecutor's Activities according to the Victim Assessment

No	Qualification	Number	%
1	Representing victims' interests	11	31
2	Representing half of the victims' interests	10	29
3	Not Representing victims' interests	8	23
4	None of them	6	17
N:		35	100

In general, the victim felt represented by the prosecutor's activities in prosecuting the accused. Some victims think prosecutors' activities do not represent them. That is, the prosecutor did not pay attention and fight for the interests of the victim. This was proven - according to the victim's acknowledgment - the prosecutor had never told the victims' rights, for example, the right to claim damages and obtain witness fees (Milono, 2004)²⁰. Even though the victims did not feel adequately represented, the victims were generally aware of the position of the prosecutor, that is, carrying out the duties which are mandated by law.

The group of crime victims also determines the crime victim's perception of the prosecutors' activities, which concern the victim's interests. Victims of crimes on life, bodies, and honor tend to feel not represented by their benefits by the actions of prosecutors around were around 13%. Victims of crime on properties stood at 6%. Meanwhile, the group of victims of trust felt represented by their interests by the activities of the prosecutor.

²⁰ MILONO. (2004). *Implementasi Due Process of Law dalam Sistem Peradilan Pidana Indonesia*. Jakarta: UI

Table 17

Prosecutors' activities and the interests of crime victims according to the victim group

Groups of Victims towards:	The interests of crime victims			
	Representing victims' interests	Representing half of the victims' interests	Not Representing victims' interests	None of them
Lives, body, and honor	4 31 %	3 23 %	6 46 %	-
Property and wealth	4 27 %	6 40 %	2 13 %	3 20 %
Trust	3 43 %	3 43 %	-	1 14 %

The occurrence of these differences can be understood, bearing in mind that victims of first group crimes have something to do with human life, that is one's life. Deprivation of life (murder) without rights, rape, and other acts of violence, often harming the victim's family.

Thus, the activities of prosecutors, especially in prosecuting crimes, are considered not fully or not at all represent the interests of crime victims (Muzakkir, 2001)²¹. One victim even said, "the victim's actions cannot be forgotten for a lifetime and cannot be replaced by any form."

Table 18

The victim's perception of the victim's interest according to the education level of the crime victim

Education Level of Victims of Crimes	Victims' interests			
	Representing victims' interests	Representing half of the victims' interests	Not Representing victims' interests	None of them
Elementary School	-	2 100 %	-	-
Junior High School	6 100 %	-	-	-
Senior High School	2 13 %	6 40 %	5 34 %	2 13 %
University	2 20 %	4 40 %	3 30 %	1 10 %
Not go to school	1 50 %	-	-	1 50 %

²¹ MUZAKKIR. (2001). *Kedudukan Korban Kejahatan dalam Sistem Peradilan Pidana*. Yogyakarta: UII



From the table, it is clear that, generally, the victims whose education level is relatively high feel that the prosecutors do not represent the needs of victims.

c. Level of Victims Satisfaction towards Prosecutors' Activities

The success of the prosecutor in proving the truth of his indictment, which giving a conviction in the form of a criminal sentence, can bring a sense of satisfaction to some victims of crime. The prosecutors' activities were considered very satisfying for the victims (it is about 9% stated that it is very satisfying). Approximately 43% reported it is quite gratifying, and some were dissatisfied about 5%, and the rest of them stated that it is miserable, and around 17% include unsatisfied categories. Some of the victims felt normal, at about 26%. Because they think that prosecutors act in the context of carrying out their duties, they appear to be formal and bureaucratic, do not have a specific impression on the victim.

Table 19

The level of victim satisfaction towards prosecutors' activities

No	Qualifications	Total	%
1	Very Satisfied	3	9
2	Satisfy	21	60
3	Normal	6	17
4	Not Satisfied	5	14
5	Very Not Satisfied	-	0
N:		35	100

Even though it does not represent the interests of the victim, in general, the victims of crime feel their satisfaction with the prosecutors' activities. Particularly with the first-group crime, some people expressed their dissatisfaction with the actions of the prosecutors. A lousy experience being the target (victim) of crime touches the essential aspects of life that are difficult to put aside in life. Whatever actions are given to the perpetrators, they are not sufficiently represented and equal to the value of the loss itself

Table 20

The level of victim satisfaction towards prosecutors' activities according to the victim's group

Groups of Victims towards:	The level of victim satisfaction				
	Very Satisfied	Satisfied	So-So	Not Satisfied	Unsatisfied
Lives, body and honor	3 23 %	5 39 %	2 15 %	3 23 %	-
Property and wealth	-	11 73 %	4 27 %	-	-
Trust	-	5 72 %	2 28 %	-	-

3. PERCEPTION TOWARDS JUDGES

If the police officer and prosecutors act to represent the state or the interests of the public or for many people, the judge examines cases not on behalf of the country but for the sake of justice based on The Almighty God (Subsection 2 of Law No. 48 of 2009 concerning Judicial Power). The position of the judge is independent because he must define justice to the case being examined. This justice is what all parties involved in solving criminal cases want to seek. In the field of criminal law, the term "lose" or "win" is unknown, but the decision is "fair" or "unfair" (Hatta, 2008)²². In this research, justice is seen from the perspective of victims of crime - as those who feel that their rights and interests have been harmed or violated by the defendant.

a. Victim's evaluation towards the judge's activities

Nevertheless, victims of crime generally feel that judges are decent and objective in examining criminal cases at court. Judges are strict in their attitude, and wise in deciding (see table).

Table 21

Victim's evaluation of the judge's activities at the trial			
No	Qualification	Number	%
1	Very Good	5	14
2	Good	19	55
3	So-So	5	28
4	Bad	6	17
5	Very Bad	0	0
N:		35	100

Most of the victims evaluated that the judges' activities are good (55%), some of the victims (17%) thought the court process was not good, because the process was long and convoluted and the results were not as what they expected or imagined when he reports to the police officer. Good judgment is evenly distributed among each group of victims of crime. There are some victims of first group crimes who think unfavorably about the activities carried out by judges.

b. The Attitude of the victim towards the judge's decision

The positive attitude of the victims is also directed towards the court's decision. The court's decision on the case that was reported was considered satisfying by the category of very satisfying 6% and satisfying about 46%. According to the victim, the judge has handed down a balanced decision for the defendant's violations committed, even though the loss suffered did not recover yet. The criminal conviction of the offender has satisfied the victim; thus, psychologically, it has reduced the burden that was experienced when a crime is targeting them. On the contrary, for victims who were dissatisfied (20%) or miserable (11%) with the

²² HATTA, M. (2008). *Sistem Peradilan Pidana Terpadu*. Yogyakarta: Galang Press

court's decision. They feel that the court's decision does not consider the suffering of the victim as a result of the crime. The sentence imposed on the defendant is too ease. It is not comparable to the actions of the accused and the loss and suffering of the victim. Moreover, the actions of the perpetrators have destroyed the future of the victim, even for a lifetime.

Table 22

The attitude of the victim towards the court's decision			
No	Qualification	Number	%
1	Very satisfied	2	6
2	Satisfied	16	46
3	So-So	6	17
4	Not Satisfied	7	20
5	Dissatisfied	4	11
N:		35	100

Regardless of satisfaction or dissatisfaction, the victim is forced to accept the decision, because the victim does not have the authority to determine the number and type of claims or appeal, as a manifestation of his dissatisfaction. From the various comments given by the victim, the victim's dissatisfaction with this decision was not caused solely because of the severity of the sentence handed down. Still, the judge's decision did not resolve the problem which is being faced by the victim. Also, the verdict does not contain a dictum or provision concerning the return or compensation of the loss suffered by the victim due to the defendant's actions.

4. VICTIM'S PERCEPTION OF THE CRIMINAL CASE SETTLEMENT PROCESS

Before the case is reported to the police, the victims of crime have high authority and determine to choose some alternatives. However, this authority has been lost since the case was reported to the police officer. Meanwhile, the jurisdiction of the police officer and prosecutors in a case is getting stronger (Rahardi, 2007)²³. Before being reported, it is not uncommon for victims to try to settle in a peaceful manner or family-friendly settlement with the perpetrators or the perpetrator's relatives. Due to various reasons, the business was failed, then as an alternative choice and is the final choice (*ultimum remedium*), victims of the crime report to the police officer along with the hope that the case will be proceeded through criminal justice (Koster, 2017)²⁴.

The process of resolving criminal cases can be taken in two ways, namely through the criminal justice and not through criminal prosecution, but it is justified.

²³ RAHARDI, P. (2007). *Hukum Kepolisian (Profesionalisme dan Reformasi Polri)*. Surabaya: Laksbang Mediatama

²⁴ KOSTER, N.-S. N. (2017). Victims' perceptions of the police response as a predictor of victim cooperation in the Netherlands: a prospective analysis. *Psychology, Crime & Law*, Vol 23 no. 3, DOI: 10.1080/1068316X.2016.1239098, 201-220



First, the victim's evaluation of the process of resolution of the criminal case through the criminal court will be described.

a. Victim's Perception of Criminal Case Completion through Criminal Justice

1) The case completion process through the criminal justice

In general, victims refused to say that the complete process through criminal justice is complicated and time-consuming after the victim knowing the stages of the criminal justice process, which is not slow. Indeed, some victims believe that according to what they know, completion through criminal justice is difficult, that is convoluted and time-consuming and costly. This is because, in addition to the problematic collecting of evidence, criminal law enforcement is often involved with humanitarian issues or human rights. All law enforcement officers are limited by various laws and regulations accompanied by strict supervision, both vertically and horizontally (Hadjon & Djatmiati, 2005)²⁵.

2) Perception of Criminal Justice Institutions as Dispute Settlement Institutions

An end of an examination of a criminal case is a court decision in the form of acquittal of an indictment, releasing a criminal charge, or the imposition of a criminal sanction in the form of imprisonment, a fine or revocation of specific rights. The core of the examination or settlement of criminal cases through criminal justice is to prosecute the perpetrators because of their violation against the law as the prosecutor charges it. Judges, public prosecutors, and legal advisors always focus on the actions of the accused and tend to ignore (reject) things that are not directly related to the indictment, so that the end of an examination (court decision) tests the truth of the prosecutor's accusation (Sunaryo, 2004)²⁶. Within the case, then in the investigation of criminal cases, there is a forgotten or unreachable main problem in the conflict that has not been resolved by the criminal justice process. Even though the case has been decided and the defendant has approved the crime.

Table 23

Victim's evaluation of the criminal justice process as the completion of the criminal case

No	Qualification	Number	%
1	Strongly agree	8	23
2	Agree	13	37
3	Neutral	2	6
4	Disagree	10	28
5	Strongly disagree	2	6
N:		35	100

²⁵ HADJON, P. M., & DJATMIATI, T. S. (2005). *Argumentasi Hukum*. Yogyakarta: Gajah Mada University Press

²⁶ SUNARYO, S. (2004). *Kapita Selekta Sistem Peradilan Pidana*. Malang: UMM



Those who expressed their disapproval were 36%. Criminal justice is considered not to resolve cases between victims and perpetrators, which is resulting in feelings of hostility or revenge on the victim's side. That means criminal justice, according to some victims, is considered to have not touched the essence of a case that should be. Some victims still feel fear of the possibility of revenge by the perpetrators of crimes after finishing their crimes because of the victim's courage to report and become the main witnesses in the court, which incriminated the defendant. The feeling of fear of the victim because of the attitude of the perpetrators of the crime (the defendant). Perpetrators who show hostility and do not show remorse or feeling guilty, especially in violent crime cases, often frighten victims of crime (Yulia, 2010)²⁷.

However, some defendants act kindly and friendly to the victims. They also feel they have not been adequately represented by the activities carried out by law enforcement officers in criminal justice, because their various need is not given any attention, including among the losses suffered due to the crime. Even victims still must pay their costs for the benefit of criminal justice (Boven, 2002)²⁸.

3) Victim Evaluation of a Series of Activities of the Law Enforcement in Resolving Some Cases

Law enforcement activities in resolving cases that were reported were considered satisfying the victims (42%). Some victims expressed their opinions about their dissatisfaction (26%) of the entire criminal justice process (with a very satisfying category around 8%, and very dissatisfied around 20%), even though the criminal demeanor had been convicted at the first court level. Victim's evaluation of all activities carried out by law enforcement officers in the process of resolving criminal cases through criminal justice, and court decisions can be seen in the following table:

Table 24
Victim's Evaluation of a Series of Case Resolving Processes through the Criminal Court and Court Decisions

No	Qualification	Number	%
1	Very satisfying	3	8
2	Satisfying	14	4
3	Neutral	2	6
4	Not satisfying	4	26
5	Dissatisfying	7	20
N:		35	100

The activities carried out by law enforcers in processing cases from the level of investigation, prosecution, and trial examination, are following their

²⁷ YULIA, R. (2010). *Viktimologi, Perlindungan Hukum Terhadap Korban Kejahatan*,. Yogyakarta: Graha UIN

²⁸ BOVEN, T. V. (2002). *Mereka yang Menjadi Korban*. Jakarta.: ELSAM



expectations. This means that they have done the task maximally (Kristiana, 2009)²⁹. But by some victims of the first and second groups of law enforcement actions are considered, it is not finished yet with what was they had expected before. Whereas the victims' evaluation of all activities carried out by law enforcement officers in the process of resolving criminal cases through the criminal justice and court decisions are as follows:

Table 25
Victims' Perception of Law Enforcement Apparatuses
in the Process of Resolving Criminal Cases and Judgments
According to Victims Group

Groups of Victims towards:	Victims' Perception of Law Enforcement Apparatuses				
	Very Satisfying	Satisfying	Neutral	Not Satisfying	Dissatisfying
Lives, body and honor	1 7 %	4 29 %	2 14 %	4 24 %	3 21 %
Property and wealth	2 13 %	6 40 %	-	3 20 %	4 27 %
Trust	-	4 67 %	-	2 33 %	-


The level of satisfaction of the victims of the third group tends to be higher than the first group and the second group. It because the cases submitted by the victims of the third group are generally vague cases that can be categorized as civil cases and criminal cases, such as fraud and embezzlement. The victims were satisfied because the various alternative solutions offered had failed, and the criminal justice facilities had helped them to release frustration feeling to the perpetrators. Therefore they expressed satisfaction with the criminal justice process even though the criminal court was judged to have not resolved the dispute with the perpetrators (Muhammad, 2006)³⁰; this happened at all levels of the victims' education.

Table 26
Victim's Evaluation of Case Resolution Series through Criminal Justice according to
Victim Education Level

Education Level of Victims of Crimes	Victim's Evaluation of Case Resolution Series				
	Very Satisfying	Satisfying	Neutral	Not Satisfying	Dissatisfying
Elementary School	-	1 50 %	-	1 50 %	-

²⁹ KRISTIANA, Y. (2009). *Menuju Kejaksan Progresif, Studi tentang Penyelidikan, Penyidikan dan Penuntutan Tindak Pidana*. Yogyakarta: LSHP

³⁰ MUHAMMAD, R. (2006). *Potret Lembaga Pengadilan Indonesia*. Jakarta: Rajawali Press



Junior School	High	1 17 %	3 50 %	-	2 33 %	-
Senior School	High	1 7 %	5 33 %	4 7 %	2 13 %	6 40 %
University		1 10 %	4 40 %	-	4 40 %	1 10 %
Not go to school		-	2 100 %	-	-	-

4. CONCLUSION

Victims' perceptions of the criminal justice process generally are ethical. This evaluation was given by all groups of victims and from all levels of education. That means, the group of the victim and the education level of the victim are not a determining factor in providing an evaluation of the criminal justice process. Likewise, when they are asked for their opinion on the role of the police officer, prosecutors, and judges in carrying out their duties as part of the criminal justice system.

However, when the victims are asked for their opinion on something that is not directly related to what they experienced, the victims gave a different impression. For example, victims' perceptions of police officers' responses in receiving or processing reported cases were mostly good. Even though the average victims had to deal with the police officer more than twice (some were more than eight times), and most victims had never made requests to the case to proceed immediately.

The different perceptions that occur can be motivated by the culture of the community who are generally reluctant to give a real evaluation of things that involve or influence the victims (Sargeant, Murphy, & Cherney, 2014)³¹. The assessment was motivated by their experience in dealing directly with the law enforcement agency. All criminal cases proceeded by the police officer, which are used as the sample of this research - indeed ended in a criminal conviction. Both those who have permanent legal force or those who do not have permanent legal authority. The success of the police officer and prosecutors in processing such cases can influence the opinions of the victims. When they were asked for their evaluation of the activities of the police, prosecutors, and judges, they tend to respond positively. Regardless of whether the criminal verdict is satisfactory or unsatisfactory for the victim.

³¹ SARGEANT, E., MURPHY, K., & CHERNEY, A. (2014). Ethnicity, trust, and cooperation with police: Testing the dominance of the process-based model. *European Journal of Criminology*, 11(4), doi:10.1177/1477370813511386, 500-524



Even though most of the victims considered that the activities of the police officer, prosecutors, and judges were good, but some other victims were judged differently. The police officer, prosecutors, and judges are indeed successful in processing cases until conviction, but they have not carried out their functions properly and optimally. In the judicial process, law enforcers have not paid attention to and taken into consideration the needs and opinions of victims. Hence, the victims were interested directly in the reported case. As a result, the demeanor of the victim towards the police officer, prosecutors, and judges so far as they relate to the rights and interests of victims tends to give a negative response (Koster, 2017)³².

It can be argued that the victim's perception of criminal justice as a whole can be described as to be more tolerant towards things of abstract nature - do not directly involve themselves or the needs of victims - related to the administration of the criminal justice. Conversely, for some issues on subjective feelings or interests of victims in the administration of criminal justice, victims of crime tend to be critical. The victims of crime in trust (such as fraud or embezzlement) and complaint offenses, generally reporting to the police officer or resolving cases through criminal justice, were the last option to be done after other efforts had failed. Thus, the victim's response tends to be positive; especially, it is ended in a criminal conviction. Criminal law has given full authority to the authorities to resolve cases arising based on common or public interests. Conversely, criminal law avoids dependence on a case resolution on a person (Wu & Sun, 2009)³³.

The crime insight influences the view of the criminal justice system towards the victims of crime. The act of crimes is seen as violation of all related to the general public order, which is monopolized by the state (Tarling & Morris, 2010)³⁴. The crime victims' needs are linked to the importance of the country, so the state is responsible for fulfilling the legal interests of victims of crime in the criminal justice system, and the matter of compensation can be charged to the perpetrators, or be paid by the state (compensation). This view implies that criminal justice is held in the context of prosecuting perpetrators for violating public order or legislation. Furthermore, victims of crime in the criminal justice process are placed as one part of the evidence, namely as the main witness (victims' witness). The police officer, prosecutors, advocates or lawyers and judges generally protect and serve victims in their capacity as witnesses who need to be protected by their originality

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³³ WU, Y., & SUN, I. Y. (2009). Citizens trust in police: The case of China. *Police Quarterly*, 12(2) doi:10.1177.1098611108330228, 170-191

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