



## Current Development of New Victimology: Interdisciplinary Perspectives

Faculty of Law, University of Surabaya (UBAYA) in collaboration with APVI (Asosiasi Pengajar Viktimologi Indonesia), Hang Tuah University (UHT), Surabaya organize **APVI Annual Meeting, International Conference and Course on Victimology 2018**, which will be held in Wyndham Hotel, in Surabaya, Indonesia on November 26-29, 2018.

Over the last few decades, the studies about victim have evolved. It has changed the traditional concept about victim from just persons who “witnessing, reporting, or suffering from the crime” to “emancipated person who standing for their own right.” Yet, where do victims stand today and in the future is still a big question that needs to be addressed.

The study of these fields wouldn’t stop to thrive. The great dynamics of society and the development of crime around the world spurred with technology has emerged the new phase of victimological studies. Various crimes using many modern aspects of human life face new questions and new problems to the concept of victimization and the identity of victims itself. This area needs factual response from researchers and practitioner’s perspective so that victimology can be a susceptible tool to build the victim-oriented regime in the criminal justice system.

It is necessary to provide a special forum to encourage any scholars from all countries who have high concern to these issues. Faculty of Law, University of Surabaya collaborating with APVI (Association of Indonesia Victimology Lecturers) are eager to take this important role.

Therefore, International Conference on Victimology will be held for three days and engage any all victimology researches and practitioners, including victimologists, legal scholars and practitioners, social sciences academicians from all levels, medical doctor and psychologists, law enforcement officials, victim assistants, governmental officials, social activists, students, etc.

## **Tentative Schedule**

### **Monday, Nov 26, 2018**

- 13.00-14.00 Registration for Victimology Lecturers' Meeting & Hotel Check-in
- 14.00-15.00 Opening Ceremony and Welcoming Remarks
- 15.00-16.00 Vision, Mission and Objectives of APVI
- 16.00-17.00 Keynote Speech: Prof. Marc Groenhuijsen
- 17.00-18.30 Dinner & Break/ISHOMA
- 18.30-20.00 Discussion: Victimology Learning Process in Academic Institutions
- 20.00-22.00 APVI Members Meeting, Organization, Plan of Action, Journal, Legal Issues

### **Tuesday, Nov 27, 2018**

- 07.30-08.00 Course on New Victimology Registration
- 08.00-08.30 Pre-test
- 08.30-09.30 Victimology Development in Current World: Prof. Marc Groenhuijsen
- 09.30-10.30 History of Victimology in Indonesia and Developments of Attention to Victim: Prof. Fachri Bey, Ph.D.
- 10.30-11.30 Victimology, Purposes of Study and Comparison to Criminology: Prof. Robert Peacock\*
- 11.30-12.30 Victimization, Effect, and Typology of Victims: Dr. Elfina L. Sahetapy
- 12.30-13.30 Lunch Break/ISHOMA
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11.00-11.15	Room Transition and coffee break
11.15-12.30	Panel session 1
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13.30-14.00	Photo session
14.00-16.00	Plenary session 2
16.00-16.15	Room Transition and coffee break
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**Thursday,  
Nov 29, 2018**

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08.00-10.00	Panel session 3
10.00-10.30	Coffee break
10.30-12.00	Hotel check-out, International Conference closing and lunch



# 3th International Conference & Course on Victimology 2018

Diperbarui: 4 Jan 2020

**Kerjasama Asosiasi Pengajar Viktimologi, Universitas Surabaya & Universitas Hang Tuah.**



Untuk menegakan keadilan terhadap pelaku kejahatan dan korban, Rabu-Kamis, 28-29 November 2018 Fakultas Hukum Universitas Surabaya (Ubaya) bekerja sama dengan APVI (Asosiasi Pengajar Viktimologi Indonesia), Universitas Hang Tuah (UHT) menyelenggarakan International Conference Course On Victimology 2018 and APVI Annual Meeting, bertempat di Wyndham Hotel Surabaya, Indonesia.

Mengusung tema “Current Development Of New Victimology: Interdisciplinary Perspectives” kegiatan ini diikuti oleh 100 peserta berasal dari mahasiswa, perwakilan akademisi Perguruan Tinggi di Indonesia dan praktisi di bidang hukum. Konferensi kali ketiga ini, melibatkan peneliti dan praktisi dari berbagai disiplin ilmu yang membahas, menganalisa, bertukar pikiran, dalam ruang lingkup tema perkembangan viktimologi baru melalui pendekatan interdisipliner.

Dengan menghadirkan pembicara dari 5 negara yakni Prof. Marc Groenhuijsen (Intervict), Prof. Fachry Bey, Ph. D (Universitas Indonesia), Dr Angkasa, S.H., M.Hum (Universitas Jenderal Sudirman), Bhannu Prakash Nunna, M.A (Jindal Global Law School India), Mr. Michael O’Connell (World Society of Victimology), Heru Susetyo, S.H., LL.M., M.Si., Ph.D (Universitas Indonesia), Peter N. Halpern (USA) dan Dr. Elfina Lebrine Sahetapy, S.H., LL.M. Wakil Dekan II Fakultas Hukum Ubaya selaku Moderator.

Victimologi baru merupakan perspektif baru yang melihat korban bukan hanya dari korban kejahatan, namun bagaimana masyarakat memandang korban. “Saat ini penegak hukum hanya fokus pada pelakunya saja, namun sering kali mengabaikan kondisi dan psikologi dari si korban,” ujar Anton Hendrik Samudra, S.H., M.H. selaku Dosen FH Ubaya dan penanggung jawab kegiatan.

Prof. Fachry Bey, Ph. D mengatakan selama beberapa dekade terakhir studi mengenai korban dari kejahatan telah berevolusi. Banyak pakar telah mengubah pemikiran dan pandangan mengenai para korban kejahatan, orang-orang yang menyaksikan kejahatan dan orang-orang yang menderita karena kejahatan saat ini kembali memperjuangkan haknya.

“Sering kali korban terabaikan. Mereka harus berjuang sendiri dan penegak hukum hanya fokus menghukum pelaku saja. Efek dari kondisi ini korban merasa tidak didukung sehingga sering kali muncul masalah baru, seperti depresi, suka menyalahkan diri sendiri, bahkan dalam kasus tertentu timbul niat bunuh diri,” ujarnya. Sementara itu, Dr Angkasa, S.H., M.H. berharap hasil dari seminar ini dapat dijadikan sebagai satu acuan pedoman ilmu dalam menentukan satu kebijakan sikap dalam penanganan kasus korban kekerasan di masyarakat. (ee)

# Current Development of New Victimology: Interdisciplinary Perspectives

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10.30-12.00 Hotel check-out, International Conference  
closing and lunch

## International Conference Speakers



**Prof. Mr. M.S. Marc Groenhuijsen**

*Tilburg University, NETHERLANDS*





**Prof. Michael O'Connell**

*VRGSA Commissioner, AUSTRALIA*



**Dr. Tanya Gibbs**

*Chief Research Officer for the Prague-based Institute for Democracy 21, CZECH REPUBLIC*



**Mr. Bhanu Prakash Nunna, B.A., M.A.**

*Jindal Global Law School, INDIA*



**Prof. Fachri Bey, S.H., M.M., Ph.D.**  
*University of Indonesia, INDONESIA*



**Dr. Angkasa, S.H., M.Hum.**  
*Jenderal Soedirman University, INDONESIA*



**Heru Susetyo, S.H., LL.M., M.Si., Ph.D.**  
*University of Indonesia, INDONESIA*



**Peter N. Halpern**

*United States Department of Justice, USA*





UBAYA  
UNIVERSITAS SURABAYA



50<sup>TH</sup>  
Years  
FACULTY OF LAW  
UNIVERSITY OF SURABAYA

# CERTIFICATE OF APPRECIATION



Advancing research, service and  
awareness for victims



ASOSIASI PENGAJAR  
VIKTIMOLOGI INDONESIA

is awarded to:

**Dr. Angkasa, S.H., M.Hum.**

as invited speaker

## 3<sup>rd</sup> International Conference on Victimology **CURRENT DEVELOPMENT OF NEW VICTIMOLOGY: INTERDISCIPLINARY PERSPECTIVES**

Surabaya, 26-29 November 2018



**Dr. Yoan Nursari Simanjuntak, S.H., M.Hum**  
Dean, Faculty of Law, University of Surabaya

  
**Michael O'Connell**  
Secretary-General of the World Society of Victimology



**Dr. Angkasa, S.H., M.Hum.**  
Chairman of APVI





KEMENTERIAN RISET, TEKNOLOGI, DAN PENDIDIKAN TINGGI  
UNIVERSITAS JENDERAL SOEDIRMAN  
FAKULTAS HUKUM

Jalan Prof. Dr. HR. Bunyamin 708 Purwokerto Kode Pos. 53122  
Telepon (0281) 638339 Faksimile 627203  
Email : fh@unsoed.ac.id Laman : http://fh.unsoed.ac.id

**SURAT TUGAS**

Nomor : 3728/UN23.05/ DL.07.01/2018

**DEKAN FAKULTAS HUKUM UNIVERSITAS JENDERAL SOEDIRMAN**

Dasar : Surat dari 3<sup>rd</sup> International Conference And Course On Victimology 2018  
Current Development On New Victimology : Interdisciplinary Perspective  
Annual Meeting Of APVI, Perihal Pengantar Publikasi Informasi Kegiatan,  
17 Oktober 2018

Dengan ini menugaskan kepada :

No	Nama / NIP	Pangkat / Golongan	Jabatan
1.	Dr. Angkasa, S.H., M.Hum. NIP. 196409231989011001	Pembina (IV/a)	Lektor Kepala
2.	Rani Hendriana, S.H., M.H. NIP. 198806262014042001	Penata Muda Tk.I (III/b)	Asisten Ahli

Sebagai 3<sup>rd</sup> International Conference And Course On Victimology 2018 Current  
Development On New Victimology : Interdisciplinary Perspective serta Annual Meeting Of  
APVI 2018 yang akan dilaksanakan pada :

Hari/Tanggal : Senin - Kamis / 26 – 29 November 2018

Tempat : Hotel Wyndham, Surabaya

Demikian tugas ini untuk dilaksanakan dengan sebaik-baiknya dengan penuh rasa  
tanggung jawab.



Purwokerto, 16 November 2018

Prof. Dr. Ade Maman Suherman, S.H., M.Sc.  
NIP. 196707111995121001

## Corruption in Victimology Perspective<sup>1</sup>

By:

Angkasa<sup>2</sup>

### Abstract

The criminal act of corruption in the perspective of victimization is intended as a discussion of corruption practices seen from the goals of victimization which include to analyze the manifold aspects of the victim's problem, to explain the causes for victimization, and to develop a system of measures for reducing human suffering. The people who become victim of corruption can be experiencing many kinds of losses and/or suffering in a wide dimension. In some cases, it is probably decrease the welfare of nation. The cause of corruption in the victimology perspective can come because of the contribution of the community who put themselves into victims or become victim precipitation. It tends to occur in the bribery case committed by taxpayers to tax officers and also the public who violate traffic, against law enforcement officers. Because of this bribe, the country has suffered losses due to loss of income that should be received by the state for tax and fine tickets. A system that can be built to reduce the suffering of victims for certain types of corruption, namely restitution. Restitution paid by the offender to the victimized community in the form of the facility construction.

Key words: Corruption, Victimology, Restitution

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<sup>1</sup> Presented on 3<sup>rd</sup> International Conference, Course on Victimology and APVI Annual Meeting, Surabaya 26<sup>th</sup>-29<sup>th</sup> of November 2018.

<sup>2</sup> The Lecturer of Law Faculty of Jenderal Soedirman University and The Leader of Indonesia Victimology Lecturer Association (APVI)



## **Corruption in Victimology Perspective**

### **1. Introduction**

Corruption in the formulation of Article 2 paragraph (1) The Republic of Indonesia constitution Number 31 year 1999 concerning the Eradication of Corruption Crimes is "Every person who violently violates the law by enriching themselves or someone else who is a corporation that can detriment the state's finances or country's economy .. "

In addition, the formulation of corruption in the law is spread in several articles within various threats of sanctions and the maximum sanction in the form of capital punishment. Corruption is very dangerous because it brings a huge detrimental effect towards the victims, namely the people of a nation that live in a country. In one of the consideration of the Republic of Indonesia constitution Number 31 of 1999 concerning Eradication of Corruption Crime states that the consequences of corruption criminal acts that have been detriment the state's finances or the country's economy and also inhibit the growth of national development sustainability which demands high efficiency.

Based on this consideration, corruption also goes to be a concern of the world, including in 2003, the United Nations (UN) formed the Anti-Corruption Convention (United Nation Convention Against Corruption-UNCAC). On its statement UNCAC aims to: Promote and strengthen the preventive efforts due to eradicate corruption more effective and efficient; To promote, facilitate and support the international cooperation and technical assistance in order to prevent and fight the corruption, including the assets recovery; (c) To improve the integrity, accountability and good management of public affairs and public property.<sup>3</sup>

Toward the existence of corruption, there are very much reviews from various perspectives or points of view.

In the following article, the corruption crime seen from victimology perspective based on victimology goal which conceptualized by Zvonimir-Paul Separovic includes these three

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<sup>3</sup> Article no 1 General Assembly resolution 58/4 of 31<sup>th</sup> October 2003. The detail of UNCAC purposes was formulated on Article no 2

objectives as follow. 1. Analyze the manifold aspects of the victim's problem; 2. to explain the causes of victimization; 3. to develop a system of measures for reducing human suffering

Based on this perspective, rise an intention to bring up a new idea in the form of a system to reduce the loss and / or suffering of corruption victims

## **2. The Victim Problem of Corruption Crime**

Victims of corruption are people from various community groups and as a whole nation and/or society. This was also stated in the United Nations Convention Against Corruption (UNAC) statement that corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish.<sup>4</sup> Further more, they said that the evil phenomenon is found in all countries - big and small, rich and poor - but is developing the world that its effects that are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government's ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development.<sup>5</sup>

In The Fourth Session of the Conference of the States Parties to the United Nations Convention against Corruption in Marrakech (24-28 October 2011) there was an opinion that Corruption is a global threat. It is a serious roadblock to economic development," said the Executive Director of the United Nations Office on Drugs and Crime (UNODC), Yury Fedotov. "Corruption aggravates inequality and injustice, and undermines stability, especially in the world's most vulnerable regions."<sup>6</sup>

Corruption is a global phenomenon found in all countries but evidence shows it harms poor people more than others, stifles economic growth and diverts desperately needed funds

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<sup>4</sup> United Nations Office On Drugs And Crime Vienna, 2004, page iii

<sup>5</sup> *Locit.*

<sup>6</sup> *Op.cit*



from education, healthcare and other public services. An estimated one trillion US dollars get siphoned off through bribes every year according to the World Bank.<sup>7</sup>

Based on United Nation office on Drug and Crime (UNODC) corruption is a complex social, political and economic phenomenon that affects all countries. Corruption undermines democratic institutions, slows economic development and contributes to governmental instability. Corruption attacks the foundation of democratic institutions by distorting electoral processes, perverting the rule of law and creating bureaucratic quagmires whose only reason for existing is the soliciting of bribes. Economic development is stunted because foreign direct investment is discouraged and small businesses within the country often find it impossible to overcome the "start-up costs" required because of corruption.<sup>8</sup>

The economic perspective on corruption victims community raises inefficiencies and destroys incentives. Corruption often leads the waste or misuse of natural and national resources, with economic consequences, through incentives to repay the government who officially supervise the large investment projects. Corruption affects economic growth, reducing income in the tax sector which leads to the rise of misery and poverty to many people.<sup>9</sup>

Corruption victims are not only short-term but long-term. It leads to a sense of community distrust, apathy and frustration with the state. On the other hand, the victim community can be very weak to pursue a change of government to be more representative and responsive..<sup>10</sup>

Based on several descriptions above, the victims of corruption isn't only the public but also the state (government). The forms include damaging democracy and the rule of law, leading to human rights violations, distorting markets, eroding quality of life and enabling the

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<sup>7</sup> The Fourth Session of the Conference of the States Parties to the United Nations Convention against Corruption in Marrakech (24th-28 October 2011) accessed through [https://www.unodc.org/documents/treaties/UNCAC/COSP/session4/CoSP4\\_Factsheet\\_cp658e.pdf](https://www.unodc.org/documents/treaties/UNCAC/COSP/session4/CoSP4_Factsheet_cp658e.pdf) Tuesday November 20<sup>th</sup> 2018

<sup>8</sup> UNODC's Action against Corruption and Economic Crime <http://www.unodc.org/unodc/en/corruption/index.html?ref=menuaside> accessed on Tuesday November 20<sup>th</sup> 2018

<sup>9</sup> James M. Leaman, 2009, *Religion, Spirituality, Corruption And Development: Casual Links and Relationships*, Dissertation, Faculty of The Graduate School of Public and International Affairs University of Pittsburgh. Available from the World Wide Web: [http://d-scholarship.pitt.edu/6291/1/JamesLeaman\\_ETD.pdf](http://d-scholarship.pitt.edu/6291/1/JamesLeaman_ETD.pdf). Page 25-26.

<sup>10</sup> *Ibid.*



organized crime, terrorism and other threats to human security to develop. In addition, corruption harms poor people disproportionately by diverting funds intended for development, so does damage the ability of the Government to provide basic services. The most basic occurrence of criminal acts is that human rights violation.

### 3. Causes of Corruption Crime Victims

In addition to victimology perspective, corruption can be occurred because of structural factors, institutional, historical, and economic factors. In Indonesia the study results show that the causes of corruption are about personal interests and political networks, low-paid civil servants, low quality regulations, and weak judicial independency. Besides, local officials are given broad discretionary powers and resources without proper mechanisms, accountability and enforcement.<sup>11</sup>

The Victimology Perspective says that the occurrence of victimization can be led by the role of victim factor which is theoretically known as *Victim precipitation*. *Victim precipitation* is a term that was first used by Wolfgang to describe a situation where the victim was the initial attacker in an action that caused their loss<sup>12</sup>. In further development Victim precipitation theories attempt to explain victimization through an analysis of the situational contingencies and dynamics that exist in interpersonal interactions. Lifestyle theories of victimization also examine the situational characteristics of victimization events, but they focus more intensely on the personal characteristics of victims and offenders. These theories have direct implications for prevention in their explicit focus on the structure of criminal events and the subjective intentions and perceptions of offenders.<sup>13</sup>

The concept of VP in corruption crime is very appropriate to explain the practice of bribery as stipulated in the Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption renewed by the Law of the Republic of Indonesia Number 20 of 2001 concerning Amendment to Law Number 31 1999 concerning the

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<sup>11</sup> Transparency International, 2012, *Causes of corruption in Indonesia*, <https://www.u4.no/publications/causes-of-corruption-in-indonesia>, Tuesday November 20<sup>th</sup> 2018.

<sup>12</sup> Petherick WA, Sinnamon GCB (2013) Motivations: *Victim and Offender perspectives*. In Petherick WA (Eds.), *Profiling and serial crime: Theoretical and Practical Issues* (3rd edn), Anderson Publishing, USA, pp. 393-430.

<sup>13</sup> Brad A. Myrston and Steven M. Chermak, 2005, *VICTIMOLOGY*, London: Longman. P. 464.

Eradication of Corruption Crime (Corruption Law). In these provisions, bribery is regulated in Article 12 letters a and b and Article 13.

Corruption Laws Article 12 "Convicted with a lifetime imprisonment or imprisonment for a minimum 4 (four) years and a maximum of 20 (twenty) years and a fine of at least Rp. 200,000,000.00 (two hundred million rupiah) and a maximum of Rp1 .000,000,000.00 (one billion rupiah);

- a. civil servants or state administrators who receive gifts or promises, even though it is known or reasonably suspected that gifts or promises are given to do or not to do something in their positions, which is contrary to their obligations;
- b. a civil servant or state administrators who receive gifts, even though it is known or reasonably suspected that the gift is given as a result or caused by having done or not done something in his position that is contrary to his obligations.

In the Criminal Code, bribery is regulated in the provisions of Article 419, Article 420, Article 423, Article 425 and Article 435.

Threatened by a maximum five years imprisonment for an official:

1. The one who received gifts or promises even though it is known that the gift or promise are given as a reason to lead him/her do or not to do something in his position that is contrary to his obligations;
2. The one received the gift has already known that the gift is given as the result or by having done or not done something in his position that is contrary to his position.

In the daily practice, bribery with the victim involvement can be seen on traffic violation cases, as well as the obligations of taxpayers who faced the tax officers in order to ask for smaller payment illegally or any kind of law violations.

Those traffic offenders often "ask for help" to the police who wanted to give them ticket, due to make the case closed easily and avoid the court.

The way they do this is by giving amount of money to the officer who wants to give them ticket, they do it neatly so that it won't be seen by the public. In big cities these methods are



more vulgar, even among those who want to bribe and be bribed, there is such a bargainable price. In fact, according to the informations from several taxi drivers in Jakarta, several officers did not want to be paid with Rp. 10,000 in bills, they wanted at least Rp. 50,000 in denominations.

The main motivation of motor riders to bribe is to get a smaller fine as the result of violations that they have been committed. Can be exemplified by the Law Number 22 of 2009 concerning Road Traffic and Transportation, which was passed by the Parliament on June 22<sup>th</sup>, 2009: Violations of not having a driving liscence is punishable by imprisonment for a maximum of 4 months or a maximum fine of Rp. 1 million (Article 281); Every motorized driver who has a driver license but cannot show it during a raid can be punished by a maximum of 1 month imprisonment or a maximum fine of Rp 250 thousand (Article 288 paragraph 2);

Every motorized driver which the vehicle number is not embeded can be punished a maximum of 2 months imprisonment or a maximum fine of Rp. 500 thousand (Article 280); Every driver who violates traffic signs is sentenced to imprisonment for a maximum of 2 months or a maximum fine of Rp. 500 thousand (Article 287 paragraph).

The threats of fine are very burdening, so by initiating a shortcuts like a bribery, the offender's bill becomes much smaller. However, on the other hand, state losses greater due to loss of income which should be accepted from the fine of violators of Law Number 22 of 2009 concerning Road Traffic and Transportation.

Another bribery action that can help victims to be involved VP aspect is bribery in the field of taxation, in this case the taxpayer bribes the tax officers or Tax Institution in order to reduce the nominal of the tax that should be paid. For example, the well-known case about two Ambon tax officers and one person from a private sector who had been arrested by the Corruption Eradication Commission (KPK).

In the news on media, taxpayers should pay taxes in the range of around Rp. 1.7-2.4 billion, but based on negotiation that illegally conducted with the officials of the tax office, the taxpayer is only burdened with of Rp. 1.037 billion. It's ensured by certain requirements so that can be called bribe from the taxpayers to the tax officials. For this practice, it seems at a glance that the country has suffered a large loss by not accepting funds from taxpayers as it suppose

to. The practice of bribery for police officers and taxation can be exemplified as a victimization (criminal act) with participation of victims or victim precipitation. It was said that there was victimization (crime) because the act was qualified as a bribe, prohibited and regulated in Indonesian positive criminal law both in the Criminal Code and the Corruption Act.

Based on those examples above, the most suffered victims are the state and society. Because of the bribery practices, state has lost its income that should have been received or in the several corruption act articles formulation, mentioned that there are state losses. If it is claimed, the income (fine) from the community as the evidence of violation or taxes payment belong to the state. The collected funds will be returned to the community for various interests including various development programs both physical and non-physical. For state losses due to the non-entry of state as the illegal diverts result which should go to the state treasury but switched to individual cash or corporate cash, create the consequences such as the government's program get reduced in quantity and quality as well as the impact for the society include those who have done a bribery. It means the bribers also become victims of what they have been done.

#### **4. Restitution as a System for Reducing Corruption Crime Victims**

Beside explaining the various aspects of the of victim problems, the causes of victimization (crime), victimology perspective also tries to build a system to reduce the suffering of victims. The alternative offered through this paper is the sanction of granting restitution to the corruption perpetrators.

Restitution in the victimology perspective is related to the repair or restoration of physical repairs, moral and property losses, the position and victims rights after the attacks of criminal offenders (criminals). Restitution is an accountability indication of the criminal offenders. Restitution is a restitutive act against a criminal offender who has a criminal character and describes a corrective purpose in a criminal case.<sup>14</sup>

in *Webster's World University Dictionary* restitution is defined as.

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<sup>14</sup> Angkasa, 2004, *Victim Position in Criminal Justice System (Victimological Approach to Rape Crime Victims)*, Dissertation at the Faculty of Law, UNDIP, Page. 118.



*Restitution is the act of restoring to the original owner, making good a loss, indemnification: restitution is reparation to an original shape: said of elastic bodies. Synonym compensation, damages, reparation, return*<sup>15</sup>

The restitution forms by Graborsky, mentioned that. "...restitution is the payment of money or provision of service to a crime victim by offender. The principle of restitution the offender should bear the cost of "restoring" the victim, .."<sup>16</sup>

The implementation of Galaway restitution distinguished in four types, namely monetary victim restitution, monetary-community restitution, service-victim restitution and service-community restitution.<sup>17</sup> *Monetary-victim restitution*, means the perpetrator directly pays the victim in the form of money based on the loss number or suffering of the victim. The amount and implementation are determined and supervised by the court.

*Monetary-community restitution*, the offender pays compensation not to individuals as above, but to the community group. This kind of restitution is applied to the criminal acts people/society as the victim. For example acts of vandalism, or destruction of facilities or public interests. It can also be applied towards victims who do not want to take a part the restitution program.

*Service-victim restitution* and *service-community restitution*, basically is same as the two types above. The difference is on *service-victim restitution* and *service-community restitution* the form of restitution is not money but service. This is because the perpetrator is not financially capable. For example if the perpetrator has low income and / or the perpetrator is a teenager.<sup>18</sup>

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<sup>15</sup> Webster, 1985, *World University Dictionary*, Copyright 1965. By Books Inc. Printed in The United States of America, Publishers Company Inc. Washington D. C. Hal. 841.

<sup>16</sup> Peter Graborsky, 1989, *Victims* in *The Criminal Injustice System* vol. Two, George Zdenkovski, Chris Ronalds and Mark Richardson (ed.) Pluto Press. Australia. Page. 151.

<sup>17</sup> Galaway, 1981, "*The Use of Restitution*", In B Galaway and J. Hudson (eds.), *Perspectives on Crime Victims*. St. Louis, MO: Mosby. Hal.16

<sup>18</sup> William G. Doerner, Steven P. Lab, 1998. *Op.cit.* Page. 76. Look up Andrew Karmen, 1984 *Crime Victims*. Monterey, California. Page. 176. Karmen refers to Galaway (1977) also mentioned: "Four combinations of restitution arrangements are possible payments by the offender to the actual victim, perhaps through an intermediary (the most common); earnings shared with some community agency or group serving as a substitute victim (rather than a fine collected by the government); personal services performed by the offender to benefit the victim (an uncommon outcome); and labor donated by the offender for the good of the community (frequently ordered).

Referring to the classification of the restitution types, the most appropriate type to be applied for the community as corruption victim is the second model, the monetary-community restitution or the fourth (serve community restitution). These kind of sanctions seem to have more justice value for victims in this case the community for some cases of corruption, rather than just perpetrators get sanctions in the form of imprisonment.

It is in line with the statement on international instruments "Declaration of Basic Principles of Justice for Victim of Crime and Abuse of Power" (UN Resolution No 40/34). In the provisions Number 10, the UN Declaration states that "In the case of large losses to the environment, if ordered, restitution includes up to the environment repair, infrastructure rebuilding, public facilities replacement and reimbursing the cost of relocation, if the losses lead to a broken society".<sup>19</sup>

## 5. Conclusions.

1. Corruption crime creates victims for community and / or the state, include impoverishes the community, inhibits development and violates the human rights.
2. For several types of corruption criminal acts such as bribery, the victims can contribute to a victim precipitation of corruption criminal acts.
3. Restitution sanction is one the alternative in order to reduce the suffering of victims.

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<sup>19</sup> Angkasa, *Restitution for Corruption Victims in the Victimology Perspective*, Paper presented at the Continuing Legal Education in National Law Development Agency of the Ministry of Law and Human Rights, Republic of Indonesia on September 3<sup>rd</sup>, 2013 at the BPHN Hall Jl. Major General Sutoyo 10 Ciliitan East Jakarta, Page.8.



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