

WITNESS AND VICTIM PROTECTION AGENCY

COPY

REGULATION OF THE WITNESS AND VICTIM PROTECTION AGENCY OF THE

REPUBLIC OF INDONESIA

NUMBER 2 YEAR 2020

ON

APPLICATION FOR PROTECTION OF WITNESSES AND/OR VICTIMS OF

CRIMINAL ACTS

BY THE GRACE OF GOD ALMIGHTY

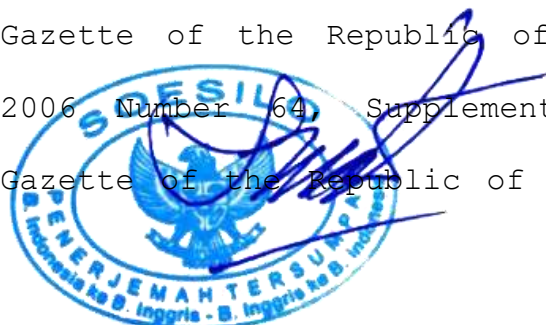
CHAIRPERSON OF THE WITNESS AND VICTIM PROTECTION AGENCY OF

THE REPUBLIC OF INDONESIA,

Considering : a. Whereas, with the enactment of the Law Number 31 Year 2014 on the Amendment to the Law Number 13 Year 2006 on the Protection of Witnesses and Victims, it is necessary to re-regulate the procedures of application for protection of witnesses and/or victims of criminal acts;

b. Whereas, based on the considerations as referred to in letter a, it is necessary to stipulate the Regulation of the Witness and Victim Protection Agency concerning the Application for Protection of Witnesses and/or Victims of Criminal Acts;

Considering : 1. The Law Number 13 Year 2006 on the Protection of Witnesses and Victims (State Gazette of the Republic of Indonesia Year 2006 Number 64, Supplement to the State Gazette of the Republic of Indonesia 4635),



as amended by the Law Number 31 Year 2014 on the Amendment to the Law Number 13 Year 2006 on the Protection of Witnesses and Victims (State Gazette of the Republic of Indonesia Year 2014 Number 293, Supplement to the State Gazette of the Republic of Indonesia Number 5602);

2. The Government Regulation Number 7 Year 2018 on the Provision of Compensation, Restitution, and Assistance for Witnesses and Victims (State Gazette of the Republic of Indonesia Year 2018 Number 24, Supplement to the State Gazette of the Republic of Indonesia Number 6184);

3. The Presidential Regulation Number 60 Year 2016 on the Secretariat General of the Witness and Victim Protection Agency (State Gazette of the Republic of Indonesia Year 2016 Number 134) as amended by the Presidential Regulation Number 87 Year 2019 on the Amendment to the Presidential Regulation Number 60 Year 2016 on the Secretariat General of the Witness and Victim Protection Agency (State Gazette of the Republic of Indonesia Year 2019 Number 255);

4. Regulation of the Witness and Victim Protection Agency Number 1 Year 2015 on the Standards of Services within the Witness and



Victim Protection Agency

HEREBY DECIDED:

To stipulate: THE REGULATION OF THE WITNESS AND VICTIM PROTECTION AGENCY ON THE APPLICATION FOR PROTECTION OF WITNESSES AND/OR VICTIMS OF CRIMINAL ACTS.

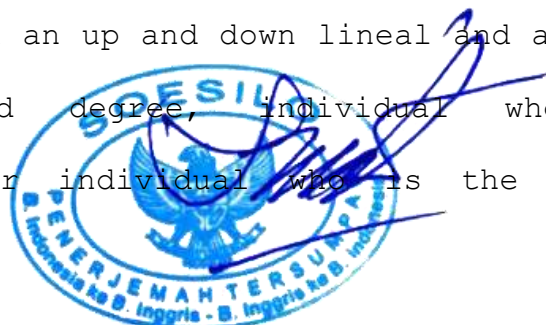
CHAPTER I

GENERAL PROVISIONS

Article 1

In this Regulation of the Agency, the following terms shall be defined as follow:

1. Witness and Victim Protection Agency, hereinafter abbreviated as LPSK, is an agency with a task and authorization to provide protection and other rights to Witnesses and/or Victims as regulated based on the Law and Regulations. on Witness and Victim Protection.
2. A witness is an individual who can provide information for the purposes of investigation, inquiry, prosecution, and examination in court regarding a criminal act that he/she heard himself/herself, saw himself/herself, and/or experienced himself/herself.
3. A victim is an individual who experiences physical, mental and/or economic suffering caused by a criminal act.
4. An applicant is an individual who submits a request for protection to LPSK.
5. A family member is an individual with direct blood relationship in an up and down lineal and a lateral line up to the third degree, individual who has marital relationship or individual who is the dependent of a



witness and/or victim.

6. An associate is an individual who is trusted by the Witness and/or Victim to accompany him/her during the protection application process to conduct counseling, therapy, and advocacy for the strengthening and recovery of the Victim and/or Witness.
7. Leaders of LPSK consist of 1 (one) Chairperson concurrently serving as LPSK Member and 6 (six) Deputy Chairpersons concurrently serving as LPSK Members who handle certain affairs in accordance with the decree of the LPSK Chairperson.
8. LPSK officers are LPSK officials or employees who are assigned to carry out services for receiving and/or reviewing protection applications.
9. Protection is all efforts to fulfill rights and provide assistance to provide a sense of safety for Witnesses and/or Victims that must be carried out by LPSK or other Agencies in accordance with the laws and regulations.
10. Assistance is a service provided for Witnesses and/or Victims by LPSK in the form of medical assistance, as well as psychosocial and psychological rehabilitation assistance.
11. Review is a series of activities, actions carried out by LPSK officers to collect information, statements, data, documents, facts and analysis to conclude the eligibility of a Protection application.
12. Notification Letter of Commencement of Application Review, hereinafter abbreviated as SPDPP, is a letter issued by LPSK to the Applicant as a follow-up to the submitted



Protection application.

13. Investigation is a series of activities, actions to obtain data and information or statement on a request related to the significance of the information, the level of dangerous threats, the results of the medical or psychological team's analysis, and the track record of criminal acts that have been committed.
14. Emergency Protection is protection provided immediately after the application is submitted which is determined by the LPSK decree or protection for victims of terrorism immediately after the incident.
15. LPSK Decree are all decrees stipulated by the LPSK Leaders, which are taken based on deliberation for consensus or based on the majority of votes.
16. Day is a working day.

Article 2

This Regulation of Agency is intended to provide Protection for Witnesses and/or Victims of Criminal Acts within the Witness and/or Victim Protection Agency.

Article 3

The provision of Protection as referred to in Article 2 is in the form of:

- a. obtain Protection for his/her personal safety, family and property, and free from threats related against the testimony that will be, is being, or has been given;
- b. participate in the process of selecting and determining the form of Protection and safety support;
- c. provide information without pressure;
- d. provided with an interpreter;



- e. free from ensnaring questions;
- f. receive information regarding case developments;
- g. receive information regarding court ruling;
- h. receive information in the event that the convict is released;
- i. his/her identity is kept confidential;
- j. receive a new identity;
- k. receive temporary residence;
- l. receive new residence;
- m. receive reimbursement for transportation costs according to needs;
- n. receive legal advice;
- o. receive temporary living expenses assistance until the Protection period ends;
- p. receive assistance;
- q. Medical assistance including funeral costs;
- r. Psychological rehabilitation assistance;
- s. Psychosocial rehabilitation assistance;
- t. Compensation assistance for families in the event that the victim passed away due to a criminal act of terrorism;
- u. compensation facilitation;
- v. restitution facilitation; and/or
- w. Legal protection.

CHAPTER II

PROCEDURES AND REQUIREMENTS FOR SUBMITTING APPLICATIONS

Part One

General

Article 4

- (1) LPSK may provide Protection to Witnesses and/or Victims of



Criminal Acts.

- (2) Protection as referred to in paragraph (1) is provided based on the application.

Part Two

Procedures for Applications for Protection

Article 5

- (1) Applications for Protection as referred to in Article 4 paragraph (2) must be made in writing, signed and/or submitted by the Applicant.
- (2) Applicants as referred to in paragraph (1) consist of:
- a. Witnesses;
 - b. Victims;
 - c. Whistleblowers;
 - d. Witnesses; or
 - e. expert witnesses.
- (3) In the event that the Applicant is unable to submit an application as referred to in paragraph (2), an application for Protection may be submitted by:
- a. Family;
 - b. Associate and/or legal counsel;
 - c. law enforcement officers;
 - d. authorized officials or related agencies; or
 - e. guardian, in the event that the Protection application is submitted for a child.

Article 6

- (1) The application as referred to in Article 5 paragraph (1) must contain at least:
- a. the full name of the Applicant;
 - b. telephone number and/or email address;



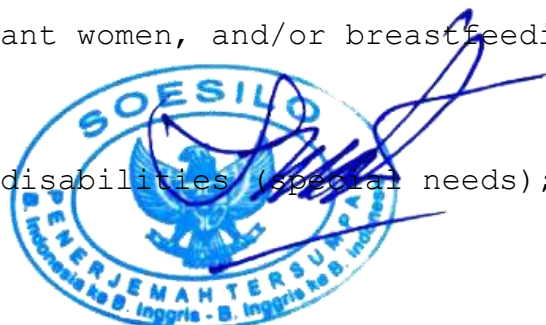
- c. domicile address;
 - d. description of the criminal incident experienced, threats received by the Applicant, and whether the incident has been reported/handled by law enforcement officers; and/or
 - e. other information related to the application.
- (2) The application as referred to in paragraph (1) is submitted to the Chairperson of LPSK.

Article 7

- (1) The Application for Protection as referred to in Article 6 paragraph (3) may be submitted:
- a. directly; or
 - b. indirectly.
- (2) Applications submitted directly as referred to in paragraph (1) letter a, the Applicant directly present him/herself in the LPSK office.
- (3) Applications submitted indirectly as referred to in paragraph (1) letter b, are submitted via:
- a. delivery service;
 - b. facsimile;
 - c. email;
 - d. LPSK official website; or
 - e. mobile phone application.

Article 8

- (1) In the event that a Protection application is submitted directly as referred to in Article 7 paragraph (2) by:
- a. women, pregnant women, and/or breastfeeding mothers;
 - b. children;
 - c. people with disabilities (special needs);



- d. vulnerable physical conditions; and/or
- e. elderly;

LPSK may provide special treatment.

- (2) The providence of special treatment as referred to in paragraph (1) shall be in the form of:
 - a. provision of facilities;
 - b. provision of infrastructure; and/or
 - c. facilitating the submission of applications.

Part Three

Requirements for Protection Application

Article 9

To be able to obtain Protection, the Applicant must fulfil the following requirements:

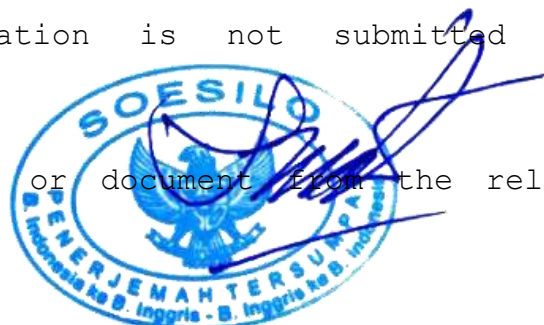
- a. formal; and
- b. material.

Paragraph 1

Formal Requirements

Article 10

- (1) Formal requirements as referred to in Article 9 letter a, consists of:
 - a. written application letter;
 - b. photocopy of identity or Family card;
 - c. original power of attorney, if the application is submitted through a legal representative or Associate;
 - d. letter of permission from parents or guardians, if the application is related to Protection for children and the application is not submitted by parents or guardians;
 - e. a statement or document from the relevant authorized



agency in accordance with the provisions of the laws and regulations, which explains the status of Witness, Victim, whistle blower, Witness, perpetrator, or expert witnesses in a criminal case;

f. an official letter from an authorized official if the application is submitted by law enforcement officers and/or authorized agencies; and

g. chronology of the description of the criminal act.

- (2) In the event that the residential address is different from the Applicant's domicile, the requirements for a photocopy of the identity card or family card as referred to in paragraph (1) letter b may be supplemented with a statement or information on the Applicant's domicile.

Article 11

In the event that the Protection application is submitted by a Family, in addition to completing the requirements as referred to in Article 10, the application must be attached with a photocopy of Family card or other document showing a Family relationship with the Applicant.

Paragraph 2

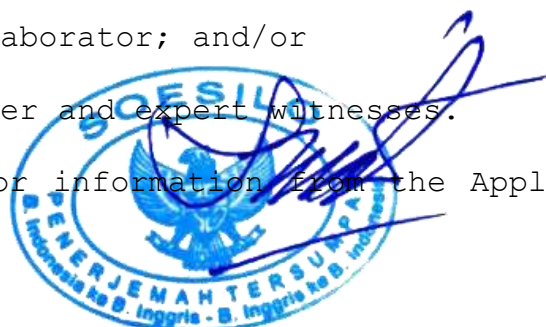
Material Requirements

Article 12

- (1) The material requirements as referred to in Article 9 letter b are in the form of documents or information from the Applicant as:

- a. Witness and/or Victim;
- b. Justice Collaborator; and/or
- c. whistle blower and expert witnesses.

- (2) The documents or information from the Applicant as Witness



and/or Victim as referred to in paragraph (1) letter a must show:

- a. the importance of the Applicant's statement;
- b. the level of threat that endangers the Applicant;
- c. the analysis results of the medical or psychological team against the Applicant; and
- d. a track record of criminal acts committed by the Applicant.

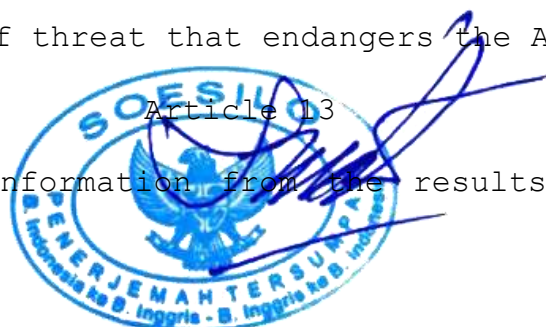
(3) The documents or information from the Applicant as Justice Collaborator as referred to in paragraph (1) letter b must show:

- a. the disclosed criminal act is a criminal act in a specific case in accordance with the LPSK Decree;
- b. the importance of the Applicant's statement;
- c. the Applicant is not the main perpetrator in the criminal act that he/she discloses;
- d. willingness to return assets obtained from the criminal act committed and stated in a written statement; and
- e. the existence of a real threat or fear of threats, physical or psychological pressure against the Justice Collaborator or his/her Family if the crime is disclosed.

(4) Documents or information from the Applicant as the whistle blower and expert witnesses as referred to in paragraph (1) letter c that show:

- a. the importance of the Applicant's statement; and/or
- b. the level of threat that endangers the Applicant.

(1) Documents or information from the results of analysis by



the medical or psychological team as referred to in Article 12 paragraph (2) letter c, shall be applicable to Applicants who submit application for Assistance.

- (2) Documents or information from the results of analysis by the medical and/or psychological team as referred to in paragraph (1) may be in the form of:
 - a. a certificate explaining the Applicant's medical condition; and/or
 - b. a certificate explaining the Applicant's psychological condition.
- (3) LPSK may facilitate documents or information that show the results of analysis by the medical and/or psychological team as referred to in paragraph (1) in accordance with the approval of the Leaders of the LPSK in charge of application review affairs.

CHAPTER III

APPLICATION REVIEW

Part One

Review of Formal Requirements of Application

Article 14

- (1) LPSK shall review the completeness of the application requirements as referred to in Article 9 within a maximum period of 7 (seven) days as of the date the application is received.
- (2) In the event that the application requirements as referred to in paragraph (1) are incomplete, LPSK may notify the Applicant to complete the application.

In the event that the Applicant does not complete the



requirements as referred to in Article 14, the application shall be forwarded to a plenary meeting of the Leaders of the LPSK to obtain a decree.

Part Two

Review of Material Requirements of Application

Article 16

- (1) In the event that based on the results of the review as referred to in Article 15 the application is declared complete, LPSK may issue an SPDPP no later than 7 (seven) days as of the date the formal requirements of the application are declared complete.
- (2) The review as referred to in paragraph (1) is aimed to:
 - a. ensure the eligibility of the Applicant to receive Protection; and/or
 - b. determine the form of Protection.
- (3) The review as referred to in paragraph (1) shall be carried out within a period of 30 (thirty) days from the date the SPDPP is issued.
- (4) If required, the review period as referred to in paragraph (3) may be extended based on the decree of the Chairperson of the LPSK.

Article 17

- (1) Review of the application for Witnesses and/or Victims is conducted to determine:
 - a. the nature of the information provided by the Applicant;
 - b. the form and level of threat that endangers the Applicant;
 - c. the medical and psychological condition of the Applicant; and



- d. the track record of criminal acts committed by the Applicant.
 - e. the applicant's case of criminal act.
- (2) Review of the application for the Justice Collaborator is conducted to determine:
- a. the disclosed criminal act is a criminal act in a specific case in accordance with the LPSK Decree;
 - b. the importance of the Applicant's statement;
 - c. the Applicant is not the main perpetrator in the criminal act that he/she discloses;
 - d. the Applicant's willingness to cooperate with law enforcement in disclosing the case and returning assets obtained from the criminal act he/she committed; and
 - e. the form and level of real threat or concern that there will be a threat, physical or psychological pressure against the Applicant or his/her Family.
- (3) Review of the application for the whistle blower and expert witnesses is conducted to determine:
- a. the nature of the information provided by the Applicant; and
 - b. form and level of threat faced by the Applicant.

Article 18

In reviewing the application as referred to in Article 17, LPSK Officers may conduct an investigation and/or Assessment.

Article 19

In reviewing the application for medical and/or psychological assistance, LPSK may involve a medical and/or psychological team.



PREPARING SUMMARY OF APPLICATION FOR PROTECTION

Article 20

- (1) Applications for Protection that have been reviewed are submitted in the form of summary of application for protection.
- (2) Summary of application for protection as referred to in paragraph (1) shall be submitted no later than 1 (one) day to the plenary meeting of the Leaders of the LPSK.
- (3) The plenary meeting of the Leaders of the LPSK as referred to in paragraph (2) shall be held to reach a decree.

CHAPTER V

EMERGENCY PROTECTION

Article 21

- (1) In certain cases, LPSK may provide Emergency Protection to Witnesses and/or Victims including their Families.
- (2) Emergency Protection as referred to in paragraph (1) is provided based on the approval of the Leaders of the LPSK.

Article 22

The provision of Emergency Protection to the Applicant and/or Applicant's Family as referred to in Article 21 is given with the following considerations:

- a. the existence of a real threat or potential threat that highly endangers the safety and security of the Applicant or his/her Family;
- b. the need for a law enforcement process related to the Applicant's statement; and/or
- c. the Applicant requires immediate medical and/or psychological action.



- (1) In the event of an emergency, LPSK may provide Protection to children who are Witnesses and/or Victims of a crime without requiring permission from parents or guardians.
- (2) Permission from parents or guardians as referred to in paragraph (1) is not required in the case of:
 - a. the parents or guardians are suspected of being the perpetrators of a crime against the concerned child;
 - b. the parent or guardian is suspected of obstructing the concerned child from giving testimony;
 - c. the parent or guardian is incapable of carrying out his/her duties as a parent or guardian;
 - d. the child does not have a parent or guardian; or
 - e. the whereabouts of the child's parent or guardian are unknown.
- (3) Protection for children as referred to in paragraph (1) does not reduce the LPSK's obligation to request a Decree by the Chairperson of the local District Court.

Article 24

- (1) Emergency Protection may be provided after receiving consideration from the Leaders of the LPSK.
- (2) Consideration as referred to in paragraph (1) is given after receiving approval from at least 2 (two) Leaders of the LPSK.

Article 25

- (1) The provision of Emergency Protection as referred to in Article 24 is stipulated by the Leaders of the LPSK.
- (2) Emergency Protection as referred to in paragraph (1) is given for a maximum period of 7 (seven) days since the stipulation.



- (3) The period of Emergency Protection as referred to in paragraph (2) may be extended based on a decree of a plenary meeting of the Leaders of the LPSK.
- (4) If the Emergency Protection period or its period extension as referred to in paragraph (2) and paragraph (3) ends, follow-up Protection services will be provided based on the decree of the plenary meeting of the Leaders of the LPSK.

CHAPTER VI

PROACTIVE ACTIONS

Article 26

- (1) In certain cases, LPSK may facilitate the submission of Protection applications for Witnesses and/or Victims through proactive actions.
- (2) Proactive actions as referred to in paragraph (1) are carried out by means of direct investigation after obtaining approval from the Leaders of the LPSK in charge of reviewing applications.
- (3) LPSK can provide Protection to Victims immediately after the occurrence of a Terrorism Crime.

CHAPTER VII

MISCELLANEOUS PROVISIONS

Article 27

The requirements and procedures for applications for compensation or restitution for Witnesses and/or Victims are implemented in accordance with the provisions of the laws and regulations.

CHAPTER VIII

CLOSING PROVISIONS



Article 28

This Regulation of the Agency shall come into force on the date of promulgation.

For public cognizance, ordering the promulgation of this Regulation of the Agency shall be published in the State Gazette of the Republic of Indonesia

Set forth in Jakarta

On 13 March 2020

THE CHAIRPERSON OF
THE WITNESS AND VICTIM PROTECTION AGENCY OF
THE REPUBLIC OF INDONESIA,
Signature
HASTO ATMOJO SUROYO

Promulgated in Jakarta

On 11 June 2020

THE DIRECTOR GENERAL OF THE LAWS AND REGULATIONS
THE MINISTRY OF JUSTICE AND HUMAN RIGHTS OF THE REPUBLIC OF
INDONESIA,
Signature
WIDODOEKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2020 NUMBER
606

This copy is in conformance with the original
THE CHAIRPERSON OF THE WITNESS AND VICTIM PROTECTION AGENCY
HASTO ATMOJO SUROYO

AFFIDAVIT

I, SOESILO, a Sworn Translator in the Republic of Indonesia, pursuant to the prevailing laws and regulations in the Republic of Indonesia, hereby certify and declare, in accordance with my oath of office, that this document is a true, faithful, and complete translation from Indonesian to English.

Jakarta, December 06th 2024



SOESILO
Decree of the Minister of Law and Human Rights R.I.
No. AHU-40 AH.03.07.2022, Reg. No. /SOE/12/06/2024

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