

**THE WITNESS AND VICTIM PROTECTION AGENCY OF
THE REPUBLIC OF INDONESIA**

COPY

REGULATION OF THE WITNESS AND VICTIM PROTECTION AGENCY OF
THE REPUBLIC OF INDONESIA
NUMBER 1 YEAR 2023

ON

RIGHTS FULFILLMENT FOR VICTIMS OF TERRORISM CRIME

WITH THE GRACE OF GOD THE ALMIGHTY

THE CHAIRPERSON OF THE WITNESS AND VICTIM PROTECTION AGENCY,

Considering : whereas, to implement the provisions of Article 18R, Article 44A, Article 44J paragraph (11), Article 44K paragraph (9), Article 44L paragraph (3), and Article 44M paragraph (9) of The Government Regulation Number 7 Year 2018 on The Providence of Compensation, Restitution, and Assistance to Witnesses and Victims as amended under The Government Regulation Number 35 Year 2020 on The Amendment on The Government Regulation Number 7 Year 2018 on The Providence of Compensation, Restitution, and Aid to Witnesses and Victims, it is necessary to stipulate the Regulation of The Witness and Victim Protection Agency on Rights fulfillment for Victims of terrorism crime;

In view of : 1. The Law Number 15 Year 2003 on The Stipulation of the Government Regulation In Lieu of the Law Number 1 Year 2002 on The Eradication of Terrorism Crimes to become The Law (State



Gazette of the Republic of Indonesia Year 2003 Number 45, Supplement to the State Gazette of the Republic of Indonesia Number 4284) as amended under The Law Number 5 Year 2018 on the Amendment on The Law Number 15 Year 2003 on the Stipulation of the Government Regulation In Lieu of the Law Number 1 Year 2002 on The Eradication of Terrorism Crimes to become The Law (State Gazette of the Republic of Indonesia Year 2018 Number 92, Supplement to the State Gazette of the Republic of Indonesia Number 6216);

2. The Law Number 13 Year 2006 on Protection on Witnesses and Victims (State Gazette of the Republic of Indonesia Year 2006 Number 64, Supplement to the State Gazette of the Republic of Indonesia Number 4635), as amended under The Law Number 31 Year 2014 on The Amendment on The Law Number 13 Year 2006 on Protection on 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);

3. The Government Regulation Number 7 Year 2018 on The Providence of Compensation, Restitution, and Aid to 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) as amended



under The Government Regulation Number 35 Year 2020 on the Amendment on The Government Regulation Number 7 Year 2018 on Providence of Compensation, Restitution, and Aid to 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);

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

HEREBY DECIDED:

To Stipulate: The REGULATION OF THE WITNESS AND VICTIM PROTECTION AGENCY ON RIGHTS FULFILLMENT FOR VICTIMS OF TERRORISM CRIME.

CHAPTER I

GENERAL PROVISIONS

Article 1

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

1. The 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.

2. Victims of terrorism crime, hereinafter referred to as Victims, are individuals who experience physical, mental and/or economic suffering caused by terrorism crime of terrorism.
3. Family is individuals 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.
4. Compensation is compensation provided by the State because the perpetrator is unable to provide full compensation for the losses that become his responsibility to victims of terrorism crime.
5. 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.
6. Medical Assistance is assistance provided to restore the physical health of victims including the handling of the victim's death, for example, handling the body until burial.
7. Psychosocial Rehabilitation Assistance is all forms of psychological and social services and assistance aimed at helping to alleviate, protect, and heal the physical, psychological, social and spiritual conditions of Victims to enable them to restore their capabilities to perform their social functions properly, including LPSK trying to improve the quality of life of Victims by collaborating with relevant authorized agencies in the form of assistance to fulfill the



needs for clothing, food, shelter, assistance in obtaining employment, or assistance in continuing education.

8. Psychological Rehabilitation Assistance is assistance provided by psychologists to Victims who suffer from trauma or other mental health problems to heal the Victim's mental condition.
9. Compensation is assistance provided for the families of Victims of terrorism crime who have passed away.
10. The Leaders of the LPSK Court Session, hereinafter abbreviated as SMPL, is a panel for making decisions on requests for protection, changes in the type of protection services and/or termination of protection.
11. Day is a working day.

CHAPTER II

RIGHTS OF THE VICTIMS OF TERRORISM CRIME

Article 2

- (1) Victims of terrorism crime of terrorism have the right to receive:
 - a. Medical Assistance;
 - b. Psychosocial Rehabilitation Assistance and Psychological Rehabilitation Assistance;
 - c. Compensation for the family in the event of the victim's death; and
 - d. Compensation.
- (2) The rights as referred to in paragraph (1) are also granted for Indonesian citizens who become Victims of terrorism crime outside the territory of the Republic of Indonesia.

CHAPTER III
RIGHTS FULFILLMENT FOR VICTIMS OF TERRORISM CRIME OCCURRING IN



THE TERRITORY OF INDONESIA

Part One

Application Submission

Article 3

- (1) To obtain the rights as referred to in Article 2, the applicant submits a written application in Indonesian on a paper with duty stamp to the LPSK.
- (2) Rights fulfillment for Medical Assistance as referred to in Article 2 letter a can be provided to the Victim immediately after the incident without submitting an application.
- (3) Rights fulfillment for Compensation as referred to in Article 2 letter c can be granted without submitting an application based on the results of coordination between the LPSK and the investigators processing the scene of the crime.
- (4) The application as referred to in paragraph (1) can be submitted by:
 - a. the victim;
 - b. family;
 - c. heirs; or
 - d. their legal representative.
- (5) The application can be submitted by way of:
 - a. direct submission; or
 - b. indirect submission.
- (6) Direct application submission as referred to in paragraph (5) letter a is submitted to the LPSK application submission officer.
- (7) Indirect application submission as referred to in paragraph



(5) letter b is submitted via:

- a. mail;
- b. facsimile;
- c. electronic mail;
- d. the official LPSK website; or
- e. mobile phone applications.

Article 4

(1) The Applications for Psychosocial Rehabilitation Assistance and Psychological Rehabilitation Assistance must contain at least:

- a. applicant's identity;
- b. a description of the incident in which the act of terrorism occurred; and
- c. form of assistance requested.

(2) Applications for Psychosocial Rehabilitation Assistance and Psychological Rehabilitation Assistance as referred to in paragraph (1) must be accompanied by:

- a. photocopy of the victim's identity card legalized by an authorized official;
- b. letter of statement of the victim stipulated by the investigator;
- c. letter of statement of family relationship, if the application is submitted by the family; and
- d. special power of attorney, if the application is submitted by the victim's legal representative or the family's legal representative.

Article 5

(1) The application for compensation shall at least contain:

- a. the identity of the victim;



- b. the identity of the heir, family, or legal representative, if the application is not submitted by the victim;
 - c. a description of the occurrence of the terrorist crime; and
 - d. a description of the actual losses suffered.
- (2) The application for compensation as referred to in paragraph (1) shall be accompanied by:
- a. a photocopy of the victim's identity which has been legalized by an authorized official;
 - b. evidence of the actual losses suffered by the victim made and legalized by an authorized official;
 - c. a letter of statement from the victim stipulated by the investigator;
 - d. a photocopy of death certificate, if the victim has passed away;
 - e. a letter of statement of family relationship, if the application is submitted by the family;
 - f. a letter of statement of inheritance made or legalized by an authorized official, if the application is submitted by an heir; and
 - g. a special power of attorney, if the application for compensation is submitted by the victim's legal representative, family legal representative or heir's legal representative.

Article 6

- (1) Description of the incident as referred to in Article 4 paragraph (1) letter b and Article 5 paragraph (1) letter c may include a description of



- a. the terrorist crime incident;
 - b. the medical and/or psychological condition of the victim;
and/or
 - c. the impact of the terrorist crime incident.
- (2) In the event that a photocopy of the identity as referred to in Article 4 paragraph (2) letter a and Article 5 paragraph (2) letter a cannot be provided, the applicant may supplement it with a family card or a certificate of the applicant's domicile.

Article 7

In the event that the victim, family, heirs or legal representative do not submit a Compensation application as referred to in Article 5, Compensation will be submitted by LPSK.

Part Two

Review on Application

Article 8

- (1) LPSK shall review the application as referred to in Article 3, Article 4, and Article 5.
- (2) Review of the application as referred to in paragraph (1) shall be conducted in:
- a. administrative manner; and
 - b. substantive manner.

Article 9

The administrative review as referred to in Article 8 paragraph (2) letter a is carried out to check the completeness of the application documents.

Article 10

- (1) LPSK shall conduct an administrative review as referred to



in Article 9 within a maximum period of 7 (seven) days as of the date the application is received.

- (2) If during the administrative review the application documents are incomplete, LPSK shall notify the applicant in writing to complete the application within the following time periods:
 - a. no later than 7 (seven) days as of the date the applicant receives notification from LPSK, for applications for Psychosocial and Psychological Rehabilitation; and/or
 - b. no later than 14 (fourteen) days as of the date the applicant receives notification from LPSK, for applications for Compensation.
- (3) If within the time period as referred to in paragraph (1) letter a the applicant fails to complete the application for Psychosocial and Psychological Rehabilitation, the applicant is deemed to have withdrawn his/her application.
- (4) If within the time period as referred to in paragraph (2) letter b the applicant fails to complete the application for compensation, his/her application shall be followed up through SMPL to obtain a decision.

Article 11

- (1) Substantive review as referred to in Article 8 paragraph (2) letter b is conducted to check:
 - a. the applicant's status against the victim in the case where the application is submitted by the Family, heirs, or legal representative;
 - b. description of the events experienced by the Victim;
 - c. the Victim's medical condition;
 - d. the Victim's psychological and/or psychosocial condition;
 - e. the cause of the Victim's injury or death is a result of a



terrorism crime;

f. compensation previously received by the Victim from the country of origin, in the event that the compensation application is submitted by a foreign citizen who is a victim of terrorism crime in Indonesia;

g. Medical, Psychological, and/or Psychosocial Assistance services previously received by the Victim, both from LPSK and other related agencies;

h. the need for Medical, Psychological, and/or Psychosocial Assistance services required by the Victim subsequently; and/or

i. required other information or statements.

(2) In addition to being conducted to review as referred to in paragraph (1), related to the purposes of calculating Compensation, substantive review is also conducted to check:

a. the degree of injury experienced by the Victim;

b. Victim's losses due to loss of income or revenue; and/or

c. Victim's losses due to loss or damage to Victim's property.

(3) For the purposes of substantive review as referred to in paragraph (1) and paragraph (2), LPSK may request statements, information and/or documents from the Victim, Family, heirs, legal representative, ministries/institutions, and other related parties.

Article 12

In conducting substantive review, LPSK can conduct investigations and/or assessments.

Article 13

(1) To assist in the implementation of substantive review, LPSK



can form a team that is assigned or appointed based on a letter of assignment by the Leaders of LPSK.

- (2) The team as referred to in paragraph (1) can involve the following elements:
 - a. doctors;
 - b. psychologists;
 - c. experts as needed; and/or
 - d. representatives from related ministries/institutions as required.
- (3) The involvement of elements as referred to in paragraph (2) can be appointed through a letter from the Leaders of LPSK.

Article 14

- (1) The results of the review for the level of the victim's injuries as referred to in Article 11 paragraph (2) letter a are issued in the form of an expert certificate stating the victim with the following levels of:
 - a. serious injuries;
 - b. moderate injuries; or
 - c. minor injuries.
- (2) The results of the review for the level of injuries as referred to in paragraph (1) are also supplemented with information on the condition of the victim's injuries which are then used as consideration by the LPSK for calculating the amount of losses.
- (3) The results of the review of the victim's psychological condition as referred to in Article 11 paragraph (1) letter d are issued in the form of a certificate stating:
 - a. psychological condition; and/or
 - b. the need for further psychological rehabilitation services



required by the victim.

- (4) The certificates as referred to in paragraphs (1) to paragraph (3) are issued by a doctor, psychologist, and/or examining expert who is appointed or assigned based on a letter of assignment by the Leaders of LPSK.

Article 15

- (1) Substantive review is carried out within a maximum period of 30 (thirty) days from the date the administrative review is completed.
- (2) If necessary, the period as referred to in paragraph (1) may be extended based on the LPSK Decision.
- (3) The period as referred to in paragraph (1) and paragraph (2) is carried out by taking into account the ongoing judicial process related to the crime of terrorism related to the application.

Part Three

Calculation of Loss

Article 16

- (1) In response to compensation applications, LPSK calculates the losses suffered by the victim, including:
 - a. Injured victims;
 - b. Deceased victims;
 - c. loss of income/revenue; and/or
 - d. loss or damage to property.
- (2) Calculation of losses for injured victims as referred to in paragraph (1) letter a is carried out by considering the condition of the victim as stated in the expert statement as referred to in Article 14.
- (3) In calculating losses based on the degree of the victim's



injuries, the LPSK budget user authority may determine implementation instructions regarding the classification of more detailed amounts according to the condition of the victim's injuries after obtaining approval from the Leaders of the LPSK.

- (4) The highest limit in calculating losses for injured victims and deceased victims is carried out by referring to the amount of compensation calculation and provision of death benefits for victims that have been approved by the minister who administer financial affairs.

Article 17

Calculation of losses for injured victims as referred to in Article 16 paragraph (1) letter a includes:

- a. degree of injury;
- b. loss of income/revenue; and/or
- c. loss or damage to property.

Article 18

Calculation of losses for victims who passed away as referred to in Article 16 paragraph (1) letter b includes:

- a. Victims who passed away;
- b. loss of income/revenue; and/or
- c. loss or damage to property.

Article 19

- (1) The calculation of the amount of loss of income/revenue as referred to in Article 16 paragraph (1) letter c, Article 17 letter b, and Article 18 letter b is calculated based on the amount of the highest provincial, district/city minimum wage in Indonesia at the time the terrorist crime occurred to be used as the basic value for the calculation.



(2) The basic value for the calculation as referred to in paragraph (1) is calculated according to the length of time the victim lost income or earnings, with a maximum of 24 (twenty four) months.

Article 20

- (1) Losses due to loss of property as referred to in Article 16 paragraph (1) letter d, Article 17 letter c, and Article 18 letter c are calculated based on the after-sales price obtained from the price list on the official sales page, application, or other information sources.
- (2) Losses due to damage to property as referred to in Article 16 paragraph (1) letter d, Article 17 letter c, and Article 18 letter c are calculated according to the cost of repairing the damage.
- (3) Calculation of losses due to loss and damage to property as referred to in paragraph (1) and paragraph (2) is carried out as long as there is a comparative price.

Article 21

In calculating the loss of lost and/or damaged property or in the event that there is no comparative price as referred to in Article 20 paragraph (3), the calculation of the loss of lost and/or damaged property may request an expert opinion.

Article 22

The results of the substantive review and calculation of losses are stipulated by a LPSK Decision along with considerations and recommendations to grant or reject the Compensation application.

Part Four

Amount of Compensation

Article 23



- (1) LPSK stipulates the amount of compensation for the families of victims of terrorism crime who passed away in accordance with the amount approved by the minister who administers financial affairs.
- (2) Stipulation of the amount of compensation as referred to in paragraph (1) is made after the declaration of the victim's death as evidenced by a death certificate signed by an authorized official.

CHAPTER IV

RIGHTS FULFILLMENT FOR INDONESIAN CITIZENS WHO ARE VICTIMS OF TERRORISM CRIME OUTSIDE THE TERRITORY OF THE REPUBLIC OF

INDONESIA

Part One

Application Submission

Article 24

- (1) Indonesian citizens who become Victims of terrorism crime outside the territory of the Republic of Indonesia to obtain the rights as referred to in Article 2, the applicant must submit a written application in Indonesian, which is dully stamped to LPSK.
- (2) Medical assistance as referred to in Article 2 paragraph (1) letter a, is coordinated by the ministry that organizes government affairs in the field of foreign affairs.
- (3) In the event that based on the results of coordination with the representatives of the Republic of Indonesia abroad, it requires the provision of Medical Assistance by LPSK, it shall be provided immediately after the incident without submitting an application.
- (4) In the event that Medical Assistance is not provided



immediately after the incident as referred to in paragraph (3), an application for Medical Assistance can be submitted after the Victim returns to the Republic of Indonesia.

(5) For Psychosocial and Psychological Rehabilitation Assistance as referred to in Article 2 paragraph (1) letter b, an application can be submitted after the Victim returns to the Republic of Indonesia.

(6) For the right to Compensation as referred to in Article 2 paragraph (1) letter c, it can be granted to the Family of the Victim who passed away without submitting an application based on the results of coordination with the representatives of the Republic of Indonesia abroad.

(7) Applications as referred to in paragraph (1), paragraph (4), and paragraph (5) may be submitted by:

- a. Victim;
- b. Family;
- c. Heirs; or
- d. His/Her legal representative.

(8) Applications as referred to in paragraph (7) may be submitted:

- a. directly; or
- b. indirectly.

(9) Applications submitted directly as referred to in paragraph (8) letter a are submitted to the LPSK application acceptance officer.

(10) Indirect applications as referred to in paragraph (8) letter b are submitted via:

- a. post;
- b. facsimile;



- c. electronic mail;
- d. LPSK official website; or
- e. mobile phone application.

(11) In the event that the Victim, Family, Heirs, or His/Her legal representative submits an application for compensation from outside the territory of the Republic of Indonesia, the application for compensation may be submitted indirectly or through a representative of the Republic of Indonesia abroad.

Article 25

(1) Application for Medical Assistance, Psychosocial and Psychological Rehabilitation must contain at least:

- a. identity of the applicant;
- b. identity of the Family, or their legal representative, if the application is not submitted by the Victim; and
- c. description of the incident of the terrorism crime.

(2) Application for Medical Assistance, Psychosocial and Psychological Rehabilitation as referred to in paragraph (1) must be accompanied by:

- a. photocopy of the Victim's identity which has been legalized by an authorized official;
- b. a statement from the representative of the Republic of Indonesia abroad stating that the person concerned is a Victim of terrorism crime;
- c. a statement of family relationship, if the application is submitted by the Family; and
- d. special power of attorney, if the application is submitted by the Victim's legal representative or the Family's legal representative.

(3) In the event that the Victim, Family, heir or legal



representative has not received a statement from the representative of the Republic of Indonesia abroad stating that the person concerned is a Victim of terrorism crime, as referred to in paragraph (2) letter b, the Victim, Family, heir or legal representative may submit an application to the representative of the Republic of Indonesia abroad.

- (4) Applications for medical assistance must also be accompanied by the victim's medical resume.

Article 26

- (1) Compensation Applications must include at least:

- a. identity of the applicant;
- b. identity of the Family, or their legal representative, if the application is not submitted by the Victim; and
- c. description of the incident of the terrorism crime; and
- d. description of the actual losses suffered.

- (2) Compensation Applications as referred to in paragraph (1) must be accompanied by:

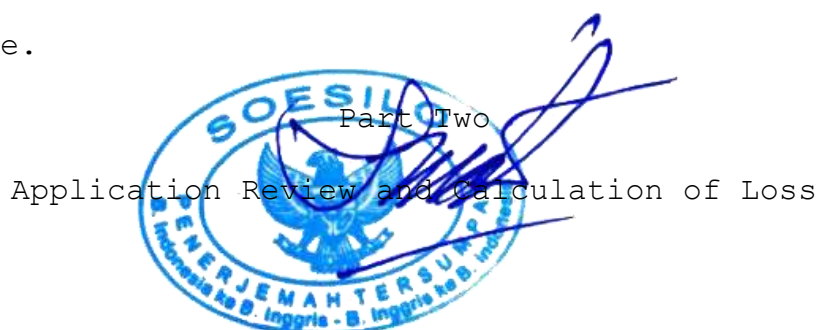
- a. photocopy of the Victim's identity which has been legalized by an authorized official;
- b. proof of actual losses suffered by the Victim made and legalized by an authorized official;
- c. certificate from the representative of the Republic of Indonesia abroad stating that the person concerned is a Victim;
- d. photocopy of death certificate made or legalized by the representative of the Republic of Indonesia abroad if the Victim has passed away;
- e. certificate of family relationship, if the application is submitted by the Family;



- f. certificate of inheritance made or legalized by an authorized official, if the application is submitted by an heir; and
 - g. special power of attorney, if the Compensation application is submitted by the Victim's legal representative, the Family's legal representative or the heir's legal representative.
- (3) In the event that the victim, family, heir or legal representative has not received a statement from the representative of the Republic of Indonesia abroad stating that the person concerned is a victim of terrorism crime, as referred to in paragraph (2) letter c, the victim, family, heir or legal representative may submit an application to the representative of the Republic of Indonesia abroad.

Article 27

- (1) Description of the incident as referred to in Article 25 paragraph (1) letter c and Article 26 paragraph (1) letter c may contain:
- a. information on the terrorism crime incident;
 - b. information on the medical and/or psychological condition of the victim; and/or
 - c. information on the impact of the terrorism crime incident.
- (2) In the event that a photocopy of the identity as referred to in Article 25 paragraph (2) letter a and Article 26 paragraph (2) letter a cannot be provided, the applicant may complete it with a family card or a certificate of the applicant's domicile.



Article 28

- (1) In relation to applications for Medical Assistance, Psychosocial and Psychological Rehabilitation and Compensation submitted by Indonesian citizens who are Victims outside the territory of the Republic of Indonesia, LPSK shall review the application.
- (2) The provisions regarding the application review as referred to in Articles 8 to 15 shall apply mutatis mutandis to the application review as referred to in paragraph (1).
- (3) In conducting administrative review, LPSK may coordinate with representatives of the Republic of Indonesia abroad through the ministry that organizes government affairs in the field of foreign affairs for the purposes of requesting complete application files.

Article 29

- (1) LPSK calculates losses for Compensation applications submitted by Indonesian citizens who are Victims outside the territory of the Republic of Indonesia.
- (2) Provisions regarding the calculation of losses as referred to in Articles 16 to 22 apply mutatis mutandis to the calculation of losses as referred to in paragraph (1).

Article 30

- (1) In providing Compensation, LPSK determines the amount of Compensation for the families of victims of terrorism crime who passed away in accordance with the amount approved by the minister who administers financial affairs.
- (2) Determination of the amount of Compensation as referred to in paragraph (1) is carried out after the declaration of the Victim's death as evidenced by a death certificate signed by



an authorized official.

CHAPTER V

COMPENSATION APPLICATION SUBMITTED BY LPSK

Article 31

- (1) Victims, families, or heirs who do not submit a Compensation application, LPSK shall submit it based on the Victim's statement letter stipulated by the investigator.
- (2) Victims, families, or heirs who do not submit a Compensation application as referred to in paragraph (1) can make a statement letter not to apply for compensation.

Article 32

- (1) For completeness of data and information related to the Victim's status, LPSK shall coordinate with investigators.
- (2) Based on the results of coordination with investigators as referred to in paragraph (1), LPSK shall conduct administrative and substantive reviews for the purposes of submitting a Victim's Compensation application.

Article 33

- (1) In the context of the administrative and substantive review process for the Victim's Compensation application, LPSK can request the necessary documents and/or information from the Victim, family, heirs, law enforcement officers, or other related agencies/parties.
- (2) In the event that the Victim passed away and the Family or heirs are not found, LPSK will follow up on the Compensation application by calculating the losses.

Article 34

After conducting administrative and substantive reviews, the LPSK will also calculate the actual losses suffered by the



victim.

Article 35

The provisions regarding administrative and substantive reviews, calculation of losses and provision of compensation amounts as referred to in Articles 8 to 23 apply mutatis mutandis to Compensation applications submitted by LPSK as referred to in Article 31.

CHAPTER VI

SUBMISSION OF COMPENSATION APPLICATION

Part One

Submission of Compensation Application to Obtain Court Decision

Article 36

- (1) The Victim Compensation Application along with the LPSK Decision accompanied by considerations and recommendations, is submitted with a recommendation letter to the investigator.
- (2) In the considerations referred to in paragraph (1), the LPSK submits:
 - a. a description of the calculation of the amount of Compensation as determined by the LPSK; and
 - b. so that the public prosecutor in his/her demands may request the Judge to firstly decide the granting of Compensation.
- (3) In the event that the investigator as referred to in paragraph (1) has submitted the case files to the Public Prosecutor, the Compensation application along with the LPSK Decision, considerations and recommendations are submitted directly with a recommendation letter to the Public Prosecutor no later than before the hearing of the defendant.



Article 37

A copy of the recommendation letter for submitting the Compensation application along with the LPSK Decision, considerations and recommendations as referred to in Article 36 paragraph (1) and paragraph (2) is conveyed to the Victim, Family, Heirs, or their Legal representatives.

Part Two

Submission of Compensation Application to Obtain Court Order

Article 38

- (1) In the event that the suspect or defendant of a terrorism crime is not found or has passed away, the Compensation application along with the LPSK Decision, considerations and recommendations are submitted to the court to obtain a court order.
- (2) A copy of the Compensation application along with the LPSK Decision, considerations and recommendations as referred to in paragraph (1) is conveyed to the Victim, family, heirs or legal representative.

Article 39

- (1) For Compensation applications submitted by Indonesian citizens who are victims outside the territory of the Republic of Indonesia, the Compensation application along with the LPSK Decision accompanied by considerations and recommendations, is submitted with a letter of application for court order to the Central Jakarta District Court.
- (2) A copy of the letter of application for court order along with the LPSK decision, considerations and recommendations is conveyed to the Victim, Family, heirs or legal representative.



CHAPTER VII

IMPLEMENTATION OF GRANTING RIGHTS TO VICTIMS OF TERRORISM CRIME

Part One

Implementation of Provision of Medical Assistance, Psychosocial and Psychological Rehabilitation

Article 40

Procedures for providing Medical Assistance, Psychosocial and/or Psychological Rehabilitation for Victims are implemented in accordance with the provisions of the Law and regulations.

Article 41

For the provision of Medical Assistance given immediately after the incident to Indonesian Citizens who are Victims outside the territory of the Republic of Indonesia, it is provided based on the results of coordination with the Representatives of the Republic of Indonesia abroad which include:

- a. identification of health service needs and/or health facilities needed by the Victim; and/or
- b. identification of the financing scheme for the implementation of the provision of Medical Assistance.

Part Two

Implementation of Compensation Provision

Article 42

A copy of the court order or court ruling is conveyed to the Victim, Family, heirs or their legal representative by the LPSK within a maximum of 7 (seven) Days from the date the copy is received.

Article 43

LPSK implements the provision of Compensation based on a copy of the court order or court ruling.



Article 44

The procedure for payment and accountability in the context of Rights Fulfillment for Victims is carried out in accordance with the Regulation of the Minister who organizes government affairs in the financial sector concerning payment procedures in the context of implementing the state revenue and expenditure budget.

Article 45

- (1) In the implementation of the provision of Compensation as referred to in Article 43, LPSK creates a official report on the provision of Compensation in at least 4 (four) copies.
- (2) The official report on the provision of Compensation as referred to in paragraph (1) must be signed by LPSK officers, the recipient of Compensation and at least 2 (two) witnesses.

Article 46

LPSK carries out the provision of Compensation within a maximum of 90 (ninety) Days as of the date the copy of the court order or court ruling is received by LPSK.

Article 47

- (1) In the event that the Victim passed away and the Family or heirs are unknown, LPSK announces the Victim's Compensation rights based on the court ruling via the LPSK's official website within a maximum of 90 (ninety) Days as of the date the copy of the court order or court ruling is received by LPSK.
- (2) If within the period as referred to in paragraph (1) no information is obtained regarding the whereabouts of the Family or heirs of the Victim, the Victim's Compensation will



not be processed for disbursement of compensation funds to the minister who administers financial affairs.

Article 48

In the event that Compensation cannot be provided in the current Year, Compensation shall be provided in the following Budget Year.

Article 49

- (1) Compensation for Victims who are under 18 (eighteen) years old and not under guardianship shall be deposited in LPSK.
- (2) Compensation deposited in LPSK as referred to in paragraph (1) shall be put in a bank saving account in the name of the Victim.
- (3) The creation and deposit of saving account in the name of the Victim shall be carried out by the LPSK work unit that organizes matters in the field of Compensation.

Article 50

- (1) In the event that the Victim is under 18 (eighteen) years old and not under guardianship, Compensation may be provided in accordance with the Victim's needs.
- (2) The Victim's needs as referred to in paragraph (1) are limited to clothing, food, shelter, education, and/or other urgent needs.
- (3) In the implementation of Compensation as referred to in paragraph (1) and paragraph (2), LPSK shall make a Compensation provision official report in at least 4 (four) copies.
- (4) The official report of the provision of Compensation as referred to in paragraph (3) are signed by LPSK officers, the recipient of Compensation, and at least 2 (two) witnesses.



- (5) If the Victim is 18 (eighteen) years old and/or is under guardianship, LPSK provides Compensation by handing over the bank saving account book to the Victim.

Article 51

In the event that a Victim who is under 18 (eighteen) years old and is not under guardianship as referred to in Article 49 and Article 50 is an Indonesian citizen Victim who domiciles outside the territory of the Republic of Indonesia, the provision of Compensation is carried out based on the results of coordination with the Representative of the Republic of Indonesia abroad.

CHAPTER VIII

COMPENSATION REPORTING

Article 52

- (1) LPSK reports the implementation of the provision of Compensation based on a court decision to the Chief Justice and the Prosecutor accompanied by evidence or official report of the implementation of the provision of Compensation.
- (2) LPSK reports the implementation of the provision of Compensation based on a court ruling to the Chief Justice accompanied by evidence or official report of the implementation of the provision of Compensation.
- (3) Evidence or official report of the implementation of the provision of Compensation as referred to in paragraph (1) and paragraph (2) are conveyed by LPSK to the Victim, Family, heirs, or their legal representatives.
- (4) LPSK announces evidence or official report of the implementation of the provision of Compensation through electronic or non-electronic media.



CHAPTER IX
CLOSING PROVISIONS

Article 53

These Institutional Regulations shall come into force on the date of promulgation.

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

Set forth in Jakarta
On 9 February 2023
THE CHAIRPERSON OF THE WITNESS AND VICTIM
PROTECTION AGENCY OF THE REPUBLIC OF INDONESIA,
Signature
HASTO ATMOJO SUROYO

Promulgated in Jakarta
On 15 February 2023
THE MINISTER OF JUSTICE AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA,
Signature.
YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2023 NUMBER
147

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

