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Penulis : Edo Blaviando, Hwian Christianto, Sonya Claudia Siwu

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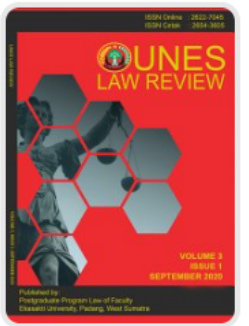
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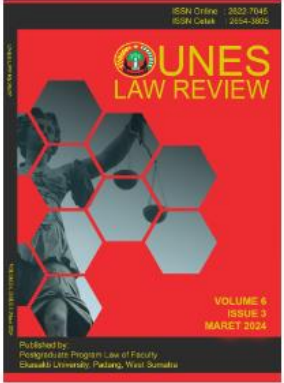


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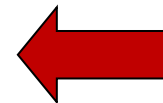
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Abstract

This research aims to analyze the Criminal Act of Severe Assault by PS towards M based on Law Number 13 of 2006 jo Law Number 31 of 2014 concerning the Protection of Witnesses and Victims. The research method used is a juridical normative legal research type with a statute and conceptual approach. The primary data source is primary legal materials such as the Criminal Code and the Law on the Protection of Witnesses and Victims. The results of the research indicate the urgency of protecting witnesses and victims of criminal acts in criminal law as an effort to uphold human rights. Protection for victims of severe assault crimes needs to be strengthened through clear and effective regulations to provide a sense of security and justice for the victims. In conclusion, the protection of witnesses and victims of criminal acts is an integral part of the criminal justice system aimed at providing justice, preventing threats, and ensuring the fulfillment of victims' rights. Further efforts are needed to strengthen the protection of victims of criminal acts, including severe assault crimes, in accordance with legal principles and human rights.

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Criminal Act of Severe Assault by PS Towards M Reviewed Under Law Number 13 of 2006 jo Law Number 31 of 2014 Concerning the Protection of Witnesses and Victims

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Abstract: *This research aims to analyze the Criminal Act of Severe Assault by PS towards M based on Law Number 13 of 2006 jo Law Number 31 of 2014 concerning the Protection of Witnesses and Victims. The research method used is a juridical normative legal research type with a statute and conceptual approach. The primary data source is primary legal materials such as the Criminal Code and the Law on the Protection of Witnesses and Victims. The results of the research indicate the urgency of protecting witnesses and victims of criminal acts in criminal law as an effort to uphold human rights. Protection for victims of severe assault crimes needs to be strengthened through clear and effective regulations to provide a sense of security and justice for the victims. In conclusion, the protection of witnesses and victims of criminal acts is an integral part of the criminal justice system aimed at providing justice, preventing threats, and ensuring the fulfillment of victims' rights. Further efforts are needed to strengthen the protection of victims of criminal acts, including severe assault crimes, in accordance with legal principles and human rights.*

Keyword: *Criminal Act of Assault, Severe Assault Crime, Criminal Code, Violence causing severe injury, Victim's Rights.*

INTRODUCTION

Criminal acts are actions prohibited by legal rules and punishable by law, where the concept of an act here includes both active actions, which involve doing something actually prohibited by the law, and passive actions, which involve not doing something actually required by the law (Hamzah, 2017). In the Criminal Code, hereinafter referred to as (KUHP), the term "criminal act" refers to an intentional or unintentional act committed by one or more individuals that violates a stipulated provision, making it subject to criminal punishment. The perpetrator can be considered the subject of a criminal act, and all criminal

acts are actions prohibited by legal rules and can be punishable by law.

According to Adami Chazawiyang's formulation, a *strafbaarfeit* (criminal act) is a deliberate violation of the law committed by a responsible individual, declared as punishable (Chazawi, 2002). In Indonesia, there is a frequent occurrence of criminal acts involving physical violence or assault intentionally inflicted upon someone, disregarding the existing laws. Consequently, this results in injuries to body parts or limbs, sometimes leading to severe injuries or, in certain cases, death.

According to (Hamzah, 2017), determining a criminal act involves the presence of elements, namely: (a) Punishable by law, (b) Contrary to the law, (c) Committed by a guilty person, and (d) The person is considered responsible for their actions. In many cases within society, there are individuals or groups who plan to commit criminal acts of assault against others due to factors such as grudges, defamation, feeling aggrieved, or other motives.

According to Andi Hamzah, assault refers to actions that cause injuries or harm to a person's body (Hamzah, 2015). Therefore, regulations are established as an effort to impose appropriate penalties on law offenders, aiming to create a deterrent effect and serve as a legal lesson in society that assault is not justifiable.

The formation of regulations regarding criminal acts against the human body is intended to provide legal protection against actions involving attacks on the body or parts of the body that can cause pain or injury, even injuries that can lead to death (Imsu Gunadi & Efendim, 2015). Society needs to be aware that acts of assault have legal consequences. Therefore, it is expected that the public will be more cautious in their actions, particularly in cases of violence or assault against others.

The prevalence of violent acts that pose a threat to someone's body, physical well-being, or even their life, whether intentional or unintentional, can fall under the category of crimes against the person and life (Luter et al., 2022). Crimes against the person and life are essentially stipulated in the Indonesian Criminal Code (KUHP), regulated in Book II Chapter XX Article 351 to Article 358 of the Criminal Code. The term "*penganiayaan*" (persecution) referred to in Article 351 of the Criminal Code is defined as follows:

1. Persecution is punishable by imprisonment for up to two years and eight months or a fine of up to four million five hundred thousand rupiahs.
2. If the act results in severe injuries, the offender is punishable by imprisonment for up to five years.
3. If it leads to death, the offender is punishable by imprisonment for up to seven years.
4. Intentionally causing harm is equated with persecution.
5. An attempt to commit this crime is also considered a criminal act.

The key components of persecution include: (1) deliberate intent, (2) the occurrence of an action, (3) the intended consequences of the action, which are a) physical pain and b) bodily harm. (4) The desired outcome is the sole objective (Imsu Gunadi & Efendim, 2015). The implementation of Article 351 of the Indonesian Criminal Code (KUHP) is frequently employed to impose penalties on perpetrators of persecution. In such cases, many victims of this offense are often unaware that every victim of a crime inherently possesses rights that should be obtained prior to or during the trial.

The presence of a regulation that governs the rights of victims is mandated in Article 6 paragraph (1) letter (a) of the Republic of Indonesia Law Number 13 of 2006 jo Law Number 31 of 2014 regarding the Protection of Witnesses and Victims. This regulation specifically addresses the rights of victims of serious human rights violations, terrorism, human trafficking, torture, sexual violence, and severe persecution. In addition to the rights outlined in Article 5, these victims are also entitled to receive medical and rehabilitation assistance. Furthermore, the implementation of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims led to the establishment of the Witness and Victim Protection Agency (LPSK). This institution is entrusted with the responsibility and authority to provide

protection and uphold the rights of witnesses and/or victims (Simanjourang, 2015).

Hence, the presence of these applicable legal regulations instills hope in victims of criminal acts within the criminal justice system to secure their entitlements. This pertains to a case that transpired in the Pelaihari District Court on Thursday, March 25, 2021, which will be further discussed below. PS (40), a resident of Desa Bawah Layung RT.004 RW.002, Kurau sub-district, Tanah Laut district, South Kalimantan province, faced charges from M due to reports filed by A, alleging that PS vandalized H's residence by shattering the glass windows and damaging the door. Consequently, M confronted PS due to his recurrent unwarranted aggressive behavior. On Tuesday, December 15, 2020, around 10:00 AM, M rode a motorcycle to PS's house. However, before reaching PS's residence, M spotted the defendant in front of his own house, parking his motorcycle in front of U's house in Desa Bawah Layung Rt. 004 Rw. 002 Kurau sub-district, Tanah Laut district. At that moment, PS approached M and swiftly swung a sharp weapon, specifically a machete, twice towards M's head, upper palm of the hand, right wrist, and body. Consequently, M promptly leaped into the river to save himself.

In this particular scenario, a serious crime of assault has been committed by an individual with the deliberate intention of causing severe harm. Consequently, the crime of assault in this instance is categorized as severe persecution, as outlined in Article 354 of the Indonesian Criminal Code (KUHP), which states the following:

1. Any individual who intentionally causes serious injuries to another person will be subject to punishment for committing severe persecution, with a maximum prison sentence of 8 (eight) years.
2. In the event that the assault leads to the victim's death, the perpetrator will face a maximum prison sentence of 10 (ten) years.

In accordance with the regulations stated in Article 6 paragraph (1) letter (a) of Law Number 31 of 2014 regarding the Protection of Witnesses and Victims, severe persecution can be considered a criminal offense due to the severe violence inflicted, which can result in serious injuries. Serious injuries, as defined in Article 90 of the Indonesian Criminal Code (KUHP), refer to injuries caused by violence that are beyond recovery or pose a mortal danger. Consequently, Article 6 paragraph (1) letter (a) of Law Number 31 of 2014 regarding the Protection of Witnesses and Victims ensures that victims of severe persecution are entitled to receive medical and rehabilitation assistance. These provisions aim to raise awareness among victims of persecution that they have the right to protection.

Hence, the objective of this research is to examine the crime of severe persecution within the framework of Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 regarding the Protection of Witnesses and Victims. Considering the aforementioned issues, this study seeks to analyze the protection of rights for victims of severe persecution in accordance with the provisions outlined in Article 6 paragraph (1) letter (a) of Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 regarding the Protection of Witnesses and Victims.

METHOD

This study is classified as juridical-normative legal research, which involves analyzing legal regulations, theories, and literature related to the issue in order to propose a solution. The research employs both the statute approach and the conceptual approach to address the problem. The statute approach involves examining relevant legal regulations, while the conceptual approach involves considering the perspectives of scholars who have contributed to the field of law (Hamzah, 2008).

The research relies on primary legal sources, which include legal materials directly related to the problem, such as the Criminal Code, the Criminal Procedure Code, and the Republic of Indonesia Law on Amendments to Law Number 13 of 2006 concerning the

Protection of Witnesses and Victims. Secondary legal materials used in this study consist of books and journals that discuss concepts, doctrines, principles, or jurisprudence related to the crime of persecution within criminal law provisions and the accountability for such crime.

RESULT AND DISCUSSION

The Urgency of Witness and Victim Protection of Criminal Offenses

Human rights are universal and apply to all individuals across the globe, irrespective of their ethnicity, race, skin color, country of origin, social class, or any other differences. These rights are inherent and remain with a person throughout their entire life. In accordance with the principles of Pancasila and the 1945 Constitution of the Republic of Indonesia, every individual is entitled to security and freedom from all forms of criminal activities. This is explicitly stated in Article 28 letter g of the 1945 Constitution. According to this article:

1. Every person has the right to personal protection, family, honor, dignity, and property that they possess. Additionally, they have the right to feel secure and be protected from any threats or fears that may hinder their fundamental rights.
2. Every person has the right to be free from any form of torture or degrading treatment that undermines their human dignity. Furthermore, they have the right to seek asylum in another country if necessary.

Furthermore, in Article 28I paragraph (4) of the 1945 Constitution, it is stated:

"The protection, advancement, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government."

Witness and victim protection is a crucial component of legal safeguarding for Indonesian citizens. The right to justice for witnesses is a fundamental human right, encompassing recognition, protection, fair treatment, legal clarity, and equality before the law. The foundation for establishing legal protection for Indonesian citizens lies in Pancasila, which serves as the state's ideology and philosophy.

In the Criminal Procedure Code (KUHAP), witnesses hold a recognized position as valid evidence, as stated in Article 184 of the KUHAP. According to Article 1 of the KUHAP, witnesses are individuals who can provide firsthand information regarding a criminal case they have witnessed or experienced. However, the KUHAP does not address the aspects of witness protection. The regulations pertaining to witness protection are outlined in Law No. 13 of 2006 concerning the Protection of Witnesses and Victims (UUPSK). Article 4 of the UUPSK emphasizes that the primary objective of witness and victim protection is to ensure their sense of security while providing testimony throughout the criminal justice process.

In the Criminal Procedure Code (KUHAP), the position of the victim is not explicitly addressed, except for victims who also serve as witnesses. However, victims who are witnesses and those who are not, as well as their family members, are protected under the Law on the Protection of Witnesses and Victims (UUPSK). This law ensures that victims of criminal acts, particularly those involving serious human rights violations, receive the necessary protection and support. The UUPSK, along with other regulations like Government Regulation No. 44 of 2008, which covers compensation, restitution, and assistance to witnesses and victims, establishes the guarantees of protection for these individuals.

In accordance with Article 189 paragraph (4) of the Criminal Procedure Code (KUHAP), it is specified that *"the accused's testimony alone cannot establish his guilt for the alleged act, but must be supported by credible evidence."*

According to Article 189 paragraph (4) of the Criminal Procedure Code (KUHAP) mentioned earlier, it is of utmost importance that witness testimonies are based on the principle of revealing the truth in every criminal justice proceeding. Therefore, during the

examination process, the actual actions committed by the defendant (*actus reus*) and the level of their guilt (*mens rea*/guilty mind) are brought to light. The disclosure of the defendant's actions in the trial also significantly influences the judgment of the panel of judges. Hence, witness testimonies serve as crucial evidence in the criminal justice process, aiding the panel of judges in uncovering the truth.

The protection of witnesses is a measure taken by society and the government to ensure the safety of witnesses and victims of crimes. This measure can be both preventive and punitive, and it is carried out by law enforcement agencies. For instance, protection and supervision are provided to counter any threats that may jeopardize the lives of witnesses and victims. Furthermore, adequate medical and legal assistance is offered, along with a fair examination and trial process for the perpetrators of crimes. All of these aspects form the fundamental basis for the significance of safeguarding crime witnesses and ensuring the well-being of their families.

Legal protection for witnesses and victims plays a vital role in upholding security and justice for all members of society. It is the government's duty to guarantee that witnesses and victims feel safe and safeguarded while providing testimony in the criminal justice system.

Law Number 13 of 2006 and Law Number 31 of 2014, known as the Protection of Witnesses and Victims Acts, meticulously outline the necessary measures to ensure the protection of witnesses and victims. According to Article 4 of these laws, the primary objective of this protection is to instill a sense of security in witnesses and victims throughout the criminal justice process.

This legal protection encompasses various aspects, including shielding witnesses and victims from threats, intimidation, and physical attacks. The government must take measures to prevent witnesses and victims from facing any form of pressure or threats that could potentially influence their testimony. Furthermore, it is crucial for the government to safeguard the identities of witnesses and victims to prevent them from becoming targets of revenge or further threats.

Furthermore, Article 5, clause 1a states that:

“Witnesses and Victims have the right to receive protection for their personal security, family, and property, as well as freedom from threats related to the testimony they will, are currently, or have provided.”

Witnesses who play significant roles in criminal cases may also face financial losses as a result of threats and intimidation. In order to ensure their personal safety, they may need to invest in additional security measures, such as installing security systems or hiring personal guards. However, these expenses can place a heavy burden on them, particularly if they are unable to afford the extra protection. Furthermore, witnesses with crucial roles may experience prolonged trauma due to the threats and intimidation they endure. This can lead to the development of post-traumatic stress disorder (PTSD), which can have a detrimental impact on their mental and emotional well-being. Their daily lives, including their relationships, work, and overall quality of life, can be significantly affected by this trauma.

Additionally, witnesses with crucial roles who face threats and intimidation may also suffer from a loss of trust from their community. They may be viewed as traitors or false informants, resulting in social isolation and difficulties in establishing trusting relationships with others. This situation can also perpetuate a constant state of fear for these witnesses, as they may constantly worry about being targeted in future attacks or threats. This persistent fear can disrupt their daily lives, causing them to experience anxiety and uncertainty.

Therefore, it is crucial to provide legal protection to witnesses throughout the criminal justice process in order to ensure their safety and the safety of victims. This protection can encompass various measures, including keeping witness identities confidential, providing

physical protection, and safeguarding against threats and intimidation. Maintaining the confidentiality of witness identities is particularly important, as witnesses may fear retaliation from criminals or affiliated groups. By preserving their anonymity, witnesses can testify without the fear of negative consequences.

Protection of rights as a victim of severe persecution is in accordance with the provisions of Article 6 paragraph (1) letter (a) of Law Number 13 of 2006 Jo Law Number 31 of 2014 concerning the Protection of Witnesses and Victims

Criminal conduct refers to actions that are prohibited by legal regulations and are subject to punishment. The term "conduct" includes both active behavior, which involves doing something explicitly forbidden by the law, and passive behavior, which involves not doing something required by the law (Hamzah, 2008). In the Criminal Code, also known as KUHP (*Kitab Undang-Undang Hukum Pidana*), the term "criminal act" refers to actions that are intentionally or unintentionally committed by one or more individuals, and these actions violate specific provisions, making the individuals liable to criminal punishment. The person who commits such acts is considered the subject of the criminal act, and all criminal acts are forbidden by legal regulations and subject to criminal sanctions.

The criminal justice system and the imposition of penalties are used as a means to resolve conflicts, not just for retribution and punishment. The objective is to establish accountability for offenders regarding the consequences of their actions that violate criminal laws and to assist crime victims in resolving these conflicts. Historically, victim protection has been based on the Criminal Code as a source of substantive law, with the Criminal Procedure Code (KUHAP) being used as procedural law. However, KUHAP primarily focuses on protecting suspects rather than victims. Therefore, there is a need for provisions in the Criminal Code that provide compensation to victims as a result of criminal acts that have caused harm to them or their families (Yulia, 2010).

According to the given definition, there are various criteria to determine an act as a criminal offense. These criteria encompass the requirement of a human act, the act being in violation of the law, the act being prohibited and subject to criminal penalties, the act being committed by a responsible individual, and the act being attributable to the perpetrator (Alamsyah & Suseno, 2015).

As per Article 351 of the Criminal Code (KUHP), assault is defined as follows:

1. The punishment for assault is a maximum imprisonment of 2 years and 8 months or a fine of up to IDR 4.500.
2. If the assault causes severe injury, the offender can face a maximum imprisonment of 5 years.
3. In case of death resulting from the assault, the offender can be sentenced to a maximum imprisonment of 7 years.
4. Intentionally causing harm is considered equivalent to assault.
5. Attempting to commit this crime is not subject to punishment.

The components of assault consist of:

1. Purpose or intention
2. Conduct or action
3. Result of the action, specifically:
 - a. Physical pain, and/or
 - b. Bodily harm. (Chazawi, 2010).

Based on the aforementioned explanation, it is clear that the offense mentioned in Article 351 of the Criminal Code (KUHP) requires deliberate action, without any restrictions on the interpretation of intent. As stated in Article 351 paragraph (1) of the Criminal Code, the punishment for assault is a maximum imprisonment of 2 years and 8 months, or a fine of up to IDR 4.500 (four thousand five hundred rupiahs).

In Article 351 paragraph (2), it is specified that the offender can be sentenced to a maximum of 5 (five) years of imprisonment if the act causes severe injury. As per Article 90 of the Criminal Code, assault resulting in serious injury can be defined by the following conditions:

- 1 Contracting an illness or sustaining an injury that offers no hope of recovery or poses a mortal danger.
- 2 Inability to consistently carry out official or job duties.
- 3 Loss of one of the senses.
- 4 Suffering from a severe disability.
- 5 Experiencing paralysis.
- 6 Disruption of mental faculties for a duration of four weeks or more, or the miscarriage or death of a woman's fetus.

The act of severe assault, legally known as assault, is defined in Article 354 of the Criminal Code (KUHP) and encompasses the following regulations:

1. Deliberately causing severe harm to another individual is a criminal offense that can lead to a maximum prison sentence of 8 (eight) years.
2. If the assault results in the death of the victim, the perpetrator can face a maximum prison sentence of 10 (ten) years.

The components of a severe assault consist of:

- a. His fault, intention
- b. Act, causing harm to another individual
- c. Target, the physical form of another individual
- d. Outcome, significant injury or fatality (Isnu et al., 2014).

The regulation of protection for victims in the criminal justice system remains unclear. Within this system, crime victims are represented by the state, primarily through government institutions like the prosecutor's office. However, the role of the victim in the criminal justice process is still limited and passive. Typically, the victim only acts as a witness after reporting the incident or filing a complaint with the police. Additionally, at the prosecutor's and court levels, the victim's role is solely that of a witness. They do not possess the authority to determine the type of punishment or penalty to be imposed on the perpetrator. The Criminal Code (KUHP) does not include any provisions regarding compensation. Nevertheless, in certain criminal laws outside the Criminal Code, compensation in the form of sanctions is acknowledged. However, the victim does not have the power to determine the amount of compensation; instead, this decision lies with the judge.

The rights of victims are outlined in Article 6 paragraph (1) letter (a) of Law Number 31 of 2014 concerning Witness and Victim Protection. This law ensures that victims of severe abuse have access to medical assistance and rehabilitation support. In cases of severe abuse resulting in serious injuries, victims of serious human rights violations, terrorist crimes, human trafficking, sexual violence crimes, and severe abuse are entitled to additional rights as stated in Article 6. These rights include:

- a. Medical assistance: This refers to the aid provided to restore the physical health of the victim, including handling in the event of the victim's death, such as funeral arrangements and burial.
- b. Psychosocial and psychological rehabilitation assistance: This encompasses various forms of psychological and social services aimed at helping the victim alleviate, protect, and restore their physical, psychological, and spiritual well-being. Organizations like LPSK work in collaboration with relevant authorities to provide assistance in terms of clothing, food, shelter, job acquisition, and educational support, with the goal of improving the quality of life for victims.
- c. Psychological Rehabilitation Assistance: This refers to the support provided by psychologists to victims who have experienced trauma or other mental health issues. The

aim is to restore the mental well-being of the victim.

In accordance with the provisions stated in Article 6 of Law Number 13 of 2006 Jo Law Number 31 of 2014 on Witness and Victim Protection, it is mandatory for the Witness and Victim Protection Agency (LPSK) to ensure the fulfillment of the rights of victims of severe abuse to receive medical assistance. The provision of medical assistance should adhere to the procedures and standard operating procedures (SOP) established by the law. The Witness and Victim Protection Law (UU LPSK), as outlined in Law Number 13 of 2006 Jo Law Number 31 of 2014, regulates the conditions and procedures for providing protection and assistance to victims, as stated in Articles 28 to 35.

According to Article 28 paragraph (1) of the UU LPSK, LPSK must take into account the following conditions when providing protection:

- a. The significance of the testimony provided by witnesses and/or victims.
- b. The level of threat that poses a danger to witnesses and/or victims.
- c. The findings of medical or psychological analysis conducted on witnesses/victims.
- d. The criminal record of witnesses and/or victims.

Article 28 paragraph (2) of the UU LPSK states that the protection provided by LPSK for Perpetrator Witnesses is subject to the following conditions:

- a. The crime being revealed must be a specific case determined by LPSK, as mentioned in Article 5 paragraph (2);
- b. The testimony provided by the Perpetrator Witness must be of significant importance in uncovering the crime;
- c. The Perpetrator Witness must not be the main perpetrator of the crime being disclosed;
- d. The Perpetrator Witness must express willingness to return any assets obtained from the committed crime, as stated in written statements; and
- e. There must be a genuine threat or concern regarding the occurrence of physical or psychological pressure against the Perpetrator Witness or their family if the crime is disclosed, based on the actual circumstances.

Moreover, in accordance with Article 29 paragraph (1), the process to acquire safeguarding is outlined as follows:

- a. The concerned Witness and/or victim, either voluntarily or upon the request of the authorized official, submits a written application to the LPSK.
- b. The LPSK promptly evaluates the application mentioned in point (1).
- c. The decision of the LPSK is communicated in written form within a maximum of 7 days from the submission of the protection request.

In Article 29 paragraph (2), it is stated that under certain circumstances, LPSK has the authority to provide protection even without a formal request. According to Article 30 paragraphs (1) and (2) of Law Number 13 of 2006 Jo Law Number 31 of 2014 on Witness and Victim Protection, the witness and/or victim's application, as mentioned in Article 29, requires them to sign a statement expressing their willingness to comply with the requirements and provisions stated in Law Number 13 of 2006. Article 30 paragraph (2) elaborates on this willingness, which includes the following aspects:

- a. The witness and/or victim's willingness to provide testimony during the legal process.
- b. The witness and/or victim's willingness to adhere to the safety regulations.
- c. The witness and/or victim's agreement not to engage with others without the approval of LPSK, as long as they are under LPSK's protection.
- d. The witness and/or victim's obligation not to disclose their location to anyone while under LPSK's protection.
- e. Any other matters that LPSK deems necessary.

Upon fulfilling the requirements and provisions outlined in the law, Law Number 13 of 2006 on Witness and Victim Protection specifies that LPSK is obligated to offer complete protection to witnesses and/or victims, as well as their families, starting from the moment

they express their willingness to cooperate, as mentioned in Article 30 of the same law.

In accordance with Article 32A, paragraph (1), the rights granted as stated in Article 5, paragraph (1), will be terminated if it is discovered that the testimony, report, or any other information provided was done so in bad faith. Additionally, Article 32A, paragraph (2), clarifies that if the reported or disclosed criminal act by the Witness Offender during the trial is not proven, it does not result in the cancellation of protection for the Witness Offender.

Moving forward, Article 33 of Law Number 13 of 2006 outlines the procedure for providing assistance to witnesses and/or victims. According to this article, assistance will be granted upon a written request from the concerned party or their representative to LPSK. Furthermore, Article 34 of the same law states that LPSK has the authority to provide assistance but must assess the eligibility of witnesses and/or victims for such assistance. Once deemed eligible, LPSK will determine the duration and amount of expenses required.

To ensure transparency, Article 35 of Law Number 13 of 2006 mandates that LPSK's decision regarding the provision of assistance to witnesses and/or victims must be communicated in writing to the concerned party within a maximum of 7 (seven) days from the receipt of the request. Additionally, in the implementation of protection and assistance as stated in Article 36 of the law, LPSK has the ability to collaborate with other relevant authorities.

CONCLUSION

Based on the aforementioned discussion, it is evident that victims of severe assault offenses, as stated in Article 354 of the Criminal Code (KUHP), are entitled to certain rights. Specifically, victims of severe assault offenses that are intentionally committed and result in serious injuries, as outlined in Article 6 paragraph (1) letter (a) of Law Number 31 of 2014 concerning Witness and Victim Protection, have the right to receive medical assistance. The term "severe assault offense" encompasses all forms of violence that can lead to serious injuries. According to Article 90 of the Criminal Code (KUHP), serious injuries are defined as injuries that offer no hope of recovery or may pose a mortal danger and are caused by violence. Therefore, in this particular case, the offense falls under the category of severe assault offenses due to the intentional nature of the violence and the resulting serious injuries. The purpose of this writing is to provide insights into the offense of severe assault in relation to Law Number 13 of 2006 jo Law Number 31 of 2014 regarding Witness and Victim Protection.

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