

Research Article

**VACUUM EFFECT OF WRONGFUL CRIMINAL JUSTICE PROCESS:
THE CASE OF INDONESIA**

Erni Rahmawati*, Mohammad Kemal Dermawan

Criminology Department, Universitas Indonesia, Depok City, West Java 16424, Indonesia

Article history:

Submission 6 November 2023

Revised 20 November 2023

Accepted 27 November 2023

**Corresponding author:*

E-mail:

ernirahmawati2009@gmail.com

ABSTRACT

Introduction: The victims in Indonesia who have been wrongly arrested in various phases of the criminal justice process and have accordingly experienced suffering are not yet included within the terms. The existing term does not clearly describe the officials responsible for the wrongful arrest while enforcing criminal law either. This study aims to address these problems. **Method:** Using literature review as a research method to explain problems regarding the terms of wrongful arrest, the study also uses critical victimology, which includes structural victimization and state crime. **Results:** The process of wrongful arrest in Indonesia comprised of victims who were released in the early phase of the case investigation and victims who have served their sentences. Additionally, officials in the criminal justice system, especially the police, and judges, have a significant role in attracting people into the criminal justice system and keeping them in the position of the perpetrator until the last phase, even when all the evidence point to the victim's innocence. **Conclusions:** Such a characteristic can be described as a vacuum. It tends to suck the victims until the final phase despite its ability to release them in the middle of the process with the help of parties of the justice system. Given this problem, wrongful criminal justice process as a new term has emerged, which includes and explains problems not adequately addressed by the previous term. Through this term, it is expected that the victims will get more attention and receive compensation from the state.

Keywords: State crime, Structural victimization, The criminal justice process, Wrongful criminal justice process,

Introduction

Studies by scholars of wrongful arrest have been conducted recently [1-4]. Akbas [1] defines a false arrest as the unlawful detention of a person in that it occurs in the absence of probable cause or court order. In this case, a person

is arrested only because he is suspected of having committed a crime, even though a person cannot be arrested solely based on suspicion. In addition, Okpaluba [2] has stated that in cases of wrongful arrest/false imprisonment, the defendant had the right to justify arrest and

How to cite:

Rahmawati, E. & Dermawan, M. K. (2023). Vacuum effect of wrongful criminal justice process: The case of Indonesia.

Indonesian Journal of Social Science Research, 4(1), 182 – 227. doi: 10.11594/ijssr.04.02.10

detention. The arrest was wrong without evidence that the police had reasonable and probable reasons for making the arrest.

In his study of 364 exonerates in the United States, Duncan [3] pointed out that there were six errors in the criminal justice system, and at least one of them had made them victims of wrongful arrests. The six errors included eyewitness misidentification, invalid forensics, false confessions, police informants (false information), government misconduct, and poor lawyering. Le et al. [4], in their study in Vietnam, have found two-level factors causing misinterpretation. These two factors were 1) known causes, which were the tip of the iceberg, and 2) hidden root causes, which were not visible.

The known causes which directly led to wrongful convictions were mistakes made by officials in the criminal justice system. These included 1) failure to gather proof of evidence (such as negligence in recording or collecting necessary evidence at the TKP); 2) failure to comply with the requirements of investigative techniques (for example, conducting wrong experiments in crime simulations, ignoring checking and testing crime timelines); 3) extorting confession through torture; and 4) official misconduct and illegal behavior in the investigation, prosecution, and adjudication (for example, investigators who have suspected victims from the start, prosecutors who ignored victims' reports about the violence they experienced);

Whereas the hidden root causes, according to Le et al. [4], were the mistakes that occurred, including lacking presumption of innocence in criminal procedures (such as the domination of presumption of guilt by the police, and all efforts were aimed at accusing the victim); the domino effects of the three-internal-affair model (such as pressure from superiors to resolve cases so that the police resorted to violence to obtain confessions, as well as successive mistakes from the police, prosecutors, and court processes that led to wrongful convictions, whether intentional or not); and the limited role of defense lawyers in criminal proceedings (lawyers' arguments were not considered or ignored and faced various obstacles in the judicial process).

Some of these factors, both known and hidden causes, have similarities with Indonesia's justice system. In Indonesia, wrongful arrests have occurred unwittingly, even without being widely acknowledged by officials in the criminal justice system. Rivki [5] reported a victim of wrongful arrest who was sentenced and, upon appeal, proven not guilty and thus applied for state compensation. This is the latest reported case that adds to an already long list of wrongful arrests in Indonesia (see Table 3 in Appendix 2 for other details).

In Indonesia, wrongful arrest is a limited term since it applies only when a person has been convicted. It does not account for the various and sometimes multiple sufferings the victim has to undergo, from the arrest by the police up to the imprisonment and sometimes even expand to a lifetime. Criminology, however, has various terms for recognizing and understanding this phenomenon such as unjust convictions, miscarriages of criminal justice, miscarriages of justice, and wrongful convictions [6-9]. Miscarriages of justice have included wrongful arrest, wrongful indictment, and wrongful sentences as sub-categories [10].

Thus, two questions should be considered in this paper. First, can the existing terms explain the justice process and the perpetrators, represent all victims of wrongful arrest, and show that all of these victims are victims of the same phenomenon in Indonesia? Second, is there any new term that can be offered to explain these three problems describing wrongful arrests in Indonesia?

Methods

A literature review is used as a method to expose the problems regarding the terms of wrongful arrest in Indonesia. Therefore, this article, as Creswell [11] defines the literature review, "is a written summary of journal articles, books and other documents that describes the past and current state of information -of wrongful arrest in Indonesia and the world-; organizes the literature into topics and documents as needed for a proposed study -of the new term 'wrongful criminal justice process'".

There are three main sets of data regarding wrongful arrest in Indonesia which are then organized into this article as follows.

The first set of information researched, collected, categorized, and analyzed is of victims of wrongful arrest in Indonesia. It was gathered

from August 2022 to November 2022 from reliable online mass media and case reports of an NGO and is presented in Table 1.

Table 1. Wrongful arrest victim in Indonesia

No	Year	No of Victims	Class			Minority Groups	
			Higher	Middle	Lower	Unknown	Race
1	1995	3			3		
2	1996	1			1		
3	1997	1				1	
4	2000	1			1		
5	2002	4			3		1
6	2005	3		3			
7	2006	1			1		
8	2008	3		3			
9	2009	5	1		4		
10	2011	5			4	1	
11	2012	25			24	1	
12	2013	9	1		8		
13	2014	8			5	3	
14	2015	12		2	6	4	
15	2016	2				1	1
16	2017	4			2	2	
17	2019	2			1	1	
18	2020	4		4			
19	Unknown	18		1	3	14	
Total		112	2	14	62	29	2

The second set of data was from the research of Rahmawati [12] and Rahmawati and Dermawan [13] on the Judicial Process and Criminal Arrest in Indonesia. It is presented in Table 2 (Appendix 1).

The third set of information researched, collected, categorized, and analyzed is of violation of victim procedures and impact between 2002 and 2022. It was gathered from August 2022 to November 2022 from reliable online mass media, academic journals, websites, government websites, the Directory of the Supreme Court of the Republic of Indonesia, and NGO reports.

Results

Critical victimology and state crime and victims of wrongful arrest in Indonesia

In this study, critical victimology [14] is used to observe wrongful arrests in Indonesia. Critical criminology explains why social processes victimize only some society members

while keeping others intact. Therefore, its focus is on the factors resulting in victimization patterns and the strategies used by individuals to survive this situation. One important aspect of this focus is structural victimization [15].

Structural victimization, according to Von Nagel, is when the power within the social structure is such that individuals who are physically or socially vulnerable, such as individuals with mental retardation, women, children, and the elderly, are more prone to be victims rather than the general population. They are then victims of abuse of power [15].

Von Nagel [15] also sees that the justice system is a part of the social structure endowed with such state power to guarantee equal rights for every society member. Yet, he also sees the fact that the justice system is an injustice to a particular person or group of people. Von Nagel concludes then that the law may inadvertently victimize certain people. Therefore, he

advocates for state assistance to victims in the form of restitution and psychiatric treatment.

Walklate's critical victimology and Von Nagel's ideas of the justice system and law that may have done injustice to the very people they serve and the social structure that may have victimized the most vulnerable members of society; definitely shed some light on the victims of wrongful arrests in Indonesia. Rahmawati's [12] and Rahmawati and Dermawan's [13] research found that victims of wrongful arrests have been victims of structural victimization - indicated by their low level of education and socioeconomic status. They have undergone social processes that have led them to be socially vulnerable to wrongful arrests by the justice system apparatus.

Another aspect of structural victimization is its close connection to state crime. Most experts agree that state crime is an illegal, socially harmful, or unfair act carried out in the interest of the state or its institutions and not for the personal benefit of some state apparatus, despite their different terms such as political crime, government crime or state-organized crime [16].

Kauzlarich et al. [16] have then proposed domestic state crimes and international state crimes. Domestic state crimes occur when the government takes actions that weaken the social, economic, or political rights of its citizens. In contrast, international state crimes occur when the government violates citizens' economic, political, or social rights in another country. In defining state actions as a crime, we can use international laws, human rights standards, and national laws.

Deriving from their idea of two categories of state crimes, Kauzlarich et al. [16] have also defined victims as individuals, or groups of individuals, who have encountered economic, cultural, or physical loss, pain, ex-communication, or exploitation due to state actions or policies which are tacit or explicit in nature and which violate the law or human rights that have been defined in general terms.

Following this tie between structural victimization and state crime, victims of wrongful arrest in Indonesia may be classified as victims of domestic state crime. Indonesian domestic

state crime has occurred through the abuse of power by the structure of the criminal justice system and its apparatus. Such abuse has been committed by arresting, processing, and punishing the victims for crimes they had never committed [12, 13]. For the interest of the state or justice system and institutions, many legal procedures have been violated thus leaving the victims with detrimental effects such as economic, physical loss, or ex-communication.

Existing terms in criminology related to wrongful arrest

The following is the elaboration of the terms used in this study.

a. Unjust Conviction

Unjust conviction is unjust detention or punishment in criminal law because there is an error in the administration of criminal law [6]. Later, in his study of 65 cases, Borchard [17] observed that each case had an actual fallacy in criminal justice, such as the existence of circumstantial evidence, wrong identities, perjured testimony, admission of "third degree" (forced admission), and victims of unjust convictions who were "framed" by a detrimental witness, from the many cases, including eight cases of murder that the suspect never committed.

b. Miscarriages of Justice and Miscarriages of Criminal Justice

The term miscarriages of justice in 1862 was defined as a grossly unfair outcome in a judicial proceeding, as when a defendant was convicted despite a lack of evidence on an essential element of the crime [8]. In 1994, Greer defined miscarriages of justice as occasions upon which the justifications offered for a finding of guilt or a "non-finding of guilt" are seriously defective [7].

Two common types of errors in miscarriages of justice, according to Forst [18], are errors of due process and errors of impunity. Errors of due process are "unwarranted harassment, detention or conviction, or excessive sanctioning of people suspected of a crime," and errors of impunity are "a lapse of justice that allows a culpable offender to remain at large."

Miscarriages of justice, terminologically, is miscarriages of criminal justice [10]. In the report of the Runciman Commission in 1993 as cited in Greer [7], there are two types of miscarriages of criminal justice: the acquittal of the guilty and the conviction of the innocent. The report has mentioned three sources of a miscarriage of criminal justice: errors, malpractice, and procedural irregularities. Additionally, two types of exemption are stated: jury error and bias (either inherent or due to external interference).

Greer [7] has found that various types of miscarriages of justice are often caused by errors instead of malpractice. Therefore it is more appropriate to refer to miscarriages of justice as errors in the process of the criminal justice system [19].

Naughton [9] has underlined that the definition of miscarriages of justice is inherently "legalistic" and "retrospective." It is "legalistic" because miscarriages of justice are fully determined by the rules and procedures of the Court of Appeals. If the rules or procedures change, then the way to define and measure miscarriages of justice is also changed. It is "retrospective" due to no way of knowing how many miscarriages of justice cases will be canceled in the future or how many are in the process of being canceled. Unless a case of miscarriage of justice has been through a screening process and the appeal is accepted, the case will only be an "alleged" miscarriage of justice.

c. Wrongful Arrests, Wrongful Indictments, Wrongful Sentences

In seeing that the definition of miscarriages of justice refers only to wrongful convictions, Bohm [10] has added that miscarriages of justice also include wrongful arrests, wrongful charges or wrongful indictments, and wrongful sentences. This includes abuse by law enforcement apparatus, lawyers who fail to appeal in a timely manner, or correctional officers who fail to release a prisoner in a timely manner when his/her sentence has ended. In conclusion, police and other law enforcement officials, among other lawyers, prosecutors, judges, jurors, and correctional officials, have committed miscarriages of justice. This indicates that

miscarriages of justice are not only conducted by one element but some or even all elements in the criminal justice system.

Some miscarriages of justice, however, may occur accidentally. The reason is that miscarriages of justice are conducted by humans who are inherently fallible and who just try to do their job the best they can [10].

d. Wrongful Conviction

Miscarriages of justice and wrongful conviction are often used interchangeably and as synonyms. However, according to Naughton [19], the two terms refer to very different legal and moral standards, which crucially impact how victims are understood and measured. Naughton sees that in miscarriages of justice, whatever the accusations, it cannot be said to have occurred unless, and only if, the appeal court cancels the verdict that has been returned. While the definition of factually innocent-wrongful conviction or wrongful conviction has the attention that lies entirely outside the criminal justice system and is not legal and technical in nature Naughton [19].

Naughton [19] defines a wrongful conviction as an act of wrongful punishment and/or imprisonment of a not guilty person, even though he did not commit a crime as alleged. His innocence, which might have been proven later, may invalidate or not invalidate the already enacted-guilty verdict; meanwhile, the verdict is the necessary legal basis for an acquittal of the person.

Wrongful convictions may be best grounded on factual innocence [20]. "Factual innocence" are cases where the defendant was wrongfully convicted of a crime committed by another person [21].

Indonesian fact: The criminal justice system, wrongful arrests, criminal justice process, and impacts on victims

The following is an overview of the wrongful arrests that have occurred in Indonesia. Through the criminal justice model, we have an overview of victims from marginalized groups and minority groups, the criminal justice process, and the negative impacts on victims.

a. *Model of Criminal Justice Utilized in Indonesia*

Packer [22] has asserted two models of criminal justice applied in the world: the Crime Control Model (CCM) and the Due Process Model (DPM). CCM is based on the idea that criminal behavior should be punished, while the criminal justice process is a positive guarantee for public order. Efficiency is the main concern of CCM, which includes speed, accuracy, and administrative efficiency in processing perpetrators of crimes. In essence, any matters are done promptly and must be resolved immediately.

In CCM, the process conducted should not be interfered with by a series of ceremonial activities; and any obstruction from other parties shall be minimized because it only hinders the settlement of the case [22]. A presumption of guilt is the doctrine in CCM that emphasizes maximum power for solving every crime. Therefore the apparatus of the criminal justice system, such as police, prosecutors, and judges, is to use their power to its possible extent, including human rights violations [22].

The due process model (DPM) is basically a response to CCM in the Adversary System of the USA [22]. It focuses on individual rights by seeking to impose various limitations on the authority of the ruler. In other words, the criminal justice process should be monitored or controlled based on human rights, and the emphasis should be on the procedures of case settlement. The doctrine is a presumption of innocence, which is the value basis of the justice system. In DPM, a case investigation is formally required to be conducted by exploring various objective facts [22].

Officially Indonesia applies the doctrine of a presumption of innocence indicating DPM. However, the criminal justice processes that have taken place in many Indonesian areas indicate the use of a presumption of guilt that leads to an adoption of CCM. Table 2 in Appendix 1 has harnessed such cases through which the criminal justice system has arrested the innocents, hastily processed them, oftentimes with no scientific investigation then sentenced them to imprisonment.

The tendency of not having done scientific investigation has been due to the need for efficiency: clearing the cases prompt with as little cost as possible. The abuse of power by the authority has included human right violation, for example, in the form of physical and mental torture to the accused to get confession fast, as well as neglect of procedure and engineering of evidence. This highlights how the structural power endowed to Indonesia's criminal justice system (that leans toward CCM) has victimized the accused into being criminals.

The strong connection between CCM and structural victimization [15] has pointed out the real perpetrators: the apparatus of each phase within the criminal justice system. Since the apparatus of the criminal justice system are representatives of the state, this has led to yet another issue: state crime.

b. *Wrongful Arrest Victims in Indonesia: Marginal Groups and Minority Groups*

Marshall (1998) as cited in Schiffer and Schatz [23] has defined marginalization as a process in which groups or individuals whose access to important positions and symbols of economic, religious, or political power within any society are denied. Poverty is an aspect of marginalization, as Deonandan [24] has discussed two types of it: relative poverty and absolute poverty. Relative poverty is poverty under a threshold calculated within a certain population. Thus, individuals who are "relatively poor" have significantly less wealth than other members of society in the population. While absolute poverty is poverty related to the minimum requirements needed to meet basic living standards. Therefore, individuals unable to achieve this minimum standard will be considered deprived and thus experience poverty.

Table 1 shows that most victims of wrongful arrests in Indonesia fall into the lower class, which is in line with "absolute poverty". They live below the minimum standard, which later makes them vulnerable to structural strain. And having no socioeconomic power to face such strain makes them part of the marginal group (more details are in Table 3 (Appendix 2).

The data in Table 1 (detailed in Table 3 (Appendix 2) also shows indications of wrongful arrests with discrimination against minority groups. As Linton [25] has stated, the minority group is a group of people who, because of their physical or cultural characteristics, are singled out from the others in the society where they live for differential and unequal treatment and therefore regard themselves as objects of collective discrimination. Additionally, Ritzer [26] has defined that minority group membership is usually based on observable differences in characteristics or practices, such as ethnicity, race, religion, sexual orientation, or disability.

No police reports of a wrongful arrest in Indonesia have been found until today. Let alone report cases that have reached the investigation phase. The only reports available were those reaching the court trials, which happened to be raised by mass media or NGOs assisting the victims. As a matter of fact, there have been multiple obstacles for the authors to access the Directory of Decisions of the Supreme Court, which contains various court decisions of cases that online mass media have reported.

Wrongful arrest cases from online mass media and case reports by KontraS from 1995 to 2016 [27] have been collated and presented in Table 1.

There were at least 112 victims from 1995 to 2020. Who are the victims in Table 1? They refer to Law Number 8 of 1981 on the Criminal Procedure Code (*Kitab Undang-Undang Hukum Acara Pidana/KUHAP*). KUHAP has divided the examination of criminal cases into four phases: a) the investigation of criminal cases, which is conducted by investigators (police); b) the prosecution of criminal cases, which is conducted by the prosecutor's office; c) the examination in court, which judges shall conduct; and d) return of verdicts by the judges and executed by the prosecutors.

Victims of wrongful arrest, hence, are those whose judicial processes have ceased at various criminal justice phases: the investigation, prosecution, examination at court trial or execution of verdict -in which the victim is proven not guilty then acquitted from a sentence; or acquitted on appeal or cassation.

Victims of wrongful arrest are also those found not guilty -due to new evidence proving

their innocence- while serving their sentences but have not been acquitted up to today yet. A slightly different version of this is those who have finished serving their sentences and then proven not guilty later. They have made efforts to prosecute the perpetrators who victimized them. There is no data showing success, so their good names are not restored yet.

The victims are classified firstly by social classes into upper, middle, and lower. The lower class is those with "absolute poverty." There are 62 persons of the lower class, showing that almost half of all victims presumably have no economic, political, or religious power.

Secondly, the classification of minority groups shows the vulnerability of a person from a particular race, religion, sexuality, or disability to become a victim of wrongful arrest. There are two victims only of racial and religious minority groups in Table 1 above. However, details in Table 3 (Appendix 2) show the challenges faced by the victims who have had considerable political and economic power in fighting back against their victimization.

c. *Criminal Justice Process in Indonesia*

The manner the victims undergo and be treated through the criminal justice process is the focus of this study. The wrongful arrests within the criminal justice process in Indonesia [12, 13] are detailed in Table 2. (Appendix 1).

Table 2 (Appendix 1) describes that the victims of wrongful arrests have to go through a continuum of phases in which they are so set as not to be able to defend themselves or get out of it. The criminal justice process has become a vacuum that sucks and weakens the victims, thus trapping and forcing them to go through each phase up to the last one.

Two mutually supportive forces can help victims of wrongful arrests: legal aid agencies (or other NGOs that deal with victims of wrongful arrests) and the mass media. Legal aid agencies or NGOs play a significant role in helping victims by providing legal assistance and publicizing cases to the mass media to elevate public opinion.

Victims can also go to the mass media first so that their cases can be published. When the case is known to the public, legal aid agencies or other NGOs will be able to identify the victim

easily and offer him assistance. However, not all victims who received assistance were released, let alone receive compensation. Furthermore, although the exact numbers have not been obtained, there is a possibility that the number of victims who were successfully 'assisted' by the legal aid agencies or the mass media is far less than the total number of victims.

d. Impacts on Victims

It is important to note that the impact of wrongful arrest is experienced not only by those who have been sentenced, are serving their sentences, or have finished serving their sentences. The victims of wrongful arrest who are currently under investigation or court trial phase also encounter various negative impacts, both short and long-term, which affect their quality of life.

Table 3 (Appendix 2) shows the identity of the victims, procedure violations committed by the apparatus in the criminal justice process, and the impacts experienced by the victims. The data were obtained from various articles and online mass media from 2002-2021. 45 victims whose cases received public attention, whether they received legal assistance from NGOs or not, were selected.

Details in Table 3 (Appendix 2) show how the impact of wrongful arrests has befallen the victims at every phase in the criminal justice system: either at the police, prosecutor's office, trial court, prison, and even beyond finishing their sentences. In particular, it is important to notice the impact of violence perpetrated on the victims during the investigation phase.

Discussion

In the discussion, an analysis will be conducted by comparing the existing term with the facts of wrongful arrests in Indonesia. Critical victimology is then used to examine the problem of wrongful arrests in Indonesia. A new term that can be used to explain the phenomenon of wrongful arrests in Indonesia is then proposed.

Existing terms and Indonesia context: A snippet of insufficiency

The existing terms have yet been able to describe wrongful arrest-related problems in

Indonesia. Indications of term insufficiency in explicating precise nuances in the Indonesian context are as follows

Firstly, the "unjust conviction" focuses only on administrative errors in criminal law [6, 17].

Secondly, "miscarriages of justice" focuses on court processes and sentencing and refer more to procedural errors, in which the acquittal of a guilty person can also be referred to as a miscarriage of justice [7, 8, 18, 19].

Thirdly, a "miscarriage of criminal justice" refers to errors in the criminal justice process, namely procedural errors, malpractice, and procedural irregularities [10]. Thus, miscarriages of criminal justice refer more to errors of a technical nature than to malpractice. This term also refers more to victims who are in the trial phase.

Fourthly, "wrongful conviction" refers to the factual innocence of the victim so that it can explain one side of wrongful arrests in Indonesia [19-21]. However, wrongful conviction is more focused on the phases of sentencing or during the sentence.

Fifthly, "wrongful arrests," criminal indictments, and wrongful sentences by Bohm [10] can partly explain wrongful arrests in Indonesia due to the mistakes made by the apparatus at every phase of criminal justice that the victims undergo. Each of these three terminologies can explain the criminal justice process experienced by victims separately but cannot yet explain it in an integrated manner.

All terms have not sufficiently embodied the Indonesian context wherein a process attracts and sucks the victims to stay in and go through every phase to the last. Thus, an urgent need for a term that explicates the "vacuum effect" created by the apparatus of each phase working together in collaboration to prevent the victims at each phase and states that the victims are factually innocent.

Other considerations to be included in the term

In finding the most sufficient term, the following Indonesian context must be put into consideration as well.

Firstly, the discrepancy between the official model and the applied model of the justice system. Officially, Indonesia applies the

"presumption of innocence" contingent on DPM. However, the observation and comparison of the criminal justice process in some areas, as discussed in previous sections reveal that Indonesia practically applies CCM with the "presumption of guilt." It is reflected in the short process of determining suspects as guilty that tends to lack scientific investigation because cases need to resolve as quickly as possible at minimum cost (efficiency); then resorts to abuse of power and even human rights violation.

Secondly, the many dimensions of critical victimology, particularly those related to structural victimization.

From the point of view of critical victimology, there is a dimension of structural victimization of CCM. As Von Nagel [15] has explicated structural victimization, data in Table 3 (Appendix 2) shows just that; the structural power of Indonesia's justice system has victimized the suspects through negligence or violations of procedures, manipulating evidence, abuse of power and use of torture.

Another dimension that needs to be included here is the state crime through which the state has structurally victimized its own citizens [16]. Because the perpetrators are the apparatus of the criminal justice system in every phase of the criminal justice process (Tabel 3 in Appendix 2), Indonesia may have also committed "domestic state crime" that occurs when the government takes actions that weaken the social, economic, or political rights of its citizens [16].

The dimension of socioeconomic factors [15] or economic factors and social factors [28] in structural victimization in Indonesia must be included here as well. As shown in Table 1, almost half of the victims of wrongful arrest (62 persons) lived in absolute poverty, which is below the minimum standard of living. In turn, as detailed in Table 3 (Appendix 2), this has made them susceptible to structural pressures and not have the socio-economic strength to stand against the pressure of the power structure. In the end, it has put them into a marginal group and become easy targets of the apparatus of the criminal justice system.

In contrast, a dimension uniquely tied to Indonesian historical, economic, political, and

social structure has to be included here. That there are victims of wrongful arrest due to their membership in ethnic and religious minorities (one case for each in Table 1) despite their being from the middle and upper socio-economic class.

Details in Table 3 (Appendix 2) show the victim who was allegedly arrested because of his Chinese descendants-the minority group- in 2002. The arrest happened after the Indonesian 1998 Reformation, a time filled with political tension and uncertainty, and heightened sentiment against the Chinese descendants. Such sentiment, however, has historically always been present in Indonesia [29]. The criminal justice process ceased at the investigation phase, and the victim was released. There has never been any state compensation or good name restoration ever since.

The victim of wrongful arrest due to a charge of religious blasphemy was from a religious minority group and was sentenced to imprisonment (Table 3 in Appendix 2). The arrest happened after Aceh Singkil Tragedy in 2015 which was triggered by protests against the churches that were built without permission letter; the process then ended with an attack on Christians and the burning of a church [30]. Her case was a picture of unequal power between religious majority-minority weaved into the fabric and played within the dynamics of social structure. Thus, despite being proven innocent post finishing her sentence, she has never received any state compensation or good name restoration.

The different treatment of the criminal justice system apparatus towards victims of wrongful arrest who were from the higher class is yet another feature to reflect on. Similar to the discriminative character of the American justice system yet it is somewhat unique due to the Indonesian context. Table 1 shows two such cases, and the details in Table 3 (Appendix 2) show how the investigation phase stopped during the police investigation and the victims' efforts to receive state compensation and good name restoration, even managed to imprison the officers who abused one of them, were successful.

This intricately relates to how the apparatus of the Indonesian criminal justice system

strives to keep their seemingly perfect working performance intact; By avoiding errors as earliest as possible at any cost-including imposing the victim as guilty when the evidence proves otherwise. Hence, the criminal justice system apparatus was concerned more with the system than the victims of wrongful arrest.

Details in Table 3 (Appendix 2) show the process that the victims of wrongful arrest had to undergo. In short, the police are the opening key, and the judge is the closing key. Both keys have ensured that the victims were kept within and processed through the system with no way to exit in between.

It is important to note that despite some genuinely technical errors and/or violations of SOP by the police, in some cases, there was no ill intent or planning from the police to wrongfully arrest the victims. Yet, the errors that were then carried on through the whole process of the justice system have indeed indicated an element of ill intent to position the victims of wrongful arrest as the perpetrators of the crime despite their innocence.

Such ill intent was shown by the fact that the victims or their families were unaware of the legal aid available. Given their socio-economic background as the marginal group (Table 1), such information was probably not offered by the police or other apparatus of the justice system (Table 2 in Appendix 3). They just went through the criminal justice process to imprisonment.

It is also important to note that pertinent to data in Table 2 in Appendix 3, victims were proven innocent either in the investigation, prosecution, or examination at a court trial and verdict phase of the criminal justice process. Some victims were proven innocent after finishing their sentences. In the worst-case scenario, two victims were proven innocent while serving time (in this case, awaiting the death penalty) when the actual perpetrator had already confessed. However, this confession did not result in the exoneration of the victim. They are still serving the same sentences to this day, with their death sentences continuously being postponed.

However, their physical and psychological impact might have been short-term or long-

term regardless of the phase or time spent in the justice system.

The discussion above has just pointed out the shortcomings of already existing terms for capturing the reality in the Indonesian context as well as the victims' experience and needs. The new term proposed in the following section, thus, pays attention to the huge pressure causing severe long-term physical, psychological, economic, social, and productivity impacts upon the victims.

Wrongful criminal justice process: A new term proposed

Following the Indonesian context as discussed above, we propose the "wrongful criminal justice process" (WCJP) as a term that is more sufficient than existing terms.

We define WCJP as the process of a factually innocent person going through the criminal justice process, starting from the police and continuing into subsequent institutions; the person's experiences being mutually enhanced and sustained by those institutions to keep being within the criminal justice system, and hence undergoes simultaneously multiple procedural violations and human rights violation. Despite the person's rare success in leaving the criminal justice system at any phase, the wrongful criminal justice process tends to weaken his ability to leave the system before the process is completed. Thus, the wrongful criminal justice process definitely has various negative impacts on the person. The wrongful criminal justice process indicates structural victimization and state crime as well.

The reasons the term WCJP harnesses the Indonesian context of wrongful arrest are as follows.

Firstly, the term WCJP describes the long process that victims of wrongful arrest shall undergo. It is as if they were being sucked into the criminal justice system and had no power to possibly get out of the ongoing justice process.

WCJP, as a term, then also reflects and indicates structural victimization within the justice system wherein the institutions and apparatus of the justice system play their power and act in unison towards the victims -as in "us vs. them";

to ensure that the victims will never get out before they reach the final phase of the justice system.

In short, as a term, WCJP describes how the victims are like being in a vacuum. Once they get in, they are helplessly processed and maintained to stay within along and among the institutions until the last phase of the justice system.

Secondly, WCJP reflects the process which victims of wrongful arrest shall pass; that is, wrongful arrests attract victims into the system and weaken them so they cannot get out of it before the process is complete. WCJP also views the victims as factually innocent who did not commit or contribute to the particular crime.

Another important thing is that WCJP points out malpractices and procedural violations within the Indonesian justice system that are conducted not only by one or a group of apparatus of one institution but in continuous collaboration with another institution.

WCJP, as a term, therefore, shows also how the victims have almost no possibility of going out of the criminal justice process because, through their power, every element within the criminal justice system in Indonesia seems to cooperate to cover up wrongful arrests.

The term WCJP also shows the failure of the Indonesian justice system to fulfill the victims' rights to information of legal assistance or mass media assistance. This has made the victims unable to get out of the system immediately and or apply for compensation.

Thirdly, the term WCJP, as Bohm [10] has suggested and the Indonesian context has shown, is an intertwining of wrongful arrest, wrongful indictments, and wrongful sentences. WCJP describes either a victim who may go through the three processes continuously, a victim who may have been sentenced to guilt, or a victim who has finished serving his sentence.

WCJP also describes that all the while, multiple harmful violations have been inflicted on the victims and negatively impacted them physically, psychologically, financially, and socially as well as in their rights to productivity.

For the victims who have finished serving their sentences, the term WCJP also represents

fewer chances for getting compensation, even if it is in the form of restoration of a good name.

Wrongful criminal justice process: The flip side of the same coin

What is beyond the two questions and discussion in this article is the implication should the term "Wrongful Criminal Justice Process" (WCJP) be accepted. By the same logic, applying the term WCJP implies that there is a factually guilty person walking freely out there. WCJP reminds us to always be cautious of whether the criminal justice system has punished the wrong person and let the perpetrators be free. Hence, the criminal justice system might have inadvertently committed yet another violation of the law: letting criminals be free.

Conclusion

WCJP is a term expected to answer the two questions concerning wrongful arrests in Indonesia, which can explain the vacuum-like process and represent victims of wrongful arrests in multiple phases of the criminal justice system in Indonesia.

In answering the first question, it can be seen that, of all terminologies, none of them can explain the elements in one term. Most of them focus on proceedings in court and are more related to procedural errors and maladministration.

In answering the second question, there are certain factors that explain the wrongful arrest in Indonesia: 1) the criminal justice model in Indonesia is more inclined to CCM, which is in the form of quick and efficient cases resolution, with an emphasis on the use of power, and tends to ignore human rights; 2) profiles of victims of wrongful arrest are mostly from marginal communities, and there are indications of discrimination against minority groups who are vulnerable to structural pressure and cannot fight back; 3) the criminal justice process that indicates cooperation among institutions in the criminal justice system that minimizes the opportunity of victims to get out of the criminal justice process that has drawn them in; and 4) the pressure and the extent of impact suffered by victims are not limited to victims who have received a return of verdict because

there is often physical and mental torture at the investigation phase.

From these factors: the criminal justice model, the profile of the victim, the criminal justice process, and the impact suffered by the victim, there is clearly structural victimization, where there is structural power that victimizes particular individuals or groups.

It can also be seen that there are state crimes, where the state, through its criminal justice system apparatus, conduct crimes against its citizens by suspecting the innocent through multiple procedural violations and "cooperating" to weaken victims so they cannot get out of the ongoing criminal justice process.

Thus, WCJP explains how the criminal justice process behaves like a vacuum that sucks in victims and holds them until they cannot escape the system. This term also explains who is involved in wrongful arrests, namely all officials in the criminal justice system involved in the victim's criminal justice process. This can be indicated as collaborating to maintain the victim to stay within the criminal justice process until the end. The police act as the opening key, and the judge becomes the closing key, preventing the victim from getting out.

Because WCJP describes a process, every individual (or group) who enters the criminal justice process is a victim of the same phenomenon, regardless of at which phase the criminal justice process ceases when they are proven not guilty. The term WCJP represents all victims whose process ceases at various phases of the justice system, from the investigation phase to the completion of their sentence.

The suffering of the victim who has just undergone the investigation phase was not simply ignored in the WCJP. This term provides a place for victims whose process ceases at the initial phase, similar to victims who have received court sentences. In fact, this term also includes victims who have finished serving their sentences and later have been proven not guilty.

Recommendations

WCJP is highly recommended as the official term because it can accommodate all victims of wrongful arrests.

The appropriate justice system is then required to establish so that the victims will

eventually receive compensation or recovery according to the severity of victimization and the impact they suffered.

Then, an accurate calculation of the severity and/or length of time and/or in which phase of the justice system the victim has gone through is also necessary. This includes victims who have been released in the initial phase of the case investigation.

Next is the provision for compensation or recovery of victims from the impacts of physical, psychological, economic, social, and productivity rights. Vindication is also to be provided so the victims will be free from social stigma.

The power of legal aid agencies or NGOs and the mass media to assist victims of wrongful arrests must be further encouraged. These institutions can raise public attention to assist the victims.

The Witness and Victim Protection Agency (Lembaga Perlindungan Saksi dan Korban/LPSK) needs to be involved in providing compensation and recovery of victims of wrongful arrest; to guarantee immediacy, efficiency, and efficacy.

The Ombudsman also needs to be involved in assisting victims of wrongful arrests, particularly when maladministration occurs in providing compensation and recovery for victims.

Study Limits

There are several limits in this study:

1. The study lacks a comprehensive literature review due to no access to police records and/or court trial records of wrongful arrest cases.
2. The study lacks an actual number of wrongful arrests due to resistance from the justice system apparatus, particularly the police, and judges to admit that wrongful arrests have actually occurred.

Further Study

This study offers new thoughts on wrongful arrests in Indonesia. Further studies will concentrate on the criminal justice process, the criminal justice system, the recovery of WCJP victims, and how the "Wrongful Criminal Justice Process" has let criminals be free.

References

1. Akbas H. Power of arrest: Definition, legal justification, and authority. In: Shapiro LR, Maras MH, eds. (2019) Encyclopedia of security and emergency management. London: Springer Nature. 1-5.
2. Okpaluba C (2018) Damages for wrongful arrest, detention and malicious prosecution in Swaziland: Liability issues. *J Juridical Sci.* 43:55-83. https://doi.org/10.18820/24150517/JJS_43.v1.4
3. Duncan C (2019) Justifying justice: Six factors of wrongful convictions and their solutions. *Themis Res J Justice Stud Forensic Sci.* 7:91-107. <https://doi.org/10.31979/THE-MIS.2019.0706>
4. Le LC, Hoang YH, Bui HT, Nguyen DQ, Mai ST, Luong HT (2022) Understanding causes for wrongful convictions in Vietnam: A view from the top and the bottom of the Iceberg. *Asian J Criminol.* 17:55-73. <https://doi.org/10.1007/s11417-022-09390-7>
5. This is the Case Experienced by Dedi, who was a Victim of Wrongful Arrest until He was Released [<https://news.detik.com/berita/d-2980444/ini-kasus-yang-menjerat-dedi-korban-salah-tangkap-hingga-bebas>], accessed 14 Aug 2023.
6. Borchard EM (1913) European systems of state indemnity for errors of criminal justice. *J Am Inst Crim Law Criminol.* 3:684-718
7. Greer S (1994) *Miscarriages of Criminal Justice Reconsidered*. USA: Blackwell Publishers.
8. Garner BA (2019) *Black's Law Dictionary*. 11th Edition. St. Paul, MN: Thompson West.
9. Naughton M (2004) Redefining miscarriages of justice: A revived human-rights approach to unearth subjugated discourses of wrongful criminal conviction. *Br J Criminol.* 45:165-182. <https://doi.org/10.1093/bjc/azh066>
10. Bohm RM (2005) Miscarriages of criminal justice: An introduction. *J Contemp Crim Justice.* 21:196-200. <https://doi.org/10.1177/1043986205278811>
11. Creswell JW (2012) *Educational Research: Planning, Conducting, and Evaluating Quantitative and Qualitative Research*. London: Pearson Education, Inc.
12. Rahmawati E (2019) Recovery Strategy and Formal Social Control of Victimization in Miscarriages of Justice in Indonesia. Jakarta: Universitas Indonesia.
13. Rahmawati E, Dermawan MK (2021) Miscarriages of justice in Indonesia: Marginalized groups, structural victimization, and formal social control. *Adv Soc Sci Educ Humanit Res.* 592:456-466. <https://doi.org/10.2991/asehr.k.211112.059>
14. Walklate S (1990) Researching victims of crime: Critical victimology. *Soc Justice.* 17:25-42
15. Von Nagel WH (1979) Structural victimization. In: Kirchhoff GF, Sessar K, eds. *Verbrechensopfer*. USA: Office of Justice Program. 61-83.
16. Kauzlarich D, Matthews RA, Miller WJ (2001) Toward a victimology of state crime. *Crit Criminol.* 10:173-194. <https://doi.org/10.1023/A:1015744304749>
17. Borchard EM (1932) *Convicting the Innocent: Sixty-five Actual Errors of Criminal Justice*. New York: Doubleday.
18. Forst B (2011) *Errors of Justice: Nature, Sources and Remedies*. UK: Cambridge University Press.
19. Naughton M. *Miscarriages of justice, wrongful convictions and victims*. In: Corteen K, Morley S, Taylor P, Turner J, eds. (2016) *A companion to crime, harm and victimisation*. Bristol, UK: Policy Press.
20. Gould JB, Leo RA (2010) One hundred years later: Wrongful convictions after a century of research. *J Crim Law Criminol.* 1973- 100:825-868.
21. Roberts S, Weathered L (2008) Assisting the factually innocent: The contradictions and compatibility of innocence projects and the criminal cases review commission. *Oxf J Leg Stud.* 29:43-70. <https://doi.org/10.1093/ojls/gqn022>

22. Packer H (1968) The Limits of the Criminal Sanction. Standford: Stanford University Press.
23. Schiffer K, Schatz E (2008) Marginalization, Social Inclusion, and Health. Amsterdam: Foundation Regenboog AMOC.
24. Deonandan R (2019) Defining poverty: A summary of competing models. *J Soc Polit Sci.* 2:17-21. <https://doi.org/10.31014/aior.1991.02.01.44>
25. Linton RE (1945) The Science of Man in the World Crisis. Columbia: Columbia University Press.
26. Ritzer G (2001) Sociological Theory. New York: McGraw Hill.
27. Criminalization: Modus and Cases in Indonesia [https://kontras.org/2016/09/16/kriminalisasi-modus-dan-kasus-kasusnya-di-indonesia], accessed 13 Aug 2023.
28. Cameron S, Newman E (2008) Trafficking in Humans: Social, Cultural and Political Dimensions. Tokyo: United Nations University Press.
29. Budi, Victim of Wrongful Arrest by Police [https://www.liputan6.com/news/read/125366/budi-korban-salah-tangkap-polisi], accessed 14 Aug 2023.
30. Hartani M, Nulhaqim SA (2020) Analisis konflik antar umat beragama di Aceh Singkil. *J Kolaborasi Resolusi Konflik.* 2:93-99
31. Criminal Procedure Code 1981 (1981) UU No. 8 Tahun 1981 Tanggal 31 Desember 1981 Tentang Hukum Acara Pidana/KUHAP. Jakarta: Lembaran Negara Republik Indonesia Nomor 76.
32. Narcotics Law 2009 (2009) UU No. 35 Tahun 2009 tentang Narkotika. Jakarta: Lembaran Negara Republik Indonesia Nomor Tahun 2009 Nomor 143.
33. Terms of Restorative Justice in Criminal Matters [https://nasional.tempo.co/read/1640541/syarat-restorative-justice-dalam-perkara-pidana], accessed 14 Aug 2023.
34. KontraS Reveals the Irregularity of Ruben and Markus Sambo's Death Sentences [https://www.liputan6.com/news/read/618224/kontras-ungkap-kejanggalan-vonis-mati-ruben-dan-markus-sambo], accessed 14 Aug 2023.
35. Haryadi L, Suteki S (2017) Implementasi nilai keadilan sosial oleh hakim dalam perkara Lanjar Sriyanto dari perspektif Pancasila dan kode etik profesi hakim. *Law Reform.* 13:164-179. <https://doi.org/10.14710/lr.v13i2.16153>
36. The Story of the Wrongful Arrest of Sri Mulyati Which Resulted in Her Child Dropping Out of School [https://nasional.tempo.co/read/720861/kisah-salah-tangkap-sri-mulyati-hingga-anaknya-putus-sekolah], accessed 14 Aug 2023.
37. Gorontalo "Sengkon-Karta" Tragedy, Kado Bad Bhayangkara Anniversary [https://www.antaranews.com/berita/69586/tragedi-sengkon-karta-gorontalo-kado-buruk-hut-bhayangkara], accessed 13 Aug 2023.
38. KontraS: The Attorney General Postpones the Death Execution of Ruben Pata Sambo [https://www.liputan6.com/news/read/617859/kontras-jaksa-agung-tunda-eksekusi-mati-ruben-pata-sambo], accessed 14 Aug 2023.
39. Kemat and Devid Are Finally Released [https://median.kompas.com/read/2008/12/03/18543871/~Regional~Jawa], accessed 13 Aug 2023.
40. Victim of Wrongful Arrest Complains to the Judicial Commission [https://nasional.tempo.co/read/459290/korban-salah-tangkap-mengadu-ke-komisi-yudisial], accessed 14 Aug 2023.
41. The Story of Grandma Minah and Listyo Sigit Promises that the Downward Law is Equal to Upward [https://nasional.kompas.com/read/2021/01/21/20554571/kisah-nenek-minah-dan-janji-listyo-sigit-agar-hukum-tak-tajam-ke-bawah], accessed 13 Aug 2023.
42. Grandma Minah Your Name is Mentioned [https://mediaindonesia.com/podiums/detail_podiums/2050-nenek-minah-namamu-disebut], accessed 14 Aug 2023.
43. Lanjar was Sentenced to Two Months and 14 Days of Probation [https://regional.kompas.com/read/2011/12/12/2

- 135248/~Regional~Jawa?page=all], accessed 14 Aug 2023.
44. Historian Rizal is Suspected of being a Pickpocket [<https://metro.tempo.co/read/212787/sejarawan-rizal-dikira-pencopet>], accessed 13 Aug 2023
45. Full Chronology of the Cipulir Murder Case to the Wrongful Arrest of 6 Street Musicians [<https://megapolitan.kompas.com/read/2019/07/20/10454261/kronologi-lengkap-kasus-pembunuhan-cipulir-hingga-salah-tangkap-6>], accessed 13 Aug 2023.
46. Chronology of Wrongful Arrest to Robin, Who Has Been Battered According to the Police Version [<https://www.liputan6.com/news/read/719009/kronologi-salah-tangkap-robin-yang-sudah-babak-belur-versi-polisi>], accessed 14 Aug 2023.
47. Narcotics Case Manipulation: The Victim's Family Complained Their Fate to the National Human Rights Commission [<https://bantuanhukum.or.id/rekayasa-kasus-narkotika-keluarga-korban-mengadukan-nasibnya-ke-komnas-ham/>], accessed 13 Aug 2023.
48. Sapuan, Life Convict of Murder Case in Pati Plans to File Judicial Review [<https://yosep-parera.id/2019/07/14/sapuan-terpidana-seumur-hidup-kases-pemkillan-dipati-beplan-ajukan-pk>], accessed 13 Aug 2023.
49. The Victim of Alleged False Justice in the Murder Case Finds New Evidence [<https://www.antaranews.com/berita/965754/korban-dugaan-peradilan-sesat-kasus-pembunuhan-temukan-bukti-baru>], accessed 14 Aug 2023.
50. Wrongful Arrest Case: This Motorcycle Taxi Driver Also Lost His Child [<https://metro.tempo.co/read/688382/kasus-salah-tangkap-tukang-ojek-ini-juga-kehilangan-anaknya>], accessed 14 Aug 2023.
51. Case of Grandma Asyani, Lawyer: As Want to Securing Institutions [<https://nasional.tempo.co/read/657468/kasus-nenek-asyani-pengacara-seperti-mau-amankan-lembaga>], accessed 14 Aug 2023.
52. Grandma Asyani's and Fragile Law [<https://www.pa-penajam.go.id/formasi-penajam/369-nenek-asyani-dan-%20Hukum-yang-ringkih-21-9>], accessed 13 Aug 2023.
53. Minister Yohana Asks for Justice for Grandma Asyani [<https://www.kemenpppa.go.id/index.php/page/read/30/285/menteri-yohana-%20Minta-keadilan-untuk-nenek-asyani>], accessed 13 Aug 2023.
54. 3 Jayapura Residents Become Victims of Wrongful Arrest and Persecution [<https://daerah.sin-donews.com/berita/1039052/174/3-warga-jayapura-jadi-korban-salah-tangkap-dan-penganiayaan>], accessed 14 Aug 2023.
55. Case of Meiliana: The Minister of Religion to the Vice President Gives Support Amidst the Pros and Cons of Netizens [<https://www.voaindonesia.com/a/meiliana-penistaan-agama-azan-dukungan-menag-wapres/4541550.html>], accessed 14 Aug 2023.
56. Anggara (2017) Torture in Asep Sunandar's Criminal Case: Amicus Curiae (Friend of the Court). Jakarta: ICJR.
57. Suspected to be Victim of Wrongful Arrest, Asep Sentenced to 3 Years [<https://metro.tempo.co/read/873822/diduga-korban-salah-tangkap-asep-divonis-3-tahun>], accessed 13 Aug 2023.
58. The Story of Budi Pego, an Activist Who Was Accused as a Communist: Keeping to Reject Gold Mine After Imprisonment (Part I) [<https://nasional.kompas.com/read/2019/12/16/07255421/kisah-budi-pego-aktivis-dengan-tuduhan-komunis-tetap-tolak-tambang-emas-usai?page=all>], accessed 14 Aug 2023.
59. The Story of Wrong Arrest Victim Who Was Tortured by the Police [<https://megapolitan.kompas.com/read/2017/06/22/08572121/kisah.korban-salah.tangkap.yang.disiksa.polisi?page=all>], accessed 14 Aug 2023.

60. Hot Traces of the Case of a Quran Teacher Accused of Robber in Bekasi [<https://www.cnnindonesia.com/nasional/20220216231231-12-760212/jejak-panas-kasus-guru-ngaji-dituduh-lakukan-begal-di-bekasi>], accessed 13 Aug 2023.
61. The Accused Recitation Teacher HMI Cadre Begal in Bekasi Freed from Prisoner [<https://metro.tempo.co/read/1589918/kader-hmi-guru-ngaji-yang-dituduh-begal-di-bekasi-dibebaskan-dari-tahanan>], accessed 13 Aug 2023.

ADDITIONAL FILES

File name: Appendix 1

File format: .docx

Title of data: Table 2. Judicial process criminal regarding arrest in Indonesia

Description of data: Appendix that consists of judicial process criminal regarding arrest in Indonesia

File name: Appendix 2

File format: .docx

Title of data: Table 3. Violation of victim procedures and impacts 2002-2022

Description of data: Appendix that consists of violation of victim procedures and impacts 2002-2022

Appendix 1

Table 2. Judicial Process Criminal Regarding Arrest in Indonesia

Phases of Criminal Justice Process	Apparatus	No.	Criminal Justice Process
Investigation	Police	1	<ul style="list-style-type: none"> • Cases of wrongful arrest can occur at any time, whenever a crime occurs. • In some cases, cases occur because of the complaint offense. • Whether a case will be continued or ceased, especially in an arrest of someone based on an offense warranting a complaint, almost entirely depends on the reporting authority and the benefits the investigator will obtain if the case is continued.
		2	<ul style="list-style-type: none"> • This case, whether obtained based on the offense warrant complaint or witness testimony, will then be used as a target of investigators' settlement. • However, a large number of cases but with a small number of investigators cause problems in case handling quality. • Although the time limit for the preliminary investigation is longer than the investigation, there is a lack of various facilities, funds, and low-quality investigators, even though there are demands on the apparatus to immediately determine the suspect responsible for the case (crime clearance of above 60% from total crime [12]). • Finally, the determination of the suspect was carried out without a comprehensive preliminary investigation.
		3	In cases where there is uncertainty, such as damaged crime scenes, investigations that do not use a scientific approach, and investigators who are lazy to investigate cases in depth, errors in determining suspects may occur.
		4	<ul style="list-style-type: none"> • After the suspects' names have been determined, searching for witnesses who can be asked for information will begin. • However, in some cases, witnesses were pressured by the apparatus to provide false information on suspects. • This makes innocent people determined as perpetrators of crime.
		5	<ul style="list-style-type: none"> • Furthermore, with the objective of time shortening, without carrying an arrest warrant (an arrest warrant does not accompany the arrest), and only based on witness testimony that cannot be relied upon, the arrest of a suspect is immediately conducted. • During the arrest process, the suspect may be tortured and even shot.
		6	<ul style="list-style-type: none"> • After the suspect has been arrested, a public attorney is not recommended or presented for them (although the charges imposed are punishable by imprisonment of five years or more). *Article 56 Paragraphs 1 and 2 of the Criminal Procedure Code 1981 [31] states that suspects or defendants who are punishable by death or fifteen years in prison or more, and those who do not have the financial means and do not have legal advisors who are punishable by five year's imprisonment or more, the police institution must present legal advisers who provide services on a pro bono basis. • Some of the suspects were even pressured to sign a denial in the presence of a public attorney. • If a public attorney is presented, the public attorney will be pressured by the police not to defend the suspect to the fullest. If the public attorney refuses, likely, public attorney services in further will no longer be required by the police institution which presents the public attorney.
Additional		7	<ul style="list-style-type: none"> • *Police institutions may take an ad hoc approach in certain cases only to give compensation to the suspects. • **Several source persons stated that there are cases where a person's status as a suspect is not revoked without a clear timeline, even though the evidence leads to his innocence.

Phases of Criminal Justice Process	Apparatus	No.	Criminal Justice Process
	Public Attorney	8	In some cases, public lawyers who work without operational funds may accept bribes to back down, especially in cases that arise from offenses warranting complaints or cases involving drugs.
		9	The initial interrogation process of a suspect can be carried out by the police institution exceeding the stipulated time (in general criminal cases, more than 24 hours; or for drug cases, more than 72 hours) without presenting a public attorney. *Article 76 Paragraphs 1 and 2 of the Criminal Procedure Code 1981 state that an arrest can be made at the latest and could be extended for 3 x 24 hours from when the investigator receives the arrest warrant. **Article 19 Paragraphs 1 and 2 of the Narcotics Law 2009 [32] state that an arrest can be made for a maximum of one day (24 hours), and an arrest can only be made if he has been legally summoned twice in a row but does not comply with the summons without a valid reason.
	Police	10	<ul style="list-style-type: none"> • Due to the limited preliminary investigation time, investigators often conduct violations to obtain admission from suspects. • Investigators may also give false reports and manipulate evidence to incriminate suspects to facilitate the submission of cases to the prosecutor's office. All of them are compiled in the Minutes of Examination (<i>Berita Acara Pemeriksaan/BAP</i>) that have been manipulated.
		11	After the defendant was determined, the police handed over the Order of Investigation Commencement (<i>Surat Pemberitahuan Dimulainya Penyidikan/SPDP</i>) to the prosecutor.
Prosecution	Prosecutor	12	<ul style="list-style-type: none"> • In general, the assigned prosecutor will immediately receive the case file without conducting his preliminary investigation and then forward it to the court. • In some cases, the prosecutor sometimes asks questions concerning certain issues and returns the case files (to the police) for completion (P19), but these case files are often only answered in writing. • In certain cases, investigators can pressure the prosecutor to bring the case to court immediately.
		13	In certain cases, the media can be involved by the police to pressure the prosecutor, which is considered to slow down the judicial process.
		14	In the end, the prosecutor's office, which does not have a check and balance mechanism, does not involve directly in the crime scene and does not cooperate with investigators to conduct a preliminary investigation or bring the case to court.
		15	<ul style="list-style-type: none"> • Courts that are not allowed to reject cases frequently no longer conduct examinations of the incoming files. • In cases that involve children, Community Research (<i>Penelitian Masyarakat/Litmas</i>) is sometimes not carried out to study the case further.
		16	<ul style="list-style-type: none"> • In court, the judge leads the trial process by simply listening and trusting the input from the prosecutor without examining the file submitted. • In general, judges simply judge based on the prosecutor's indictment.
Examination	District Court Judge	17	Judges frequently ignore other facts of the trial, such as the existence of a suspect who revokes the BAP and states it is due to torture during the preliminary investigation process.
		18	<ul style="list-style-type: none"> • The attitude of judges towards the defendant can be influenced by input from the prosecutor in the indictment filed. • In some cases, when a panel of judges chairs the trial process, differences of opinion may occur between the three judges. Still, it does not have a significant impact because, basically, all judges will tend to agree with the leading judge's decision.

Phases of Criminal Justice Process	Apparatus	No.	Criminal Justice Process
		19	In some cases, the court process should have been chaired by a panel of judges; for example, in cases involving children. However, there are cases where the court is chaired by a single judge (in this case, there are indications that objectivity in court proceedings is not maintained).
		20	<ul style="list-style-type: none"> • From several pieces of evidence in court (i.e., witness testimony, expert testimony, letters, instructions, and statements of the defendant), the judge can base his decision on two valid pieces of evidence only; hence the judge has legally reached his conviction on the matter -it is termed an "element of conviction" (<i>unsur keyakinan</i>) but perceived as an "element of faith" with somewhat religious tendency and power thus sacred and or unquestionable. • The element of conviction of the judge is related to the position of the judge, who tends to be deified. Yet, the element of conviction is very subjective and depends on the situation and condition of the judge in determining the verdict.
		21	In court, the statements of experts whose knowledge does not come from legal science may fail to be understood by the judges, resulting in misunderstandings and adversely affecting the verdict handed down to the defendant.
		22	<ul style="list-style-type: none"> • The background of the judge's perspective on the defendant tends to be influenced by the prosecutor. • In addition, the judges can also make hasty decisions to shorten the court process. For example, the sentence was handed down in only two trials.
Court Decision (District Court)		23	In cases where the prosecutors and judges observe that the defendant is not guilty, the guilty verdict is imposed to avoid the further impact of the defendant's release, namely the submission of a pre-trial (usually submitted as a request for compensation in multiple victims' losses).
		24	The imposition of a guilty verdict is also an effort to avoid further problems which may be encountered by judicial institutions and judges, as well as other elements of the criminal justice system, namely subjecting to administrative sanctions from their respective institutions, as punishment for conducting wrongdoing arrests (although until today, there is no evidence to indicate that any sanctions have been imposed on the apparatus of the criminal justice system).
		25	<ul style="list-style-type: none"> • In fact, the verdict is frequently given in cases where the available evidence led to innocence is a guilty verdict, but the punishment given is light, so the victims of wrongful arrest can be released immediately. • The judge can persuade the victim to plead guilty, so the victim gets a lighter verdict from the court rather than having to undergo a long process, such as filing an appeal and cassation.
		26	<p>The defendant, who then became a convict, served a period of imprisonment in prison (the only type of punishment in Indonesia [12].</p> <p>*Restorative justice was established in 2019 and can only be applied in minor criminal cases related to women in conflict with the law, juvenile delinquency and juvenile offenses, and narcotics [33].</p>
	Correctional Facility	27	<ul style="list-style-type: none"> • When a convicted person reports an incident of wrongful conviction to the correctional facility with new evidence (novum) they have, the correctional facility does not have standard operating procedures (SOP) for complaints of wrongful convictions. • The correctional facility, at the discretion of its officials, can only try to report cases of wrongful convictions encountered by victims to the relevant agency.

Phases of Criminal Justice Process	Apparatus	No.	Criminal Justice Process
		28	<ul style="list-style-type: none"> • However, in most cases, the correctional facility does not report wrongful convictions to the state. • Correctional facilities only accept convicts and guide them according to their duties until they have finished serving their sentences.
Additional		29	<ul style="list-style-type: none"> • Until today, the hardest thing to do is to get the victim out of the correctional facility, especially when all attempts to apply for a judicial review (PK) and clemency have been rejected. • An example is what was experienced by Ruben Pata Sambo and Markus Pata Sambo, who was sentenced to death (the Judicial Review application was rejected in 2008, even though the killer had been admitted since 2006), where the reason for the judge's refusal was because the novum submitted was not new evidence that has been used at trial [34].
	High Court Judges	30	There are cases where the victim was declared guilty by the District Court with a light sentence, but when the victim appealed, the High Court judge increased the victim's sentence. In this case, there are strong indications that this action was conducted to stop the defendant's attempt to file for cassation.
		31	In court proceedings, defendants can also be given a not guilty verdict and be acquitted of punishment, but victims who are found not guilty in the District Court are sometimes found guilty in the High Court. This indicates an attempt to avoid further consequences, such as a request for compensation.
	Supreme Court Judges	32	<ul style="list-style-type: none"> • More severe sentences can be imposed on the defendant than the High Court. (Lanjar Sriyanto case) [35], precisely when the evidence led to his innocence, indicating an attempt to prevent the defendant from claiming compensation. • Sometimes, victims still serving their sentences apply for a Judicial Review. However, even though there is evidence that indicates their innocence, the Judicial Review is still rejected (for example, in the case of Ruben Pata Sambo and Markus Pata Sambo, who applied for a Judicial Review twice but were rejected, even though the killer admitted before the first Judicial Review was submitted) [34].
Additional: Post-sentence		33	Furthermore, victims who have finished serving their sentences and submitted pre-trials faced multiple obstacles in obtaining compensation. These obstacles include a) being rejected because the pre-trial submission period has elapsed, even though the submission is still within the determined period (the Cipulir street musician case); b) the compensation given is meager compared to the suffering of the victim (e.g., Sri Mulyati); and c) the process of compensation submission is cumbersome and time-consuming (e.g., Sri Mulyati's case) [36].

*Extracted from interviews with source persons and other relevant data

Appendix 2

Table 3. Violation of Victim Procedures and Impacts 2002-2022

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
1	Risman Lakoro (husband, father) (61)	Share-cropper	Gorontalo (2002)	Killing their daughter (or daughter-in-law)	<ul style="list-style-type: none"> The police gave accusations without scientific investigation, only based on found human skeletons The police performed various physical and mental tortures for more than three months so that they would sign the Police Investigation Report The judge's verdict is considered legally flawed because it only fulfills one element of evidence, namely the defendant's confession 	Three years of prison	After completing their sentence	Their daughter went back home after five years	<ul style="list-style-type: none"> Risman suffered injuries to the head, hands, and feet Risman suffered permanent disability in his hands and fingers, so he can no longer work as a farmer 	<ul style="list-style-type: none"> Permanent disability, the fingers can no longer be straightened or clenched Because of the disability, he can no longer work as a farmer
2	Rostin Mahaji (wife, step-mother) (45)			Killing his father					<ul style="list-style-type: none"> Rostin had bruises on her back Constant fear 	N/A
3	Budi Harjono (29)	Private sector employees	Bekasi (2002)	Killing his father	<ul style="list-style-type: none"> The police have charged him without any scientific investigation, based solely on the fingerprints found on the wood used to kill the father The police fabricated the story on Police Investigation Report The police arrested her 	City prisoner, then released	<ul style="list-style-type: none"> In the trial process in the District Court Has been imprisoned for six months 	<ol style="list-style-type: none"> The panel of judges rejected all the evidence submitted by the prosecutor, and stated that the evidence was all false A few years later, the real killer was caught in another case and confessed 	N/A	<ul style="list-style-type: none"> A life-long stigma that he is a murderer A tarnished family name

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
					<p>mother for leaving the house for three days, even though her mother suffered severe head injuries and had to undergo head surgery.</p> <ul style="list-style-type: none"> • The police did not believe his mother's testimony that the killer was someone else and instead accused Budi and his mother of conspiring to kill his father • The police have physically and mentally tortured him for six months [29] 			to the murder of his father		
4	Ruben Pata Sambo (72)	N/A	Tana Toraja, South Sulawesi (2005)	Killing Andarias Pandin, his wife, and son	<ul style="list-style-type: none"> • The police carried out the arrest process without an arrest warrant • The police gave harsh treatment and subjected them to physical and mental torture while being stripped naked to force them to confess [34, 38] • The police accused Ruben of being the mastermind of the first-degree pre-meditated murder by fabricating the story in the report 	Capital punishment	Still waiting for the execution	The real killer had confessed before Ruben filed for Judicial Review in 2006 (yet the JR applied in 2008 was rejected by the panel of judges in the Supreme Court because the novum was not considered as new evidence that had already been used in previous trials) [34, 38]	<ul style="list-style-type: none"> • They all had cuts and bruises all over their bodies • Ruben and Markus's teeth fell out • Ruben lost his wife while in prison due to the stress and illness she suffered 	Live a life full of fear waiting to be executed.
5	Markus Pata Sambo (31)	Entrepreneur				12 years of prison	Released after serving seven years of imprisonment			N/A
6	Martinus Pata Sambo (N/A)	N/A								

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
					• The prosecutor never presented the witnesses to the trial • The judge handed down the guilty verdict only based on the defendant's confession at the police					
7	Iwan Setiawan (44)	Security guard	Bandung, West Java (2006)	The pre-meditated murder of his employer, Mrs. Shi Geko Munet-suna	• He was beaten twice by the police to confess • The police stated that the blood stains on his pants were evidence that he had been killed without further checking that the blood came from a cut on his leg while repairing something	• Life imprisonment by the District Court • Life imprisonment by the High Court	• In the cassation trial at the Supreme Court • Released after serving one year and nine months of imprisonment	• It was evident that it had been two years since he had been in charge of guarding Mrs. Shi Geko's house • His alibi was proven that at the time of the incident, he was in the hospital waiting for his sick aunt	He often fainted, thinking about his fate to be imprisoned for being accused of murder.	N/A
8	Devid Eko Priyanto (N/A)	N/A	Jombang, East Java (2007)	The murderer of M. Asrori in the sugar cane field	• The police tortured the suspects to confess • There is evidence of intimidation of Kemat and Devid, while both were in detention and still in the initial trial process, carried out by four people to implicate Sugik as a suspect (these four were the successful team of the village head candidate	12 years of prison 17 years of prison Found not guilty by the District Court	• At the judicial review of the District Court Decision • Devid and Kemat have been jailed for over a year • Sugik served less than a year of imprisonment	Because of the new November containing: • The statement that they confessed to being murderers due to police torture • The statement from the National Police Headquarters stated that the DNA results of the corpse were not Asrori. • The Police Headquarters statement file	N/A	N/A
9	Imam Chambali aka Kemat (35)									
10	Maman Sugianto aka Sugik (28)									

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation who failed last year)	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
							(he was released and became the city's first prisoner)	stated that Asrori's body was found at the house of "Ryan the Butcher," and Ryan confessed to killing Asrori [39] • Devid claimed to have implicated Sugik because of the threat from Asrori's family, who would have killed Devid's family if he didn't		
11	Syahri Ramadhan Burhanuddin (Koko) (15)	Plastic bag sellers	Bogor, West Java (2009)	Committed the crime of theft by weighting	• The police performed torture during his arrest and while in detention • Police forced him to confess (inappropriate arrest procedures) • The police put him in the adult prisoner cell	• Found not guilty by the District Court • Applied for compensation but was rejected [40]	• In the trial process at the district court • Imprisoned for more than a month	• He had not been legally and convincingly proven to have committed a crime • Proven exists manipulation tool proof form description witness police, that is, police who don't follow catch entered to BAP	• Suffered physical injuries as a result of torture • Psychological stress in the arrest and detention • Rage when a compensation application was rejected • The family's financial loss in taking care of the victim's needs	N/A

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
									during the arrest and trial process	
12	Minah (Grandma Minah) (55)	Soybean farmer	Purwokerto, Central Java (2009)	The theft of 3 cocoa pods weighing 3 kg	Still arrested by the police, based on complaint of offense, even though there was mitigating evidence, namely: <ul style="list-style-type: none"> • She couldn't read • She didn't know the company rules • She has returned the cocoa that was taken [41] • She already apologized to the officer 	<ul style="list-style-type: none"> • Found guilty with a minimum sentence at the District Court • Sentenced to 1 month and 15 days in prison, with a probationary period of 3 months [42] • Pay the court fee of Rp. 1000.- 	The mitigating evidence should be a consideration, not to punish Grandma Minah	N/A	N/A	
13	Chairul Saleh (38)	Scavengers	Ke-mayoran, Central Jakarta (2009)	Possession of marijuana weighing 1.6 grams	The trial revealed several irregularities, namely: <ul style="list-style-type: none"> • Police planted evidence of marijuana alleged to be in Chairul's possession • Physical torture was done to get him to confess • The police asked for IDR 5 	Found not guilty by the District Court	<ul style="list-style-type: none"> • In the trial process at the District Court • After being imprisoned for more than six months 	<ul style="list-style-type: none"> • It was proven that the marijuana was not his • The prosecutor only explained two facts, namely: Chaeril often abused narcotics in his home environment, and there were statements by three witnesses who 	N/A	N/A

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact	
							When?	How?			
					<p>million as compensation for the release, which Chairul refused</p> <ul style="list-style-type: none"> • Chairul was forced to sign the BAP without reading the contents • There were indications of falsification of letters and signatures of witnesses • There was evidence of abuse of the profession and authority of the investigator (investigators gave IDR 100,000 to the police who arrested Chairul) 			were said to have found a packet of marijuana leaves under Chairul's seat			
14	Lanjar Sri-yanto (36)	N/A	Boyolali , Central Java (2009)	Negligence that causes loss of life and injuries	<p>The chronology:</p> <ul style="list-style-type: none"> • The motorbike Lanjar was riding with his wife and child was hit by a Suzuki Carry. They bounced off, and his wife was hit by an Isuzu Panther (which was driven by the police) to death. The two cars were not detained • Lanjar, who was the victim, was named a 	<ul style="list-style-type: none"> • Re- leased in Dis- trict Court • Because the pub- lic pros- ecutor filed an appeal, the High Court was in- stead sen- tenced to 1 month and seven 	<ul style="list-style-type: none"> • Guilt verdict (from the be- ginning full of pros and cons) • Experi- encing impris- oned for one month and seven days [43] 	<p>It is stated that the driver of the Isuzu Panther who killed his wife should have been arrested, but instead, Lanjar was pun- ished.</p>		<ul style="list-style-type: none"> • The in- credible trauma of losing his wife and being ac- cused of negli- gent and having to be ar- rested • Loss of income • Great pressure on his son (10 years), who 	

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
					<p>suspect and arrested for allegedly violating Article 359 of the Criminal Code, which resulted in the death</p> <ul style="list-style-type: none"> • Lanjar was offered IDR three million by the Prosecutor's Office to become an outside prisoner (outside prisoner) 	<p>days of imprisonment, according to the period of incarceration that has been served</p> <ul style="list-style-type: none"> • On appeal, the sentence becomes a probation sentence of 2 months and 14 days [35] 				<p>doesn't want to go to school anymore and keeps locking himself up</p> <ul style="list-style-type: none"> • The life necessities of children, while imprisoned, rely on the kindness of neighbors
15	JJ Rizal (37)	Lecturer of Universitas Indonesia	Depok, West Java (2009)	Engaged in pick-pocketing (Historian Rizal is Suspected, 2009)	The arrests were conducted by three police officers with torture in a public space (mall)	Released from police custody	In the investigative phase	<p>Because he assumed to have a permanent job (as a UI lecturer), he is unlikely to be a pickpocket [44]</p> <p>Follow-up: demanded that three police officers who beat him be sentenced to imprisonment (accepted by the judge, three months of imprisonment)</p>	N/A	N/A

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
16	Devi Syahputra (25)	Entrepreneur	Langkat, North Sumatra (2011)	"Selling Narcotics Class I, not plants"	<ul style="list-style-type: none"> There are indications that evidence of drugs being manipulated by someone Imprisonment is still carried out even though the public prosecutor has made a report on the implementation of the judge's verdict, which ordered the defendant to be released from prison in 2011 (Revision of Government Regulation 27/1983, 2015) 	<ul style="list-style-type: none"> Released by District Court, 2011 Prosecutor file for cassation (Devi is in the prosecutor's custody), 2011 Cassation rejected by Supreme Court, 2014 	After being imprisoned for three years	<ul style="list-style-type: none"> Allegations of drug possession have never been proven The witness stated that someone manipulated the evidence to accuse Devi 	N/A	N/A
17	Sri Mulyati (37)	Cashier in a karaoke bar	Semarang, Central Java (2011)	Trafficking/employing minors	<ul style="list-style-type: none"> The allegation is only based on the karaoke manager's report (even who recruited the teenager was the manager) In the first two weeks, imprisoned without an attorney The child who employed stated his testimony that it was not Sri who employed him, but Sri was still found guilty 	<ul style="list-style-type: none"> District Court sentenced guilty verdict, a sentence of 8 months with a fine of 2 million (or two months imprisonment) The High Court sentenced him to 1-year imprisonment 	At the cassation hearing	It is evidenced that Sri Mulyati was not the one who employed the minors	Loss of job and income (Sri's primary breadwinner)	<ul style="list-style-type: none"> Trauma to the police (as did her youngest child) Stigmatization of society in a settled environment first three of her children had to drop out of school and get

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
						and a fine of 2 million (or two months imprisonment) • Get compensation of IDR 5 million (down after nine years)				married at a young age [36] • Her sick husband's condition is getting worse
18	Iswahyudi (N/A)	The security guard at the stolen bank	Sukadana, West Kalimantan (2011)	Bank vault theft	• Arrests are only based on complaints from actual thieves • Even though Iswahyudi denied his involvement during the investigation, the investigators were unsure (didn't try to investigate further) and still delegated the case to the court.	• Sentenced of not guilty by District Court • Prosecutors raised an appeal, sentenced not guilty by the High Court •	• During the trial in the High Court • Has been imprisoned for 98 days	The decision of the Panel of Judges that Iswahyudi is not guilty of committing the crime charged by the prosecutor	He was fired from his job	• His life is abandoned • Losing a good name
19	Krisbayudi (27)	Factory workers	Cilincing, North Jakarta (2011) (Revision of Government Regulation 27/1983, 2015)	"Co-Planned Murder" of Hartati and her son	• There was a manipulation of the arrest because it was stated that the arrest was based on the testimony of the actual killer, Rahmat, but Rahmat stated his objections at the trial court because	• Sentenced of not guilty in District Court • Only received compensation of IDR 1 million in 2014	• During the trial in the High Court • Only received compensation of IDR 1 million • Has been imprisoned	The judge released Krisbayudi because Rahmat stated that he conducted the murder by himself, and Krisbayudi was not involved in the murder	• Experiencing economic loss • Experiencing immaterial loss • Physical harm (injury)	Damage of good name

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
					<ul style="list-style-type: none"> Krisbayudi was not involved • There is no other evidence that becomes the basis for arrest • In the investigation process, Krisbayudi was not given an attorney • In the BAP, Krisbayudi was under pressure several times and received physical torture from the investigators so that he was admitted • During the reconstruction, the investigators still forced Krisbayudi to play a role in the reconstruction 	(until 2015 has not been disbursed)	and tortured for 251 days (8 months)			
20	Hasan Basri (42)	Motorcycle taxi drivers	Ke-mayoran, Central Jakarta (2011) (Revision of Government Regulation 27/1983, 2015)	Violent theft on Daniel Sanjaya	<ul style="list-style-type: none"> Allegations made without preliminary scientific investigation (the arrest was conducted simply because her face was similar to Lala's, which alleged as the perpetrator) The arrest was conducted without an arrest warrant The arrests were conducted 	Sentenced not guilty	<ul style="list-style-type: none"> During the trial in the High Court • Has been imprisoned for eight months in the Sector Police and Detention Center 	<ul style="list-style-type: none"> • Proven not committed robbery • The perpetrator stated that Hasan was not involved 	N/A	Stigma is still attached even though he has been proven not guilty

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
					<ul style="list-style-type: none"> without following legal procedures and human rights standards • Not accompanied by an attorney • The perpetrator said that Hasan was not involved, but the police did not believe him • Forced and beaten to admit 					
21	Andro Supriyanto (18)	Street singer	Cipulir, South Jakarta (2013)	The murderer of Dicky Maulana, another street singer	<ul style="list-style-type: none"> BAP manipulation was conducted, which stated them to be the killers (even though they were actually the ones who tried to help the victim and reported it to the police) Physical and mental torture (beating, electrocution) was carried out to make them admit it 	<ul style="list-style-type: none"> • Imprisonment of 7 years each in District Court • Not legally and convincingly proven guilty at High Court • The prosecutor's cassation was rejected, and the defendant released • Has served a sentence of three years 	<ul style="list-style-type: none"> • During the trial in the High Court (after serving three years of imprisonment) • Received cash of IDR 72 million, which divided by two (@ IDR 36 million) [45] 	<ul style="list-style-type: none"> • Proven not to kill the victim • Proven that they have received a false judicial process from the police, and the prosecutor's office, to the decision that has permanent legal force (<i>inkracht van gewijsde</i>), which states that they are not guilty at all 	<ul style="list-style-type: none"> • Loss of income • Dropout of school 	Andro now feels hatred for the Police apparatus
22	Nurdin Priyanto (23)									N/A

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact	
							When?	How?			
23	Fikri Pribadi (17)					<ul style="list-style-type: none"> South Jakarta District Court: guilty (1 Oct 2013) and sentenced to imprisonment. Imprisonment of four years to Fikri, 3.6 years to Fatahillah, and three years to Ucok and Pau. Judicial Review: not guilty (19 Jan 2016) 	<ul style="list-style-type: none"> During trial in the High Court (after serving three years of imprisonment) Does not receive recovery 			N/A	
24	Fatahillah (12)									N/A	
26	Bagus Fir-daus aka Pau (16)									N/A	
25	Arga Putra Samosir aka Ucok (13)								The family economy is being disrupted (because the parents shall continue to oversee)	Loss of income	
27	Robin Napitupulu (26)	N/A	Koja, North Jakarta (2013)	Accused of being part of a car theft plot in Tanjung Duren, West Jakarta [46]	<ul style="list-style-type: none"> While heating the car, suddenly five police officers shot Robin and beat him The shooting and beating were based on an allegation of Robin's being a member of a car theft gang 	<ul style="list-style-type: none"> Immediately released Received an official apology from the police Hospital fees are paid in full by the police 	<ul style="list-style-type: none"> When it is proven that he is not a part of the robbers' group, he is just visiting his girlfriend's house 	<ul style="list-style-type: none"> Police officers are declared negligent in their duties, thus resulting in wrongful arrests Hospital fees are paid in full by the police 	<ul style="list-style-type: none"> Suffering injuries to his head and body His car was destroyed 	N/A	

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact	
							When?	How?			
						<ul style="list-style-type: none"> • Car repaired by police • 5 of the officers have undergone a disciplinary hearing and were subjected to sanctions (starting from delaying promotion for two periods, mutated demotion from senior position to staff, and being placed in a detention for 21 days.) 					
28	Dany Lastino son of Subroto (24)	Cleaning Service	Pamulang City, South Tangerang (2014)	Involved in narcotics case [47]	<ul style="list-style-type: none"> • Committed by two police officers upon the report of an unknown caller, and the truth has not been verified • Two people who were dressed in plain clothes were arrested and 	If found guilty, imprisonment sentence of 7 months and ten days	During the trial in the High Court	The decision of the Panel of Judges contains a dissenting opinion (one of the judges gives a verdict of not guilty)	N/A	N/A	

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
					<p>immediately rummaged through Dani's bag without showing their identity, assignment letter, and arrest warrant</p> <ul style="list-style-type: none"> • Evidence of two rolled marijuana placed in Dani's bag • Suddenly becoming a drug target for no reason • Beaten and forced to admit that the two rolls of marijuana belonged to him • The police asked for IDR 100 million if the victim wanted the case to be discontinued [47] 					
29	Ahmad Sapuan (30)	'Sempolan' (traditional snack) seller	Pati, Central Java (2014)	The murderer of M. Rizal Saefuddin	<ul style="list-style-type: none"> • The arrest was carried out without a clear procedure, simply based on the victim's text message to his mother, which said that she went with Sapuan [48]. The officer called Sapuan and claimed to be a member of the police, asking to meet him; then Sapuan was 	<ul style="list-style-type: none"> • A life sentence in District Court • Life sentences in High Court • Cassation strengthens the decision of the High Court • Has served a 	Found guilty	<p>It was proven that he was in Jepara with his brother</p>	N/A	N/A

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
					<p>shown a photo of the victim then arrested (no arrest warrant)</p> <ul style="list-style-type: none"> • The judge handed down the verdict only based on the admission of another suspect named Supriyadi • The witness who sold gasoline said that Sapuan was not the one who bought gasoline, but Supriyadi (the actual perpetrator) • Sapuan's younger brother, who went with him, was never presented as a witness • The text message of Sapuan with Supriyadi mentioned by the police was never revealed by the prosecutor in court • Other witnesses who can prove that Sapuan has an alibi have never been questioned or presented in court [49] 	<p>sentence of 5 years in 2019</p>				

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
30	Dedi (33)	Online motorcycle taxi drivers	Cililitan, East Jakarta (2014)	Involved in the murder of M. Ronald, the microbus driver	<ul style="list-style-type: none"> Accused of being involved in the murder, even though Dedi was at home when the case occurred Intimidated and persecuted to admit There are allegations that the witnesses gave false statements The judge did not listen to the defense argument that Dedi was not involved in the crime scene Seven accusers are still fugitive 	<ul style="list-style-type: none"> The panel of judges at the District Court handed down a guilty verdict and sentenced him to 2 years of imprisonment [50] At the High Court appeal level, Dedi was found not guilty [5] Has served ten months of imprisonment 	<p>in high court</p>	<ol style="list-style-type: none"> The arrest process is legally unreasonable because of insufficient preliminary evidence. The arrest was not preceded by an examination of evidence which led to Dedi. The reporting witness did not see Dedi and was not at the crime scene. It was also said that Dedi was arrested by the police only based on general characteristics, such as an estimate of long hair and so on The police are said to force and threaten Dedi to admit to what he did not commit There are witnesses who strengthen that Dedi was not seen in the beating 	<ul style="list-style-type: none"> Loss of job Wife who takes turns to work so their children become malnourished 	<ul style="list-style-type: none"> Economic impact on families Losing a child due to illness and not having money for treatment

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
								4. Witness testimony presented by Dedi stated that the attacker was named Dodi		
31	Asyani (Grandma Asyani) (63)	Masseuse	Situ-bondo, East Java (2014)	Taking two teak woods from the forest	<ul style="list-style-type: none"> Case based on offense warranting complaint from State-owned forestry company Even though the wood originated from his land, and there was a statement from the Village Head that the wood was taken from his own land, the case was still filed to the prosecutor's office and the court. 	<ul style="list-style-type: none"> The District Court gave a guilty verdict, sentenced to 1 year of imprisonment with a probationary period of 18 months and a fine of IDR 500 million subsidiaries one day in prison [51] Imprisoned for three months 		<ul style="list-style-type: none"> Cases are considered too trivial to be brought to court [52] The judges should not only observe this case in terms of legal justice but also in terms of social justice and moral justice to obtain precise justice (Minister of Women's Empowerment and Child Protection, Yohana Yembise) [53] 	<ul style="list-style-type: none"> Suffering in shock from being imprisoned for a long time Pain, soaring blood pressure 	
32	Wilhemus Awom (N/A)	N/A	Tanjung Ria Village, Papua (2015)	Involved in a motor vehicle theft syndicate in the Jayapura City area	<ul style="list-style-type: none"> Picked up by four police officers without an arrest warrant On the way to the police station, these three residents were tortured 	<ul style="list-style-type: none"> Released after finding out they weren't the perpetrator Residents raided 	During investigation process	N/A	Serious injuries to the face and body	N/A
33	Soleman Yom (N/A)									
34	Yafet Awom (N/A)									

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation and forced to admit that even two of them were stabbed in several parts of their bodies [54]	Verdict the police headquarters to pick them up	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
35	Meiliana (44)	House-wife	Cape Balai, North Sumatra (2016)	Contempt for a group related to race, country of origin, religion, place of origin, descent, nationality, or position (criticizing the mosque's loud-speakers for the call to prayer 'nowadays' for being too loud)	The police followed up on an offense warranting a complaint related to SARA (Racist or Discrimination) (that initially only protested the sound of the call to prayer, which was too loud) because of the Indonesian Council of Ulema of Tanjungbalai recommendation to immediately follow up on the Meiliana case (considered as humiliation and blasphemy), without observing at the more profound case.	•Imprisonment of 18 years in District Court •Imprisonment of 18 years in District Court •Imprisonment of 18 years in cassation •Served 18 months of imprisonment	•Meiliana gets support from Yenny Wahid (daughter of the deceased Gus Dur, Indonesian religious leader and former president of the Republic of Indonesia) •Get support from the Minister of Religion, Lukman H. Saifuddin •Get support from Vice President Jusuf	An attorney statement appears, which state: •The chronology of incidents from the protest to the call to prayer, which is currently too loud in the past, developed into "people for bidding the call to prayer" •There was a provocation to the residents to riot (a witness admitted that an unknown person called to take action because someone had forbidden the call to prayer) •The fact that Meiliana's house was damaged and burned by the mass, as well as the destruction of dozens of Buddhist dwellings and houses of worship	N/A	N/A

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
							Kalla [55]			
36	Asep Sunandar bin Sobri (21)	The fabric cutter (for clothes) [56]	Taman-sari Raya, West Jakarta (2016)	Carrying out muggings - theft by force	<ul style="list-style-type: none"> • Arrest without a warrant • Raided in a rented house at 3 am, handcuffed, head covered with black cloth, put in a car, and taken to somewhere • Tortured, beaten, electrocuted; when he asked to drink, his mouth was spat on and kicked • Shot in the calf • The police arrested and tortured them without trying to investigate deeper; the police only relied on the statements of other suspects (the actual perpetrator, Adit, was involved in Asep because he didn't dare to mention the name of his robber partner) • Asep was never accompanied by an attorney • Asep was tried without any extension of detention 	Found guilty by the District Court, sentenced to 3 years of imprisonment [57]	Still found guilty		<ul style="list-style-type: none"> • Suffered wounds in multiple parts of the body and gunshot wounds in the legs • Experiencing economic impacts • Parents experiencing the economic impact 	N/A

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact	
							When?	How?			
					<ul style="list-style-type: none"> Asep did not accept a derivative of a case file, which, if not taken, would violate Article 143 paragraph (4) of the Criminal Procedure Code Legal advisors were forbidden to read the actual chronology of experiences by Asep by the panel of judges As a key witness, Adit had stated that Asep was not involved, and the judge did not consider the other two perpetrators, Roby and Iwan. 						
37	Harry Budiawan aka Budi Pego (38)	Entrepreneur (Environmental Activist)	Banyuwangi, East Java (2017)	Distribute banners bearing the image of a hammer and sickle (considered a symbol of the Indonesian Communist Party)	<ul style="list-style-type: none"> The arrest process is questionable: the police rummage the house to look for evidence related to the teachings of Marxism-Leninism, then ask if Budi had a sickle and hammer (the actual stuff). After the two kinds of stuff were shown, but not taken, instead, Budi was arrested 	<ul style="list-style-type: none"> Sentenced to 10 months of imprisonment in District Court Ten months of imprisonment in the High Court Filed cassation on April 25, 2018 	Convicted guilty	N/A	He has served his sentence and feels that his struggle against the gold mining company is more important than the case he was accused of	N/A	

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
					<ul style="list-style-type: none"> Until 2019, there has been no copy of the Supreme Court's decision to the Banyuwangi District Court 	<ul style="list-style-type: none"> Released on 1 July 2018 (from High Court sentence) The Supreme Court increased the sentence to 4 years of imprisonment (Budi's family said that before the Supreme Court's decision, the company offered a lot of money to stop Budi's actions, but he rejected it) [58] 				
38	Herianto (22)	Mechanic	Tangerang, West Java (2017)	Theft by weighing	<ul style="list-style-type: none"> The police rummaged Bihin's rent to look for evidence and brought Herianto as a witness No arrest warrant [59] 	The not-guilty verdict was given, and he was released	At the pretrial hearing	With the assistance of LBH Jakarta, filed a pre-trial, and the three were released	<ul style="list-style-type: none"> Experiencing physical impact (injury) Fired from work and 	Feeling traumatized when meeting the police

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
39	Aris Winata Saputra (33)	Drivers			<ul style="list-style-type: none"> • Herianto was tortured by the police (punched, beaten, electrocuted, spat on) • Herianto admitted because he could not stand being tortured • Motorcycle theft occurred in June 2016, while Herianto had just migrated to Jakarta from Palabuhanratu in August 2016 				<ul style="list-style-type: none"> • Herianto was tortured by the police (punched, beaten, electrocuted, spat on) • Herianto admitted because he could not stand being tortured • Motorcycle theft occurred in June 2016, while Herianto had just migrated to Jakarta from Palabuhanratu in August 2016 	<ul style="list-style-type: none"> • Struggling to find a new job (because his name is registered with the police) even though he is the breadwinner of the family (his sister is still in school) • Parents fell sick when he was arrested (ran to the ER) • Family palm oil business abandoned
					<ul style="list-style-type: none"> • Police arrested Aris and Bihin in Indomaret without an arrest warrant 					
					<ul style="list-style-type: none"> • Police arrested Aris and Bihin in Indomaret without an arrest warrant 					
40	Bihin Charles (N/A)	N/A							N/A	N/A
41	Ari Darma-wan (N/A)	Online taxi drivers	(2019)	Theft by weighing	<ul style="list-style-type: none"> • The police asked him to sign the examination report (BAP) after being questioned, but Ari was not allowed to re- 	Sentenced guilty in the South Jakarta District Court with 2.5 years of	Found guilty	N/A	N/A	N/A

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
					<p>read the Examination Report</p> <ul style="list-style-type: none"> • Ari was forced to admit it and get physically abused by investigators • The police recommend Ari's family give money of IDR 5-6 million to the theft victim, Suhartini, to make peace (Suhartini and Ari never met because Suhartini didn't ride Ari's car) • The police never considered the possibility of another perpetrator who picked up Suhartini (the actual perpetrator was Dadang Supriyatna) • The panel of judges only reviews the testimony of the victim's witness, even though the witness lied several times in the trial, such as Suhartini saying she never chatted with Dadang, even though Gojek explained that there was a chat between 	<p>imprisonment (the reason is that Ari's name is not registered with Gocar and uses another name, namely Qomarus Age)</p>				

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
				Suhartini and Dadang						
42	Muhammad Fikry	Recitation Teacher (Religious Teacher)	Bekasi (2021)	"Begal" (robbers who ride motorcycles armed with bladed weapons or guns)	<ul style="list-style-type: none"> • The arrests were made by force, and there was no arrest warrant • The arrests were carried out by force and threats • The victim was taken forcibly • Tortured in another location (Telkom Building yard) • Torture conducted by beatings, kicking, pointing a gun, beating with bricks on the legs, cracked lips from being punched • Threatened to be shot, and Fikry was ordered to say the last words • Admit because he couldn't stand the continuous torture • Detained and tried without being able to defend himself • The family considered that the determination of the suspect was legally defective because it was not accompanied by two sufficient 	Released because nine-month detention has already finished until May 7, 2022 [61].	While on appeal.	N/A		
43	Abdul Rohman									
44	Randy Apriyanto									
45	Muhammad Rizky									

No.	Name & Age	Occupation	Place & Year	Accusation	Procedural Violation	Verdict	Proven Innocent		Short-term Impact	Long-term Impact
							When?	How?		
					<p>pieces of evidence related to the alleged article (Fikry was accused of stealing his father's motorbike, even though his father's motorbike was at home)</p> <ul style="list-style-type: none"> • All of the victims had an alibi during the robbery, but they were never considered by the police, prosecutors, and judges (there were strengthening witnesses) • Judges reject pretrial [60] 					