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Legal Paradox: Protection of Victims Taking the Law into Vigilantism

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Abstract

Widespread public ignorance about vigilante behavior has led to violent incidents in which individuals use violence as a means to vent their emotions on criminals they apprehend directly. Unfortunately, some victims have lost their lives due to these actions. This behavior can be equated with the crime of torture when viewed from the perspective of Indonesian criminal law, which does not have specific rules regarding vigilante acts. Due to anxiety and distrust of law enforcement agencies, vigilantism is becoming increasingly common. Through normative studies using both the old and newest Criminal Codes and other regulations as internal parameters, we can understand the seriousness of the government's role as a stakeholder in regulating society through the law. By combining various sociological approaches, research can thoroughly investigate the condition of society. The discussion begins with understanding the concept of vigilantism, legal protection, and legal assistance, forming a pattern of thinking about society, followed by an understanding of the rule of law that overshadows vigilante actions from both the perpetrator and victim's perspective. With the hope that basic individual rights are maintained in the Indonesian state with the Pancasila ideology, the law aims to establish public order with a general perspective to achieve the necessary justice. This requires understanding and support from all parties. In essence, future efforts must be preventive and repressive.



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A. Introduction

The role of protecting society must be given by the state to all parties, both in terms of perpetrators of criminal acts and victims or recipients of the effects of a crime. Its application is aimed at upholding the basic rights that every human being has from birth because it is based on Article 28D paragraph 1, which states that "Every person has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law." Departing from this article, it is the responsibility of the state and every other citizen to mutually uphold the human rights of every human being to provide legal protection regardless of the legal status predicated upon him. Human rights enforcement in Indonesia is not carried out optimally because there are still deficiencies in taking action against human rights violations.

The culture of taking judges from generation to generation is difficult to eradicate from social life in this country. The perpetrators of taking the law and even the surrounding community justify this action because the target object is the perpetrator of a crime. So indirectly, the act of vigilantism becomes a problem that must be resolved. Criminalizing someone is an offense because it takes away their rights, but for this reason, it becomes a justification in society to continue to build the existence of vigilantism acts¹. This condition, of course, further complicates life in society. Existing rules are not used as a basis for taking further steps in the event of a violation in the environment of his residence. In fact, with the presence of human rights, it is appropriate that people, without thinking about the legal status as a result of their actions, should be able to become a stronghold of their safety. Establishing itself as a rule of law country through article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia, of course placing human rights as a benchmark for law enforcement is a natural thing.

However, the presence of the law itself, in its implementation in society, does not seem to get more attention, the reason is that many factors have flourished in the lives of Indonesian citizens. News media that broadcast information about the prosecution of crimes and criminal offenses with the legal apparatus as the power holder to enforce the law do not carry out their functions effectively, creating a sense of distrust from the public. This lack of trust has made vigilantism still mushrooming in Indonesia². It is better to take action against a crime that occurred nearby by vigilantism rather than handing it over to the authorities because handling it is considered uncertain. In addition, the factors that cause vigilantism are the emotionality of people who become victims or sympathizers of victims, and the lack of public awareness and understanding of the law makes deviations another factor in encouraging people who see criminals nearby to be persecuted.

The above factors are the main causes of the rise of vigilantism acts among Indonesian people. Though vigilantism action is an act of violating human rights because it has been included in the provisions of Article 33 paragraph (1) of Law no. 39 of 1999 concerning Human Rights, which states that: "everyone has the right to be free from torture, punishment, or cruel, inhuman, degrading treatment and human dignity." Provisions of Article 33 paragraph (1) of Law no. 39 of 1999 means that whoever and whatever is done must be processed according to the applicable law. Because human rights are rights that are inherent in an individual's self, and this right is the most basic for every individual to stand and live independently in society³. The culture of vigilantism behavior makes it difficult to eliminate it, although a lot has been done from the government to activists who care about the law to reduce irregularities in handling

¹ Syamsuddin Syamsuddin, Ridwan Ridwan, and Iksan Iksan, "The Crime of Witchcraft and Vigilante Action (Vigilantism)," *Jurnal Daulat Hukum* 4, no. 4 (2021), <https://doi.org/10.30659/jdh.v4i4.17951>.

² Heni Hendrawati and Johny Krisnan, "Main Hakim Sendiri (Vigilantism) Dalam Perspektif Kriminologis," *Proceeding of The URECOL*, 2019.

³ Ruslan Renggong, *Hukum Acara Pidana: Memahami Perlindungan HAM Dalam Proses Penahanan Di Indonesia*, Cetakan ke (Jakarta: Prenadamedia Group, 2016).

cases that occur, socialization about the consequences of taking the law is the latest and most effective solution for society. These countermeasures aim to protect the community, and of course, the ultimate goal is to achieve community welfare⁴.

The National Violence Monitoring System (SNPK) recorded no less than 6,807 violent conflicts from January to November 2014. Of these, vigilantisms contributed 3,952. Meanwhile, 786 incidents were related to resource disputes, 767 were related to identity disputes, 467 related to elections and positions, 456 came from conflicts over governance, and 41 conflicts were triggered by separatism. The remaining 338 came from outside the conflict category. SNPK data also displays the impact and distribution of events regardless of the law. In terms of impact, the vigilantism resulted in 282 deaths, 1,032 injuries, and 422 buildings damaged. The capital city and its surroundings rank third at the provincial level for the most vigilantism. There were 449 vigilantism cases in the region. The most common occurrences are theft or mugging⁵. In 2015 in May, the SNPK was disbanded so the latest data is quite difficult to find.

Vigilantism has led to various detrimental outcomes for the perpetrators and the victims involved. Initially, the intention of the perpetrators was to assist the victims of criminal acts, but instead, they themselves became suspects in different criminal activities. The victims of vigilantism suffered not only loss of life but also material damages due to acts of persecution and property destruction. Interestingly, those who were once criminals ended up becoming victims of vigilantism. This situation compelled these former criminals, who are now victims, to receive legal protection, even though they were involved in other criminal activities. In some cases, victims of vigilantism can report the mistreatment they experienced during the incident, leading to potential legal consequences for the perpetrators of such mistreatment⁶. Some argue that vigilantism can be seen as a form of self-defense, as victims of criminal acts might naturally fight back, causing losses to the perpetrators. However, whether the act is considered self-defense or intentional harm to the victim through persecution depends on the perpetrator's intentions.

Victims of vigilantism must be protected because of their human rights, even if they are perpetrators of crimes. It is essential to recognize that victims of vigilantism are, in fact, victims of persecution, and as citizens, their rights should be protected. Vigilantism lacks any justifiable elements, even when targeting criminals. The act of taking the law into one's own hands is highly detrimental to all parties involved. Therefore, from any perspective, vigilantism must be strictly prohibited and abolished in our country. The aggrieved parties desperately need legal protection, as they are vulnerable to having their rights violated. The violence they experience can lead to severe injuries or even loss of life. The participation of law-abiding citizens is of utmost importance in addressing this problem. Together, we can work towards upholding the rule of law and ensuring that justice is served through legal channels.

The mention of vigilantism action is not justified by applicable law, because to handle criminal cases, authority has been given to the police agency. So that it is not the competence of the non-police community members to punish the perpetrators of criminal acts, this is because the behavior of persecution can lead to new crimes and also drag the perpetrators into the realm of law. Acts of violence by the masses against perpetrators of criminal acts are a common phenomenon in society. Vigilantism occurs not only for perpetrators who are caught

⁴ Gabriela K Kaawoan, "Perlindungan Hukum Terhadap Terdakwa Dan Terpidana Sebagai Pelaku Tindak Pidana Pembunuhan," *Lex Administratum* V, no. 1 (2017): 125, <https://ejournal.unsrat.ac.id/index.php/administratum/article/view/15140>.

⁵ Husni Mubarak, "Main Hakim Sendiri," Pusat Studi Agama dan Demokrasi Yayasan Wakaf Paramadina, accessed March 1, 2023, <https://www.paramadina-pusad.or.id/16021/>.

⁶ Aprisylia Dwi Hapsari, Rochmani, "Penegakan Hukum Terhadap Pelaku Perbuatan Main Hakim Sendiri (Studi Di Wilayah Hukum Kepolisian Resor Semarang Barat)," *Jurnal Ilmiah Dinamika Hukum* 20, no. 1 (2019), <https://doi.org/10.35315/dh.v22i1.8256>.

red-handed, but also for people suspected of committing a crime. Along with the development of people who feel they have power and use the power they have people then imitate and adopt the power they have by taking vigilantism actions⁷. The differences examined in this article establish the legal basis as a reference to conclude that vigilante actions are detrimental to all aspects, both to the perpetrators and the victims.

If we look at the incidents that occurred, the perpetrators of criminal acts who previously were parties who deserved to be punished due to their behavior, after receiving persecution by some elements, positioned themselves as victims. Discussing the rights of the perpetrators of criminal acts by looking at the predicates given, such as suspects, and convicted defendants, will certainly intersect with discussions regarding the rights of suspects, which are something that must be given to a suspect or accused, convicted person, so that if these rights are violated, these rights are not respected and implemented. For this reason, the rights of suspects and defendants must be guaranteed, valued, and respected, and for the sake of upholding the protection of human rights⁸. With this background, it makes the author's initial view to provide an opinion regarding legal protection for perpetrators of criminal acts who are subject to persecution such as vigilantism in the form of persecution. This is considered important because both the law and the constitution have guaranteed its citizens from arbitrary treatment in the name of human rights.

The novelty of this research is that it aims to protect perpetrators of criminal acts who experience vigilante actions such as vigilantism in the form of persecution. Therefore, the writing of this article, using a sociology of law approach and driven by normative objectives related to the regulation of vigilantism, offers a perspective in finding solutions, even though this phenomenon is one of the legal paradoxes that has little chance of being successfully resolved. Its contribution lies in the effort to prioritize harmony and maintain control over the mental and practical conditions of society that are at stake.

B. Discussion

1. The Definition of Vigilantism, Legal Protection, and Legal Assistance

In the study of legal aid for perpetrators of criminal acts who receive acts of persecution such as taking justice into their own hands, of course, instilling a basic understanding of 3 main aspects to make it easier to understand that a person who commits a crime gets guarantees for his human rights. Vigilantism cases in Indonesia have been thriving since long ago, indirectly indicating that the awareness of the Indonesian people regarding the law is low. The existence of vigilantism in this country is an expression of society to explain their feelings of anger and hatred towards the perpetrators of this crime, apparently limited only to conventional crimes such as theft, and robbery (theft with violence)⁹.

Vigilantism is a crime, namely acting arbitrarily against people considered guilty or committed a crime. People who commit crimes are called criminals which are objects of criminology¹⁰. Vigilance occurs because the rift in the relationship between the criminal and the victim is not resolved immediately or if it is resolved with results that are felt to be unfair to the victim or the victim's family, so that good relations cannot be restored between the victim and the perpetrator of the crime¹¹. Vigilantism consists of three syllables "main-judge-itself"

⁷ Fitriati, "Perbuatan Main Hakim Sendiri Dalam Kajian Kriminologis Dan Sosiologis," *Masalah-Masalah Hukum* 41, no. 2 (2012): 161.

⁸ Andi Sofyan and H. Abd. Asis, *Hukum Acara Pidana: Suatu Pengantar* (Jakarta: Kencana, 2014), 54.

⁹ Liza Agnesta Krisna, "Kajian Yuridis Terhadap Pembelaan Terpaksa Sebagai Alasan Penghapusan Penuntutan Pidana," *Jurnal Hukum Samudra Keadilan* 11, no. 1 (2016): 113.

¹⁰ Hanif Azhar, "Persekusi Dalam Tinjauan Fiqh Jinayah," *Al-'Adalah : Jurnal Syariah Dan Hukum Islam* 4, no. 1 (2019), <https://doi.org/10.31538/adlh.v4i1.437>.

¹¹ Fitriati, "Perbuatan Main Hakim Sendiri Dalam Kajian Kriminologis Dan Sosiologis."

which is the focus of the word is the judge. In the case of a judge, that is the person who adjudicates the case, it can also mean the court. So, vigilantism is acting arbitrarily against people who are considered guilty or have committed a crime.¹² In Black Dictionary, a member of a self-appointed group of citizens who undertake law enforcement in their community without legal authority, typically because the legal agencies are thought to be inadequate.

In the Dutch language, "vigilantism" taking rights without heeding the law, without the knowledge of the government, and without the use of government power tools. The act of taking justice alone almost always involves violating the rights of others, and therefore this act is not permissible, indicating that there is an indication of low awareness of the law among the public¹². Taking the law into their own hands is a method used by some people in beating up the perpetrators of crimes, sometimes this criminal act of persecution causes casualties.

The whole reality that can be witnessed now, which is the target of public reaction, is a crime related to property, self-esteem, and the result of frustration. In general, society takes repressive actions against a crime and tends to be followed by emotional outbursts so that what is called "violent reprisal" becomes exaggerated¹³. Therefore, there is a need for cooperation between law enforcement officials and the community in preparing or dealing with criminal acts. Taking judges in Indonesia includes acts of persecution and violence aimed at other criminal offenders.

Regardless of the intended target for this treatment, the actual perpetrators of criminal acts regarding violence and abuse and destruction are regulated in the Criminal Code, including respectively in Article 351 and Article 170 as well as Article 358 paragraph 1. Article 351 of the Criminal Code regulates abuse as for it reads as follows:¹⁴

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| Paragraph (1): | "Abuse is punishable by imprisonment for a maximum of two years and eight months or a maximum fine of four thousand five hundred rupiahs." |
| Paragraph (2): | "If the act results in serious injury, the guilty person is subject to imprisonment for a maximum of five years." |
| Paragraph (3): | "If it results in death, a maximum imprisonment of seven years is imposed" |
| Paragraph (4): | "With the persecution equated with deliberately damaging health." |
| Paragraph (5): | "Attempt to commit this crime is not punishable" |

Article 170 Of the Criminal Code which regulates violence includes:¹⁵

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|----------------|---|
| Paragraph (1): | "Anyone who openly and jointly uses violence against people or goods, shall be punished by a maximum imprisonment of five years and six months" |
| Paragraph (2): | "The guilty are threatened: |

¹² Rayon Syaputra, "Penegakan Hukum Terhadap Kasus Perbuatan Main Hakim Sendiri (Vigilantism) Di Wilayah Hukum Kepolisian Sektor Cerenti," *Hukum* 1 (2015): 8.

¹³ Read the psychological studies in Eunike Mutiara Himawan, Annie Pohlman, and Winnifred Louis, "Memahami Dinamika Psikologis Individu Yang Turut Terlibat Dalam Kerusuhan Massa Mei 1998: Sebuah Kerangka Psikologis," *Jurnal Psikologi Ulayat*, 2021, <https://doi.org/10.24854/jpu464>.

¹⁴ Moeljatno, *KUHP: Kitab Undang-Undang Hukum Pidana* (Jakarta: Bumi Aksara, 2007), 125.

¹⁵ Moeljatno, 65.

The 1 st :	by a maximum imprisonment of seven years if the goods are deliberately destroyed or the force used results in injury;
The 2 nd :	by a maximum imprisonment of nine years, if the violence results in serious injury;
The 3 rd :	by a maximum imprisonment of twelve years if violence results in death.
Paragraph (3):	"Article 89 does not apply to this article."

Then for the provisions of Article 358 paragraph 1, which reads: "Those who deliberately take part in an attack or fight in which several people are involved, in addition to their respective responsibilities for what was specifically done by them, are threatened: 1. by a maximum imprisonment of two years and eight months, if as a result of the attack or fight someone is seriously injured; 2. by imprisonment for a maximum of four years, if the result is someone dies."

In 2022, Indonesia passed the latest criminal law regulations through Law Number 1 of 2023. Explanations regarding regulations regarding vigilantism crimes are not explained directly but are implied explained because basically behavior that threatens a person's security must be given Limitations to provide legal protection victims who experience, such as:

Chapter V Crimes Against Public Order Part Four Disturbance to Public Order and Peace
Paragraph 6 Committing Violence Against People or Goods Together in Public
Article 262

Paragraph (1):	"Any person who openly or in public and with joint energy commits violence against people or goods, shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of category V."
Paragraph (2):	"If the violence referred to in paragraph (1) results in the destruction of goods or causes injury, the penalty shall be imprisonment for a maximum of 7 (seven) years or a maximum fine of category IV."
Paragraph (3):	"If the Violence referred to in paragraph (1) results in Serious Injury, the penalty shall be imprisonment for a maximum of 9 (nine) years."
Paragraph (4):	"If the violence referred to in paragraph (1) results in the death of a person, the penalty shall be imprisonment for a maximum of 12 (twelve) years."
Paragraph (5):	"Every person as referred to in paragraph (1) and paragraph (2) may be subject to additional punishment in the form of payment of compensation as referred to in Article 66 paragraph (1) letter d."

Chapter XXII concerning Crimes Against the Body Part One concerning Persecution

Article 466

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| Paragraph (1): | "Anyone who commits maltreatment shall be punished with imprisonment for a maximum of 2 (two) years and 6 (six) months or a maximum fine of category III." |
| Paragraph (2): | "If the act referred to in paragraph (1) results in Serious Injury, the penalty shall be imprisonment for a maximum of 5 (five) years." |
| Paragraph (3): | "If the act referred to in paragraph (1) results in the death of a person, the penalty shall be imprisonment for a maximum of 7 (seven) years." |
| Paragraph (4): | "Included in the persecution as referred to in paragraph (1) is an act that damages health." |
| Paragraph (5): | "Attempt to commit a criminal act, as referred to in paragraph (1), shall not be punished." |

Article 470

Criminal acts as referred to in Article 466 to Article 469, the sentence can be added 1/3 (one-third), if the crime is committed:

- a. against Officials when or because of carrying out their legitimate duties;
- b. by giving materials that are dangerous to life or health; or
- c. to mother or father.

Chapter XXII concerning Crimes Against Bodies Part One concerning Assault and Fighting in Groups

Article 472

Everyone who participates in an attack or a fight involving several people, apart from their respective responsibilities for specific crimes committed, shall be punished with:

- a. imprisonment for a maximum of 2 (two) years and 6 (six) months or a maximum fine of category III, if the attack or fight results in serious injury; or
- b. imprisonment for a maximum of 4 (four) years, if the attack or fight results in the death of a person.

The explanation of the article above, has its own differences. As a law enforcer, application regarding the elements covered in each article must be classified in detail. Because determining the appropriate threats in the name of justice must pay attention to this. Thus, vigilantism actions that lead to legal deviations indirectly create an obligation to provide legal protection. Even though this is given to the perpetrator of a crime because his dignity as a human being must be considered he has outlined basic rights that must be respected and respected. Human rights are regulated by law to be used as a limitation to behave towards other people in society and the state. Human rights can be complied with if accompanied by community participation, because the state, in this case, represented by the government, will not be able to take care of it alone. Therefore, as part of human rights, obtaining legal protection is one of several rights that exist in every human being.

Judging the perpetrators of criminal acts themselves is not the right way but is a violation of human rights and has contributed negatively to the law enforcement process. People forget and don't know they are not the only ones with human rights. The perpetrators of criminal acts or criminals also have human rights, namely the right to get legal protection, and cannot be forgotten even though the perpetrators of criminal acts are part of humanity; first of all,

establishing and considering crime-related social factors will suppress crime indirectly even though it is directly suppressed in society by means of punishment and correction. Secondly, a sociological analysis will address various social factors that push individuals into crime, such as cultural, legal, political, ideological, and economical ones. This will provide a multidisciplinary approach to the fact of crime. Thirdly and lastly, the legal framework arranging the relationship between crime and punishment in society will have a more healthy ground if the social factors which are determined by a sociological analysis are taken into consideration¹⁶.

The need to understand the legal protection that is recognized and provided by the state through the implementation of the realization of the basic right to be respected is seen as mandatory. Article 33 paragraph (1) of Law no. 39 of 1999 concerning Human Rights which states that: "everyone has the right to be free from torture, punishment, or cruel, inhuman, degrading treatment and human dignity" and is based on article 28D paragraph 1 of the Constitution of the Republic of Indonesia Year 1945 which stated that "everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law" became the legal basis for protecting all human beings without exception.

Sometimes due to emotional outbursts, people forget that the perpetrators of criminal acts still have human rights, so efforts to provide legal protection must be provided if the perpetrators of criminal acts experience persecution. This condition illustrates that the position felt by the perpetrators of criminal acts gets two views, firstly the perpetrators of criminal acts are considered as violators of the rules in the Criminal Code and the Criminal Law and secondly, when receiving persecution treatment the position of the perpetrators is the victim. Therefore, this situation, when viewed from Law No. 13 of 2006 concerning Protection of Witnesses and Victims can be given to perpetrators of criminal acts who are persecuted, but the scope of the review is protection from violating the rule of law. The meaning of victim in article 1 number 2 of the Law on Witness and Victim Protection explains that a victim is someone who experiences physical, mental suffering and/or economic loss as a result of a crime.

It is interesting to note that the definition outlined in the Witness Protection Law includes victims of vigilantism acts who suffer physical harm, and in some cases, even loss of life. These individuals are taken into consideration in the elaboration of the Victim Protection Law¹⁷. Taking into account this condition, legal protection efforts for victims of acts of violence need to be carried out in a real and appropriate manner. So that efforts to protect the law require the participation of the government, institutions related to the protection of victims, the community, and the laws and regulations that are implemented¹⁸. Prior to that, legal protection which was interpreted as providing protection for human rights that were harmed by other people and this protection was given to the community so that they could enjoy all the rights granted by law or in other words legal protection was various legal remedies that had to be given by law enforcement officials to provide a sense of security, both mentally and physically from disturbances and various threats from any party.

In this position, victims of vigilantism acts suffer losses, especially physical attacks. If you see that every victim gets legal protection as well as victims of vigilantisms who are actually also perpetrators of crimes. With regard to the provision of protection and rights of witnesses and/or victims, in Law No. 31 of 2014 is regulated in Article 5 to Article 10. Because the victim

¹⁶ İbrahim Hakan Göver and Dolunay Şenol, "Crime as a Social Fact: A Sociological Analysis," *Journal of Current Researches on Social Sciences (JoCreSS)* 7, no. 2 (2017).

¹⁷ Tim Allen, "Vigilantes, Witches and Vampires: How Moral Populism Shapes Social Accountability in Northern Uganda," *International Journal on Minority and Group Rights* 22, no. 3 (2015), <https://doi.org/10.1163/15718115-02203004>.

¹⁸ I Wayan Brahmana Putra, Gede Made Swardhana, and I Made Walesa Putra, "Tinjauan Viktimologi Tentang Perlindungan Hukum Terhadap Korban Main Hakim Sendiri (Di Wilayah Polres Bangli)," *Kertha Wicara: Journal Ilmu Hukum* 6, no. 1 (2017): 4.

obtains the rights of the victim it is not appropriate for society to give punishment, efforts to take the judges are always based on the intention of revenge or are an emotional outburst but this has been regulated and has been taken over by the state, so the state should hold firm on the mandate entrusted to the state to take revenge on the perpetrators. The state, in carrying out the mandate of society or victims, has been regulated abstractly and in detail in criminal law, both substantive criminal law and formal criminal law, with the assumption that the perpetrator is sentenced to a sentence commensurate with his guilt so that the victim feels satisfaction with the punishment of the perpetrator of the crime.

In terms of the responsibility of the victim cannot be burdened because, in fact he is the party who suffers as a result of the crime. As a result of the crime, the victim obtained the rights of the perpetrator, and the victim was not indicated as a person who had knowledge and choices. The rights of victims arising from criminal acts are divided into two types¹⁹:

1. The right of Allah, arising from a criminal act involving the benefit and order of the general public;
2. Human rights arise from criminal acts that touch individuals and human rights.

Even though basically the victims of vigilantism are perpetrators of criminal acts, the provisions of Article 5 of Law no. 31 of 2014 concerning Amendments to Law no. 13 of 2006 concerning the Protection of Witnesses and Victims is one of the regulations governing the fulfillment of the rights of victims of criminal acts who are involved in a crime, and providing compensation, restitution, and assistance to witnesses and victims as a result of a crime cannot be fully provided because perpetrators need to be held accountable for their actions. Not receiving the proper protection as a victim referred to in Article 5 of the Law on Witness and Victim Protection, every perpetrator of a crime must be given legal assistance. This provision is made to provide an understanding of the law for perpetrators of criminal acts who are actually not fully aware of the legal process and therefore need to be accompanied by legal practitioners. This has been regulated based on the principle of criminal procedural law with the intention of providing an opportunity for all parties to obtain legal assistance solely for the purpose of self-defense.

In line with legal protection, the presence of legal aid is based on the protection that victims must receive from criminal acts. This is because the provision of legal assistance is one of the manifestations of the mandate of Article 28 D paragraph (1) of the 1945 Constitution which states that everyone has the right to recognition, guarantees, protection and fair legal certainty, and equal treatment of the law. The mention of rights in the 1945 Constitution brings certain consequences, both for their qualifications and for those who must fulfill them²⁰. The conditions that must be met by victims to obtain legal assistance are regulated in Government Regulation no. 42 of 2013 concerning Terms and Procedures for Providing Legal Aid. The obligation to provide assistance in legal aid carried out by Advocates is regulated in Law no. 8 of 2003 concerning Advocates.

The legal aid referred to here is more directed towards assistance to disputing parties in the realm of the judicial process. The role of legal aid in the flow of the criminal justice process cannot be separated from ensuring the upholding of legal justice sought by victims. In other cases, legal aid is also useful for protecting victims from intimidation aimed at victims, be it intimidation to withdraw reports or intimidation that endangers the victim's life. Human rights are absolutely based on human considerations regardless of skin color, ethnicity, culture, and position in society. The reality is that in the process of obtaining legal protection. However,

¹⁹ Abdul Qadir Audah, *Ensiklopedi Hukum Pidana Islam*, Edisi Baha (Jakarta: Kharisma Islam, 2008), 70.

²⁰ Puguh Wiyono, "Golongan Yang Berhak Menerima Bantuan Hukum," 2019, <https://sulsel.kemenkumham.go.id/pusat-informasi/artikel/4449-golongan-yang-berhak-menerima-bantuan-hukum>.

only a part of it can be obtained, such as the right to a trial, the right to a fair and impartial trial, the right to legal assistance, freedom from violent behavior.

Legal aid is a guarantee of legal protection and guarantee of equality before the law which has been regulated according to the constitution regarding human rights²¹, to become a medium of assistance from legal practitioners in the spheres of criminal justice, civil and state administration. The exact rules for the continuation of the process of providing legal aid have been stated in Law no. 16 of 2011 concerning Legal Aid, Government Regulation no. 42 of 2013 concerning Terms and Procedures for Providing Legal Assistance as implementing regulations and Law No. 8 of 2003 concerning Advocates which concerns the professional problem of providing legal aid services through the advocate profession.

The role of the presence of legal aid has a major impact on resolving citizen legal problems, especially legal aid for vulnerable groups and people with disabilities. In theory, there is a relationship between legal aid, legal protection, and vigilantism.²² The reason for the occurrence of vigilantism cases is due to criminal acts behind them. Then followed by the perpetrators of these crimes were persecuted by the community and, in the end dragged both the perpetrators of the crime and the perpetrators of taking the law into the judiciary. Regulations in Indonesia have been designed in such a way that there are rules that govern the actions that must be taken by the community to the institutions that are given authority to handle criminal, civil, and administrative cases in Indonesia in accordance with the domain that is given authority.

Article 4 of the Law on Legal Aid specifically explains the scope of competence in the legal aid process, including:

1. Legal aid is given to legal aid recipients who face legal problems.
2. civil, criminal, and state administrative law issues, both litigation and non-litigation.
3. Legal aid, as referred to in paragraph (1), includes exercising power of attorney, accompanying, representing, defending, and/or taking other legal actions for the legal interests of the Legal Aid Recipient.

In addition, Article 5 also explains that legal aid is only aimed at every poor person who cannot fulfill basic rights independently and independently, where these independent rights include the right to food, clothing, health services, education services, employment and business, and and/or housing. This situation of course directs that it is true that legal assistance can also be given to the perpetrators of crimes. Moreover, the social conditions of the perpetrators of crimes, especially the perpetrators of theft, are a disadvantaged group. Legal aid in Indonesia's accountability is directed to the state represented by the minister in law and human rights.

Basically, the majority of those who take the law into their own hands are carried out by parties who do not know the exact rules, followed by other factors. Mainly not knowing that the act of taking the judge is a deviant act is the main thing for settlement. Thus, among the three important aspects in the protection of victims who are perpetrators of criminal acts, they actually get the same treatment, but there are several things that are omitted as a result of having to be held accountable for actions that have previously been committed. Therefore, the study of legal protection is seen from several aspects, such as legal protection from the point of view of the perpetrator as a suspect, defendant, or convict or from the perspective of the victim. This is because the vigilantism treatment indirectly helps position the perpetrators of criminal acts who are persecuted into two roles, namely, the perpetrators of the crime and the victims of the persecution.

²¹ Leli Tibaka and Rosdian Rosdian, "The Protection of Human Rights in Indonesian Constitutional Law after the Amendment of the 1945 Constitution of the Republic of Indonesia," *Fiat Justisia: Jurnal Ilmu Hukum* 11, no. 3 (2018), <https://doi.org/10.25041/fiatjustisia.v11no3.1141>.

²² Firyuza Abdurashidovna Mukhitdinova, "Advocacy and the Introduction of Digital Technology in Advocacy," *International Journal of Advanced Science and Technology* 29, no. 3 (2020).

2. Forms of Warranties for the Protection of Criminal Actors and Authority to Report Vigilantism Behavior

a. Legal Protection of the Rights of the Suspect

Concerning the issue of vigilantism against perpetrators of criminal acts, it raises the possibility that the predicate given will become perpetrators of criminal acts in other crimes and become victims due to the persecution they find. Under these circumstances, giving him legal protection is based on two views, namely, as a perpetrator and a victim of a crime together. Efforts to provide legal protection are aimed at his nature as a human being with all the rights he has. Regardless of the existing predicate, of course, the obligation to provide legal protection from all kinds of things that make the rights violated go beyond the provisions in the law.

Human rights thinking in Indonesia has an influence on the existing rule of law. Starting from the basis of the constitution, namely the 1945 Constitution of the Republic of Indonesia, both in the preamble and stated in the stem of the article. The 1945 Constitution of the Republic of Indonesia has regulated human rights more systematically in one chapter, namely in chapter XA on Human Rights which consists of articles 28A to 28J. Besides that, Indonesia's attention to the protection of human rights is shown by the regulation of human rights specifically through Law Number 39 of 1999 concerning Human Rights²³.

Apart from that, it was followed by a proposal regarding the reform of the Criminal Procedure Code, a preamble whose aim is more intended to provide legal certainty, law enforcement, social justice, and legal protection with an eye on human rights. So that the values in the Criminal Procedure Code should be built based on human rights because basically the rules in criminal law must pay attention to human rights. The view to incorporate human rights into the idea of the proposal is based on the development of human rights in the world. There are 3 (three) international conventions that can be used as basic principles, including the Universal Declaration of Human Rights or The Universal Declaration of Human Rights (UDHR) established by the United Nations on December 10, 1948, the International Covenant on Civil and Political Rights or the International Covenant on civil and political Right (ICCPR) and the International Covenant on Economic, Social and Cultural Rights or the International Covenant on Economic , Social , and Cultural Right (ICESCR).

The process of providing protection to suspects or perpetrators of criminal acts is given more contribution by the UDHR and ICCPR. This statement was coined by C. De rover. Including these two rules increases the enforcement of the presumption of innocence. The principle of presumption of innocence is a principle which requires that everyone involved in a criminal case must be presumed innocent before a court decision states that guilt. This principle must be obeyed by law enforcers both in the process of investigation, prosecution and examination in court²⁴.

Article 11, paragraph 1 in the Human Rights Declaration which reads, "Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense". And article 14, paragraph 2 of the Covenant on Civil and Political Rights states "Everyone charged with a criminal offense shall have the right to b presumed innocent until proven guilty according to law". It is used as an international legal basis to provide direction to courts to apply the presumption of innocence to protect perpetrators of criminal acts.

²³ Ari Wibowo, "Sumbangan Pemikiran Hak Asasi Manusia Terhadap Pembaharuan Kitab Undang-Undang Hukum Acara Pidana(KUHAP)," *Jurnal Media Hukum* 23, no. 2 (2017): 115, <https://doi.org/10.18196/jmh.2016.0074.128-136>.

²⁴ Rusli Muhammad, *Hukum Acara Pidana Kontemporer*, Ed.1, cet. (Jakarta: Citra Aditya Bakti, 2007), 17.

The granting of authority to the court is another legal protection given to the perpetrators of criminal acts, and the aim is to provide safety to the perpetrators of criminal acts from tantrums or the arbitrariness of society in teaching the perpetrators a lesson. In Indonesia itself, there is much information about vigilantism. This condition makes legal practitioners, in this case, the enforcement apparatus, obliged to enforce the law so that vigilantism behavior does not occur again. Giving authority to the court, of course, a suspect's rights must be given. These rights include being arrested or detained based on criminal charges, being immediately brought before a court or other official authorized by law to exercise judicial power, and having the right to be tried within a reasonable time or to be released²⁵. Besides that, the suspects are given to get legal assistance in the process that is in the investigation until brought to court.

The process of providing legal aid in Indonesia is regulated in Law No. 16 of 2011 concerning Legal Aid, with the aim of organizing legal aid as described in this guide to guaranteeing and fulfilling the rights of legal aid recipients to get access to justice, realizing the constitutional rights of all citizens by the principle of equality before the law, guaranteeing certainty that the implementation of legal aid is carried out evenly throughout the territory of the Republic of Indonesia, and realizing an effective, efficient and accountable judiciary.

On the other hand, there are other rights, namely the right of the accused or the public prosecutor not to accept a court decision in the form of resistance or appeal or cassation or the right of the convict to submit a request for review in matters and according to the method stipulated in this law. The government provides legal aid to those who cannot afford it. In certain circumstances, suspects or defendants are entitled to other assistance related to the protection of their rights during the judicial process, for example, to obtain spiritual and psychological guidance when necessary²⁶.

In order to provide more guarantees for the rights of suspects or defendants in every judicial process, the Draft Criminal Procedure Code was updated by changing the Pretrial to guarantee the Commissioner Judge. The Commissioner Judge will replace the role of the Head of the District Court (PN) or the Pretrial Judge. Article 1 number 10 of the Criminal Procedure Code states that the Pretrial is only authorized to examine and decide whether an arrest and/or detention is legal or not; whether or not the termination of investigation or prosecution is valid; and a request for compensation or rehabilitation by the suspect or his family or another party on his behalf whose case was not brought to court. The suspect's rights, in this case, are more aimed at the time of the investigation process because the violation of human rights by investigators in seeking information is often carried out in practice. Examples of violence committed during investigations can be seen in the cases of the deaths of Marsinah and Tjetje Tadjudin, who is still a witness/suspect.

The investigation is a series of investigative actions to seek and find an event that is suspected of being a crime in order to determine whether or not an investigation can be carried out according to the method stipulated in the law (Article 1 number 5 Law No. 8 of 1981). In carrying out investigations, it is not impossible that opportunities to commit deviations or abuse of authority for certain purposes will occur²⁷. Because the investigative task is given to the police, it is not surprising if, when carrying out an arrest or detention of someone, there is use of violence to gather information because the use of force by the police

²⁵ Wibowo, "Sumbangan Pemikiran Hak Asasi Manusia Terhadap Pembaharuan Kitab Undang-Undang Hukum Acara Pidana (KUHP)," 116.

²⁶ Rhona K.M. Smith et al., *Hukum Hak Asasi Manusia*, Cetak Ketu (Yogyakarta: Pusat Studi Hak Asasi Manusia (PUSHAM) Universitas Islam Indonesia, 2015), 260–61.

²⁷ Agus Raharjo and Angkasa, "Perlindungan Hukum Terhadap Tersangka Dalam Penyidikan Dari Kekerasan Penyidik Di Kepolisian Resort Banyumas *," *Mimbar Hukum* 23, no. 1 (2011): 83.

is one aspect of the dual paradigm of the police, namely as *the strong hand of society and the soft hand of society*.

Using violence is tantamount to injuring the presence of human rights. In interpreting equality before the law, there should never be an argument about the existence of privileged elite groups²⁸. Practically using violence is an alternative to provide a sense of security without going through a long thought process, besides that, the presence of the old law, which allowed for violence against suspects during investigations makes this a culture that is still maintained by the police so it is natural that there is a perception that the investigator's examination system does not pay attention to human rights even though he is a criminal offender. Basically, human rights will never be reduced in the slightest and can only be released if someone has passed away, therefore, the police must still uphold the predicate as a perpetrator of a criminal act. If the police still don't respect human rights, then in line with this, the community will not follow all the recommendations of the apparatus.

Equality in the eyes of the law and equal treatment are part of human rights, but in Indonesia, the arbitrary actions of the authorities often occur. Even the use of violence in the investigation process also occurs, especially for suspects with low social status, violent treatment to investigate is carried out. Suspects with low social status will be treated with violence to obtain confessions or information, whereas for suspects with high social status, the police will not use violence. This was stated by Riswanto, an advocate who had accompanied suspects with different social statuses²⁹.

And other protections that can be given to a suspect are the right to freedom of a suspect and a guarantee of suspension of detention. These two last rights are fully regulated in Article 24, paragraph 2 and Article 31, paragraph 1 of the Criminal Procedure Code. With all implementing regulations determined from Government Regulation No. 27 of 1983 concerning Implementation of the Criminal Procedure Code. Guarantees of respect, protection, and enforcement of citizens' rights are constitutional rights, including, the right to equality before the law, the right to recognition, guaranteed protection, and fair legal certainty, as well as the right to equal treatment before the law. The human rights of suspects and legal protection rights for suspects have been regulated in the Criminal Procedure Code as regulations that guide criminal acts in the justice system³⁰.

b. Legal Protection for Victims

The Indonesian state guarantees the protection of victims in Law No. 13 of 2006 concerning the Protection of Witnesses and Victims. The protection of victims is the most urgent thing to implement in order to reduce the occurrence of additional violations of their rights being repeated. The spirit of providing protection to victims is based on the spirit of the international world through the United Nations Declaration No.40 /A/ Res /34 of 1985, which stipulates several things that must be protected against victims, including:

1. compassion, respect, and recognition;
2. receive information and explanation about the progress of the case;
3. provide information;
4. providing proper assistance;
5. protection of privacy and physical safety;
6. restitution and compensation;
7. to access the mechanism of the justice system.

²⁸ Daron Acemoglu and Alexander Wolitzky, "A Theory of Equality Before the Law," *Economic Journal* 131, no. 636 (2021), <https://doi.org/10.1093/ej/ueaa116>.

²⁹ Marcus Priyo Gunarto, "Perlindungan Hak Asasi Manusia Di Indonesia Dalam Dinamika Global," *Jurnal Mimbar Hukum*, 2007, 265.

³⁰ Suswanto Suswanto, Slamet Suhartono, and Fajar Sugianto, "Perlindungan Hukum Bagi Tersangka Dalam Batas Waktu Penyidikan Tindak Pidana Umum Menurut Hak Asasi Manusia," *Jurnal Hukum Magnum Opus*, 2018, 65, <https://doi.org/10.30996/jhmo.v0i0.1768>.

The application of granting rights to victims must first be understood based on the category of victims because several types of categories of victims are caused by mistakes they have made themselves. The category of victims in terms of victimology among them are³¹:

- 1) *Nonparticipating Victims*, namely those who do not care about crime prevention efforts.
- 2) *Latent Victims*, namely those with certain character traits that tend to become victims.
- 3) *Proclative Victims*, namely those who stimulate the occurrence of crime
- 4) *Participating Victims*, namely those whose behavior makes it easier for them to become victims.
- 5) *False Victims*, namely those who become victims because of their own actions.

Victims of vigilantism cases can be categorized as false Victims because they pushed other parties because their actions made him a victim. The development of this nation's seriousness in providing protection to victims and witnesses is evidenced by the creation of new regulations in lieu of Law No. 13 of 2006 namely Law No. 31 of 2014, by providing a description of the various forms of rights that victims can obtain. With regard to the provision of protection and the rights of witnesses and/or victims, in Law Number 31 of 2014, it is regulated in Article 5 to Article 10. The rights of witnesses and victims are mentioned in Article 5 paragraph (1), in the form of ³²:

1. Protection of personal security, family, and property, and freedom from threats regarding the testimony that will be, is being or has been given. The explanation stated that such protection is the main protection needed by witnesses and victims. If necessary, witnesses and victims must be placed in a location that is kept secret from anyone to ensure that witnesses and victims are safe.
2. Participate in the process of selecting and determining forms of security protection and support.
3. Give information without pressure.
4. Get an interpreter, this provision is for witnesses who are not fluent in Indonesian to expedite the trial.
5. Free from ensnared questions. This guarantee is in line with Article 166 of the Criminal Procedure Code, which states that questions that ensnaring in nature may not be filed against either the accused or the witness.
6. Get information about the progress of the case.
7. Get information about court decisions. According to the elucidation of Article 5 paragraph (1) letter g, the provision of information on court decisions to witnesses and victims is a form of appreciation for the participation of witnesses and victims in the process of examining the case concerned.
8. Obtaining information in terms of the convict being released. The release referred to here is not a decision to acquit the defendant, but rather the time of release or the family of the accused as the convict. This information is needed by the witness so that he can prepare himself for the possibility of retaliation from the defendant because of the testimony given. (see explanation of Article 5 paragraph (1) letter h).
9. Withheld identity.

³¹ Dikdik M. Arief Mansur and Elisatris Gultom, *Urgensi Perlindungan Korban Kejahatan : Antara Norma Dan Realita* (Jakarta: RajaGrafindo Persada, 2007), 49.

³² Mukhammad Irkham, Sularto Sularto, and Endah Sri Astuti, "Perlindungan Korban Perbuatan Main Hakim Sendiri Dengan Pendekatan Rertorative Justice (Studi Di Kabupaten Demak)," *Diponegoro Law Journal* 6, no. 2 (2017): 10.

10. Got a new identity. A new identity for witnesses and victims is needed, especially for organized crimes, because the safety of witnesses and victims can still be threatened even if the accused has been sentenced and has served a sentence.
11. Get a temporary residence. This temporary residence is meant to be a temporary residence that is deemed safe. This is necessary in terms of the safety of witnesses and victims, which is very worrying, so it is necessary to consider providing temporary housing so that witnesses and victims can continue their lives in a safe manner.
12. Get a new residence. This new residence was provided solely to provide a sense of security for witnesses and/or victims, when there is no longer a safe place for them.
13. Obtain reimbursement of transportation costs as needed.
14. Get legal advice.
15. Obtaining temporary life assistance until the protection period expires, and/or
16. Get assistance.

From all the descriptions regarding the rights obtained by the victim, it can be applied to the victim taking the judge, because he suffers and harms himself. This gives authority to victims to take justice into their own hands under the pretext of abuse, violence, and destruction. The rule of law regulates the prosecution of vigilantism victims, with the provisions contained in articles 98 to 101 of the Criminal Procedure Code. The meaning of loss is more directed to the rules in the realm of civil law than criminal law. The existence of compensation is not regulated in a crime caused by a crime because compensation is the realm of civil law. The scope of compensation includes individual victims' issues and other problems. Therefore, if it turns out that the victim suffers a financial loss, the criminal act is finished, using the method of combining words of a claim for compensation in Chapter 13 of the Criminal Procedure Code.

With this in mind, placing civil procedural law needs to be held to provide legal protection given by the court to prevent vigilantism (self-judgmental actions), because vigilantism (acting on the vigilantism) is an act of exercising one's rights according to one's own will which is arbitrary in nature, without the consent of other interested parties, which will cause losses. So, the act of judging yourself is not justified. Vigilance will not occur if there is no background, plus the rules regarding vigilantism are not regulated in a more specific manner so that the legal certainty provided to victims is still gray or questionable, the application of punishment according to acts of behavior is the most appropriate medium to overcome existing legal gaps. Basically, taking the law is a deviant act but still thriving and an alternative action taken by the community to judge the perpetrators of criminal acts that occur around them.

The reasons for these actions can occur because, first, people are emotional towards the perpetrators of crimes. Second, because of the low level of public trust in our country's law enforcement officers. Third, the public's disappointed with the state regarding law enforcement because the state cannot do justice. Another consequence of vigilantism is that the position of the perpetrators of criminal acts is divided into two, namely, as perpetrators of other crimes and as victims of persecution.

3. The Role of Legal Practices to Provide Protection in The Form of Legal Assistance Against Criminal Actors

The process of resolving vigilantism disputes is complicated because the course of criminal law in Indonesia prioritizes the rights of the perpetrators of criminal acts compared to the rights of the victims. So that the rights of many victims are neglected. In this situation, if it is related to human rights, there will be a tendency to neglect the rights of victims. The

vigilantism case is a case that can be viewed from the perspective of civil law and criminal law; it is very clear if the loss suffered by the victim is recognized in civil law because the issue of compensation is a civil matter. For compensation cases in criminal law, the application of a merger of lawsuits uses the following articles:

Article 98

- (1) If an act which forms the basis of an indictment in an examination of a criminal case by a district court causes harm to another person, then the head judge at trial at the request of that person may decide to combine the case for compensation to that criminal case.
- (2) The request as referred to in paragraph (1) can only be filed before the public prosecutor. File criminal charges. If the public prosecutor is not present, the request shall be submitted no later than before the judge renders a decision.

Article 99

- (1) If the aggrieved party requests the amalgamation of his lawsuit in a criminal case as referred to in Article 98, the district court considers its authority to adjudicate the said lawsuit, the correctness of the basis of the lawsuit, and the penalty for reimbursement of costs incurred by the aggrieved party.
- (2) Except in the case of a district court declaring that it has no authority to adjudicate a lawsuit as referred to in paragraph (1) or the lawsuit is declared unacceptable, the judge's decision only contains a stipulation of a penalty for reimbursement of costs incurred by the injured party.

Article 100

- (1) If there is a merger between civil and criminal cases, then the merger will automatically occur at the appellate level.
- (2) If a request for appeal is not filed against a criminal case, then an appeal regarding the decision for compensation is not permitted.

The majority of vigilantism cases were carried out due to the ignorance of the public about the existing legal rules and steps to deal with caught criminals. The lack of understanding of law in Indonesia, of course, the profession of a lawyer or advocate has a big responsibility. Article 1 point 1 Law no. 18 of 2013 concerning Advocates (Advocate Law) says, Advocates are people whose profession is providing legal services, both inside and outside the court who meet the requirements under the provisions of the Advocate law. When the Advocate Law comes into effect, those whose names are Advocates, legal advisers, practicing lawyers and legal consultants are declared as Advocates. People who are not yet advanced in civilization tend to solve their problems with "muscles" and take the law into their own hands. It is different from people who are already highly civilized, who choose to resolve the legal problems they face in accordance with applicable law.

There is much literature that explains how to solve the problem of vigilantism that can be done in two ways, namely litigation and non-litigation. The litigation path is a problem-solving path directed to the court as a third party to provide justice. While the non-litigation route, solving problems outside the court can be done through deliberations, and mediation, all of which use the principle of kinship. These two paths are processes that can be taken by solving problems, the role of advocates in their function of providing legal aid as contained in the Legal Aid Act providing benefits to poor groups is the right business because the majority of criminals who get persecution are disadvantaged parties, committing the majority of criminal acts for economic reasons.

For cases where the rules of the game are clear and there is a legal solution, they must be resolved by bringing them to court. The rules of vigilantism specifically do not regulate, but there are similarities between the crimes that have been regulated in the Criminal Code, the act of playing the judge is the result of other criminal acts in which the community is present as the perpetrators of persecution. This condition forces the need for attention to the aggrieved party. Inclusion of other parties to maintain law and order in society in all aspects must be mobilized, legal practitioners, both from lawyers/advocates and the police to those in power, must be the parties to tackle the problem of taking the law into account. The presence of legal aid in Indonesia more or less influences the justice that is created. Soerjono Soekanto divides legal aid into two models, including ³³:

1. Individual juridical legal assistance is a right given to members of the public to protect their individual interests. The implementation of this legal aid depends on the active role of the community in need, where those who need legal assistance can request the assistance of a legal advisor, and then the legal advisor's services will later be paid for by the state;
2. Welfare legal assistance is defined as a right to welfare which is part of the social protection framework provided by a welfare state. Welfare legal assistance as part of a social direction is needed to neutralize uncertainty and poverty. Therefore, social development or social improvement is always part of implementing welfare legal assistance. The intensive role of the state is needed in realizing it because the state has an obligation to meet the basic needs of its citizens so as to give rise to rights that can be demanded by them. Fulfillment of these rights can be carried out by the state through the provision of legal assistance to its citizens.

In Indonesia, the legal aid that is commonly used is individual juridical legal assistance which aims to protect individual interests, especially in upholding their human rights. The phenomenon of reporting to each other will occur if the vigilantism culture continues. The perpetrators of criminal acts who received persecution from the community in acts of persecution, violence, and destruction were able to report the actions they received in the position of victims. On the other hand, vigilantism perpetrators can report back with reasons for criminal acts committed by vigilantism victims. Throughout 2021, there were 1,221 incidents of collective violence. From this number, the Centre for Strategic and International Studies (CSIS) team found that 40.7 percent were cases of vigilantism. As the political year approaches, it is essential to anticipate and address this collective violence.

The vigilantism culture should be eliminated in various ways. This is felt as an effort to reduce or even eliminate this culture. Settlement of the judge's problem can be done in a repressive way because the incident has occurred, so several options can be done, such as:

a. Mediation By Village Leaders

The first step in the event of potential vigilantism is securing the perpetrators of criminal acts. This action should be carried out by village leaders such as the Village Head or Village Secretary so that the community has more trust in handling and handing over the perpetrators of criminal acts through legal channels according to procedures.

b. Preventing Provocative Actions

Prevention is done by increasing the awareness of each individual. The method is to avoid provocative roles and avoid being influenced by other people's provocations.

c. Contact the Police

Every public member is obliged to contact the police as a quick response to criminal acts and to prevent the practice of taking the law into their own hands. The telephone number for the Bandung Police was obtained from the existing Kamling post

d. Making Official News

³³Soekanto, Soerjono, *Legal Aid: A Socio-Juridical Review*, Jakarta: Ghalia Indonesia, 1983, p. 11

To prevent fake news from happening or confusing news, the Village Office makes official news about criminal acts. News content includes time and place of crime, chronology of events, and current conditions.

All of these ways can be done by using lawyers or advocates who have an adequate understanding of the law to make it easier to take a middle way to achieve justice. Preventive steps become prevention efforts by way of outreach to the public about the importance of obeying laws, explaining to the public that violence is not the best way to enforce the law because violence is also a crime and someone who commits vigilantism acts can be punished; foster public confidence in law enforcement officials to carry out their duties and functions; and approach the community so that law enforcement officials can be invited to work together to take action that is considered troubling by the community.

Lawyers have a big role to play in increasing public awareness of the law and making them aware that the law is something that must be obeyed, especially in Indonesia, which claims to be a state of law. The law aims to regulate society with a general perspective in order to achieve legal justice it requires understanding and support from all parties. For the problem of vigilantism, which is a violation of the law, of course, more attention must be given because the losses to victims of vigilantism cannot be denied. In addition, the element of defense can affect victims of vigilantism, whose human rights cannot be given optimally. The perpetrators of crimes who receive persecution will only suffer without compensation accompanied by carrying out criminal responsibility for what they have done. Therefore, the role of lawyers for vigilantism victims is primarily to obtain compensation for the accountability of vigilantism perpetrators to vigilantism victims. Even the police must do the same thing with the principle of kinship as the basis of reference in order to eliminate the phenomenon of vigilantism.

C. Conclusion

The research on providing legal protection for perpetrators of criminal acts who face persecution needs to be approached from a humanitarian perspective, even though the subjects being targeted are those who violated the rules. The trilagusion theory plays a crucial role in determining the effectiveness of protecting the guilty party. Perpetrators of criminal acts, who are both suspects in other crimes and victims of vigilantism, have overlapping attributes. The state has a responsibility to safeguard its citizens, aligning with Indonesia's goal of protecting the entire nation and its people, making it crucial to address such cases to prevent their recurrence. Using the trilagusion theory to seek protection, similar to that provided to vigilantism victims, is significant as the Indonesian state does not directly regulate vigilantism rules. Some rules resembling vigilantism actions are applied to ensure accountability based on human rights. The Witness and Victim Protection Act identifies the types of victims to be protected, focusing on those purely victimized by criminal acts unrelated to any actions that made them aggrieved parties. Victims of vigilantism, as a whole, are individuals who became victims due to their actions, known as "false victims." Consequently, legal protection is granted based on human rights. In an indirect sense, perpetrators of criminal acts who experience persecution receive both suspect and victim rights. The shared aspect between these rights is to provide a sense of security and uphold the human rights values they deserve.

Vigilantism has adverse consequences for victims, causing losses, while perpetrators can face charges under applicable laws. Resolving vigilantism issues requires lawyers' involvement in providing legal assistance. In Indonesian culture, kinship principles are often employed to resolve problems, even without resorting to court proceedings. As legal experts, lawyers can act as neutral third parties to mediate disputes related to vigilantism incidents and educate the parties about the legal consequences involved. Incorporating compensation mechanisms in Chapter 13 of the Criminal Procedure Code is expected to safeguard the rights of suspects and victims of vigilantism. Optimizing relevant agencies to protect vigilantism victims is of utmost

importance. Educating the public about vigilantism's criminal implications on perpetrators and utilizing lawyers' full potential in legal education and prompt action will enhance public trust in the police. Addressing this complex issue requires clearer regulatory arrangements for the legal protection of vigilantism victims, considering the involvement of different legal domains, making legal certainty challenging to predict. Providing a clear definition and explaining applicable legal rules is a primary step in addressing vigilantism cases, which present a legal paradox that necessitates careful handling.

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