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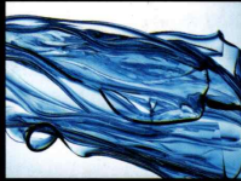
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4 Behaviour Analysis of General Election in the Province of Riau, Indonesia

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2 Abstract

A paradigm change in the electoral system in Indonesia is needed. Such changes can be seen from the elections to the representative system into a system of direct elections. Representation electoral system when it states hold elections only once, namely chooses the House of Representatives and the Regional Representatives Council. But with a system of direct election general election not only for members of the House of Representatives (DPR), but also to members of the Regional Representatives Council (DPD), including elections for President and Regional Heads. With this model, the paradigm will be changed the logic of voters on the political decisions to be taken. This article intends to describe the orientation behaviours of voters belonging to the category of rational voters or voters irrational classified.

Key Words: Voter behaviours, rational, irrational

1. Introduction

Voter behaviour is always interesting to study, the interest due to the behaviour of voters always change the political choices of the general election to another election, both from the legislative elections, presidential elections and the general elections of regional heads. These changes can be seen from the vote in each election. Voter behaviour like this would affect the vote and the power of political parties. Since the reformation of Indonesia, Indonesia has undergone a paradigm shift in the electoral system. The changes occur on the electoral system. During the reign of the new order is known as a representative electoral system, namely ⁵ president elected by the House of Representatives (DPR), while the head of the region selected by the Regional Representatives Council

(DPRD). Meanwhile, when the reign was reform, it has been known as the direct election system. Direct meaning is the election of members to elect members of the House of Representatives (DPR) including the Regional Representatives Council (DPRD), elected by the people. As well as members of the Regional Representatives Council (DPD) elected directly by the people including the presidential election.

With the paradigm shift in Indonesian electoral system, the system is used also experience the difference at each general election. Legislative elections are used proportional electoral system with proportional list variants (open). To select members of the Regional Representatives Council (DPD), others use the electoral system, namely non-transferrable single vote (SNTV). While to elect a president, used a majority electoral system/ plurality variants with two round system (System TwoRound). This paradigm shift would provide an opportunity for political society participation. If during the reign of the new order depends on the decision of the voting public political party, then the reign of this reform voters in determining their political decisions can be made directly. This is perceived democratic freedoms voters Indonesia today. To see how the voting public plays a role in a general election, it can be seen from the behaviour in voting or political rights.

In connection with this voter behaviour then this article will discuss the behaviour of rational and irrational, because of the attitude of voters in the election in various places show that voters have rapidly educate us not to underestimate. The presumption that voters generally stupid, paternalistic, easily mobilized, and courted it all much mistaken.

The phenomenon of voters in particular Indonesia Riau province at the time of legislative elections orientation voters tend to choose a political party rather than choosing candidates for members of Parliament, but during presidential elections or elections of regional heads of voters orientation over the presidential candidate or the head of state. Phenomenal will be more attractive when political party gained the most votes in legislative elections. See it as a party of "GOLKAR ", the party for the province of Riau always voice dominance in every election when compared with other parties. Nevertheless, when the party is carrying a candidate from his own party, the candidate of the party always defeat unless the election of the governor.

This lack of harmony process of political theory aspect is very interesting to study; voters' patterns in elections of regional heads in Riau province will find the trend the formation of a common pattern of irrational voter community. The phenomenon of a shift of voters in the table above, shows that voters yet again oriented in party ideology, but still based on the value. This mobilization is trying to decipher the voting behaviour of rational variables: the vision, mission, and work programs, and the variable that is irrational in common the nature, the character similarity and proximity regardless of party attributes.

2. Theoretical Approaches

Studies of voting behaviour is essentially still a new issue in a political context in Indonesia. In the United States alone, the study

of voting behaviour in the field of political science emerged in 1937, which was marked by the publication of the book "Political Behaviour Studies in Election Statistics" by Herbert Tingsten. It is because, before this many political scientists in the United States focused and more satisfied with traditional political science research methods, such as textual analysis of political philosophy, legislative policy-making process, descriptions of the political institutions, and the like. In this context, the emergence of research on voting behaviour in the study of political science is a reaction to dissatisfaction or revolt against the traditional studies.

The literature on decision-making focused on the debate over whether candidates or voters in decision-making rational or irrational. In fact, the word "rational" itself is a very elusive. As disclosed about rationality ("I have a deep ingrained fear of big words, such as rationality") and Weber (1978) distinguish rationality value with rationality goals (goal-rational)².

Rationality is defined as the orientation of the action based on whether the value of ethics, morality, religion, and things those are aesthetic, passions, or origin. Rationality of an individual assessed the extent to which the individual decisions of the values he holds, and not the goals to be achieved. Rationality purposes, on the other hand, are defined as orientation and action based on the results of the conformity with the final aim, methods and consistent performance. Individuals will be evaluated rationally when decisions and actions to support the ultimate goal.

The theory of affective response (response theory affect) on voting behaviour. There are two assumptions about men, the man as a rational creature and irrational³. In voting behaviour, rational voters say if he gave voice or choice of a party or candidate based on the district head belief, that attributes attached to a party or candidate Regional Head; what is the vision and mission of the party or candidate of the Head to the front; what program (political program), and that (the platform).

Meanwhile, distinguish between two concepts of rationality. First, rationality is defined as thought, and action to achieve objectives efficiently and effectively (RI)⁴. This type of rationality more show personal reasons in order to achieve the objectives of personnel. Secondly, rationality is defined as thinking, talking, arguing, making decisions and acting upon a specific normative system (R2). This kind of rationality more emphasis on the degree of similarity (conformity) between the individual decision to 'best-practice' which is believed to be true and in society⁵.

They distinguish rationality and rationality calculation description. Rationality calculation is defined as the process of thinking techniques/ methods probabilistic logic and decision-making processes. While the description is defined as the degree of rationality of the decision or behavior compared to a standard of rationality calculation results produced. The classical view of rationality (that regulators 'rational' are the standard that should be used in decision making processes) should be

applied in all aspects of life⁶. Many people are of the opinion that the probabilistic methods, statistics, game theory, and the calculation method to be used in decision making.

The concept of rationality departs from the concept of individuals who have a preference and faced with constraints (constraints) when it comes to making decisions. Typically, the basic premise is that individuals have a selfish attitude, full of calculations, and intends to maximize benefits and simultaneously reduce costs (cost), he is considered more rational. Conversely, when voters did not use the formula and calculation of profit and loss in the decision-making process, by this perspective was labelled as being reckless and irrational.

Classical rationality based on calculations of profit and loss and maximization (economic perspective) as well as scientific technique in this decision-making system has not been without criticism. The sociologist believes that the actors make decisions and act on the basis of values and beliefs (beliefs) that they hold and not based on cost-benefit calculation⁸.

3. Variable Selection Rationale

3.1 Voters with Vision Behavioural Indicators

Factors to consider in determining the attitude of voters is in communicating the seriousness of the candidate's vision, mission and work program. In political campaign maintenance, delivery of the vision of the prospective head region has a significant role in the voting process. For the rational voter, vision will be considered delivered when based on political⁹ choices.

Determining voter behaviour through rational choice approach¹⁰ (rational choice), in a general election is not determined by structural social ties or strong party ties but the result of rational assessment of the statements made by the candidate. This rational choices made by the approach to the vision, mission, program, issue brought by a candidate, an assessment of the personal qualities of candidates and political parties stretcher candidates, as well as certain political situations related to one of the candidates to be elected by voters. Since vision is a series of summaries of action to be performed by the candidate, vision plays an important role in providing insight into the voters of ambition to be achieved by the candidate in his leadership time later. These results prove that voters do not consider vision as their reason in determining¹¹ his choice of candidates for regional heads. There are many things that affect the above statement, included the closeness and cultural ties and strong emotional killing irrational factors.

3.2 Voter Behaviour with Indicators Mission

In the context of rational choice, when a voter feels that he will not benefit from the head of regional candidates are competing, voters will not cast his vote in the general election. This decision was made based on economic calculations^{11, 12} of costs incurred calculation is greater than that which would be received later. This approach assumes that local leaders competing candidates will try to present a variety of programs to attract sympathy and attention of the electorate to vote for him. However, when the district head candidates failed to promote his program to voters, the choice not to choose a rational thing to the voters.

An elector who would seek to understand the rationale for a candidate to head the mission carefully but it is not experienced by voters care less rational aspects of the factors leading user represented leadership, socio-cultural ties and hopes of a more pragmatic stand compared the mission conveyed. In any organization¹³ of election campaigns both during the local elections and in legislative elections, delivery of the vision and mission of the prospective head region plays a role in getting a lot of votes. Although there are cases where the candidates did not submit their vision and mission in the

campaign openly, but for the voters, the candidate's vision and mission remains the primary backup that they consider in determining their political choice.

The level of voter confidence in the mission to meet candidates for regional head high. Although there are many factors that cause this, such factors 14, 15 as more voters see the credibility of a candidate head area, so anything is the mission conveyed by the prospective head region, the mission is often associated with the personal credibility of the prospective head region.

High voter confidence in the mission district head candidate can be a strong bond between the prospective head region with his constituents. This issue could be the focus for potential officers to sort out their mission in the best possible materials for use in their political campaigns.

3.3 Conduct an Indicator Program Selector

This approach assumes that the district of the head candidates will be able to fight and strive to recommend a program to garner voter wishes to vote. However, if a candidate fails to promote local programs¹³ to the voters, the choice not to choose is rational for voters. In this case, the appropriate program, the submission of an effective program, and role models as well as consistency in implementing the program is the key to the success of a candidate to head the district in making the program as the factors considered by voters.

In order to achieve the program 14, 15 as the factors considered by the voters, there must be a model of achievement. One model is a model that can be used to emphasize the networks activity begins with the awareness phase, the phase of analysis and action phase. This means that voters need to know the prospective head of region period analyzed and ultimately make a decision. If this is not done, the selection of regret when the outcome of the alternative selected by the choice not in line with the decisions made. This will produce the models 'decisional balance' in the aftermath of the selected alternative in the determination of profit and loss, especially due to the electorate itself.

Although there are voters who are fanatical about one of the candidates for the head of regional and is not likely to change their votes but the position of the proposed program of regional head candidate to be chosen would add legitimacy voter choice in determining his choice. In a rational actor 16,17 theory approach (RAT), which is usually a rational voters will make their choice after making sure the program is delivered to meet the expectations.

4. Variable Selection Irrational

4.1 Voter Behaviours and Habits Indicator Equation

Besides the elections considering the vision, mission, program, the regional head candidates, voters should also know about the candidate's integrity, personal background and political background of the candidates to be elected head of the region. This is because the regional head candidate is the one who will lead their constituents and communities in the region within the stipulated time. Therefore, through knowledge of the voters about the candidate profile head area is very important.

To measure the characteristic equation can be seen from the indicators (a) demographics include age, religion, and gender; (b) covering economic, social employment and income; (c) culture and ethnicity, (d) associated with the support of the political ideology of the party. Results of voters in determining the choice of the candidate strongly influenced by the social environment. This factor is often used as the main reference in determining the choice by the voters. Empirical studies prove that everyone will strive to maintain nature homogeneity (DD / uniformity) of the social environment in order to avoid conflicts 18. 19.

The voters prefer candidates for the regional heads who have a background in the same capacity with them. They assume that the prospective the head of region that has much in common with their character is more able to understand the interests of the voters. A candidate such as this is in the best interests of voters in their constituency sense of community, when they are elected as head of the blood. The similarity factor is less concerned with the nature of rationality factors such as the content of the vision and mission as well as the planned program.

4.2 Voter Behaviours with indicator Character Figures

It cannot be ignored is the question of voting behaviour in respect of issues affecting the minds of voters. These issues often raised by campaigners. Political pressure on leaders and certain political parties in the past could become the symbol and create sympathy for some voters. so that voters will identify themselves with the characters or organizations ' who are victims of the regime.

The advantage is that it is a direct general election voters clearly showed the character of plenty of candidates to be chosen. In the theory of rationality, there are two forms of assessment that can be made by voters when assessing the candidates who will be chosen. Voters can assess the quality of instrumental and symbolic evaluation of each candidate.

Instrumental quality assessment is an assessment of the seriousness of candidates for voters to meet the expectations of the electorate though this hope was voiced by voters. Assessment of the quality symbol is done by assessing personal qualities any person connected with integrity, rigor, and honesty.

4.3 Voter Behaviours Familiarity with Indicator Relations

The closer the relationship between voters and candidates of regional head, the more likely voters choose a candidate head area. Voters were more likely to vote for a candidate who has a relationship with her emotions than by rational. Voters' attention to the environment¹⁹ as a result of their social interaction in everyday life. The situation depends on the character of each individual who is present normally in the form of communication and interaction^{15, 16, 17} itself. An elector, consciously, to communicate with those around him about any notion that a regional leader candidate acceptable to the environment. If state support is round, eventually the candidate will be accepted as part of society. The regional head candidate to be elected the candidate who is close to him, his family, friends, neighbours, the alumni, the office.

5. Conclusion

Categories rational and irrational behaviour of voters are on voter layer itself, in addition to the role played by the regional head candidates in the province of Riau. At the level of education among the urban middle and upper class people tend to make choices based on the vision, mission and programs. As for rural communities categorized under education has proved quantitatively that the similarity in the quality, character, and the closeness of the relationship is the main factor in choosing candidates for regional heads. The rationality of this model is the attitudes and actions that consider things rationally and logically.

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State and Community Responsibilities on Compensation for Victims of Crime

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Abstract

The state is ultimately responsible and accountable for paying attention to the situation and people's fate. The State, through its agents is responsible for maintaining public order and security. Since then, crime is happening and the emergence of victims are also the responsibility of the state. Similarly, a glimpse of exposure linked to the existence of compensation in relation to the rational and arrangements in legislation in Indonesian positive law and its comparison with some existing arrangements in other countries. Hopefully there is equality attention of the State not only against the perpetrators but also the fate of victims of crime.

Key Words: Compensation, victim. Responsibilities, state, community

1. Introduction

The basis for the protection of the interests of victims is an integral part of the effort to improve social /community welfare that cannot be separated from national goal, which is to protect the entire Indonesian nation and the entire country of Indonesia and to promote the general welfare. On this basis, then the state must intervene actively in efforts to provide protection to the fate of victims in a concrete and individual, one of which is in the form of compensation. In this regard, the main reasons for damages (compensation) to victims by the state, among others, are as follow': The obligation of the state to protect its citizens; insufficient compensation awarded by the perpetrator to the victim; disqualification distribution of revenue; and sociological view that crime is the fault of society in general.

In connection with the above-mentioned discussion, the state through its agents responsible for maintaining public order and security. Since then, crime is happening is the responsibility of the state. This means, the emergence of the victims is the responsibility of the state as well. Hence, to conduct inquiries (action) against the perpetrators of criminal acts, the state also should pay attention to the interests of the victims, in the sense of the rights of victims should also be authorized in the criminal justice system. Now that the overthrow of crime and crime-offenders do not seem effective if viewed from the perspective of the victim. Many criminal acts that occurred after the fall of condemnation of the government, but did not make the defendant that he committed a crime deterrent anymore. In addition, the future will also not get a replacement, the balance cannot be restored and a sense of community safety is compromised. In situations like this it can be said that the purpose of punishment is not reached. With the criminal system as it is now widely ignored the interests of victims, although the victims even a wronged party to the existence of a new criminal offense has been committed by the accused (criminal). Many victims who have been harmed by the offender does not return the interest or right that has been

taken is the result of criminal acts committed by the offender, the victims suffer even more because the process of sentencing.

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As an illustration that can be specified, when the victim's motor loss due to theft or taken by the perpetrator, his motorcycle was sold and the proceeds used by the offender has been used up. Then the offender is caught, the criminal would be detained until sentencing in the court session, so that this matter can be reviewed in the Supreme Court and the victim as a witness. This is witnessed by the victim will be contacted repeatedly starting from the inquiry and the investigation up to the inspection in the court session. Although the victim had other interests that need to be done as sustenance for his family, in addition to the cost of consumables, time, effort and mind to this process when he lost the motorcycle cannot be returned or replaced^{6 7}.

In the current criminal system, one of the purposes of sentencing to make an example of offenders in order not to do the crime again, but instead make offenders learn and exchange experiences with each other in prison, so that when he got out of prison he will not make that mistake more greater. This makes people become restless because of an injustice that has been done over and over again, which makes public interests are not neglected by the criminal system today⁷.

2. Responsibility of the State, Society and the Policy Making

On the basis of the above description, "The relevance of the country and the general public in the future continue to suffer not only because it is the state that has a public service facilities, but also accompanied by a rationale, that the state is obliged to maintain and improve the welfare of its citizens. The occurrence of crime victims can be considered failure of the state to provide good protection to its citizens"⁴.

Relations of this country to protect individuals and concretely against crimes. Firstly, is based on the frame of mind, that this country has been guilty of entry into force of evocation season (Victimization), and by the State to pay appropriate compensation to the victim. In addition, to the possibility of further actions provided by offenders in the future. Secondly is, the flow of new thinking in criminology who leave positivistic approach (to find excuses for criminal acts, criminology) and give more attention to the processes taking place in the criminal justice system and the structure of society (critical criminology, critical approach to criminology). The thoughts above has opened new dimensions in view of the symptoms of this criminal act, the means of prevention and the role of the state and society in terms of the occurrence of the crime⁵.

As a comparison, before the promulgation of regulations regarding compensation in the Netherlands, the Dutch Minister of Justice at that time, in front of the Dutch Parliament, the reasons why society as a whole has responsibility for the victims of criminal acts of violence. Based on criminal laws, that responsibility rests on three things:

- Responsibility is connected with the state ruler said that some particular act as violations and attacks against law. As a continuation of threats to a certain criminal acts against it, it can be considered a duty of the authorities (the State) to alleviate or eliminate the consequences of such actions.
- Which is more philosophical: the public can be seen as soft tissue of human action, so that every person in the sense of humanity in general "culpable" for what eventually manifests as an individual offense / offender who commits a criminal act. In short, here is solidarity with people who are victims of criminal acts.
- An important consideration for political laws, regulations seemed to have the effect of reconciling or resolving conflicts, when there is a special role for the cultivation of the victims of crime and socio-psychological climate is good for treating the suspect in the most profitable considered from the point of social prevention⁶.

Based on the idea that the state is obliged to keep the welfare of society as well as by law enforcement officers, to provide security in the society, on this basis, the victim has the right to claim the country. In expressed this opinion, an example of responsibility a factory/ company towards the employees 8, 9, 10.

Any accidents suffered by employees are the responsibility of the factory/ company^{11, 12, 13}. Similarly, it applied to the relationship between the state and its people^{5, 14, 15}.

In addition, Law No. 13 of 2006 on the Protection of Witnesses and Victims governing institution in charge of providing protection to victims, including the issue of compensation, restitution and rehabilitation. The agency is the Witness and Victim Protection Agency (Agency) based in the capital city of Jakarta.

STATE AND COMMUNITY RESPONSIBILITIES ON COMPENSATION

In order to encourage the implementation of third party liability as a principal, the government must act through a binding policy. In addition to the sanctions if it is not run by a third party or the perpetrator. However, the role of government is limited by law and the constitution. Because, basically, human rights in the field of civil and political rights is negative (negative right). This means that the rights and freedoms guaranteed therein will be fulfilled when the role of the state is limited. This is important since there are many highlighted human rights violations committed by the government against its citizens. As for Human Rights in the field of Economic, Social, Cultural Rights, is positive rights (positive rights)^{16, 17, 18} that would require the state to play a role in the maximum fulfilment.

In the context of the government's responsibility toward victims of crime, a balanced blend of Human Rights in the field of Civil and Political and Human Rights in the area of Economic, Social and Cultural Rights. Two sides of the protection of human rights in the universal Declaration of Human Rights are older than 60 years. Hopefully at this ripe age, it can carry out its declaration protect all the nations of the world in a spirit of partnership to achieve lasting peace.

Related to the issue of compensation, the other countries in other parts of the world have also have given normative regulation to provide a foundation for the legality of the existence of compensation programme for victims of crime. Many countries in the world have established compensation programme, including the United Kingdom with British Commend Paper of 1961 and 1964. As for New Zealand, New Zealand created the law on compensation programme through New Zealand Compensation Act of 1963. Meanwhile, Australia has passed a law on the matter through the Criminal Injuries Compensation Australia Act 1967. These provisions clearly stated the obligation of the State to compensate the victims of crime. Compensation programme to the victim of crime is also accepted by the United States of America (USA), where 27 states of USA have accepted this programme which called as United Compensation Programme, 1965. In Denmark, Germany and Norway also recognized this compensation programme^{6, 7}.

One of the main responsibilities of the State is to pay attention to the situation and the fate of its people. The State is obliged to maintain public order and security. That is why, the State is held responsible to any event of crime. This means that the victim of crime is supposedly protected by the State. Definition of restitution and compensation is a term often interchangeable in its use. But, the difference between the two terms is that compensation is civil in nature. Compensation arising from the proposed compensation of victims, and paid for by the community or is a form of accountability of public or state (the responsible of the society), while restitution is criminal in nature, arising from the decision of the court and paid by the convicted person or a manifestation of the responsibility of the convicted person¹¹.

In Indonesia, an institution that specifically addressed the issue of compensation towards the victim of the crime has been established. In the United States there is a separate institution called The Crime Victim's Compensation Board, the Board set up to deal with the provision of financial assistance to crime victims in the form of reimbursement of medical expenses, funerals, loss of income, and so on. The existence of such institution as mentioned above is urgently needed in order to assist victims of crime who suffer financial losses, particularly when the offender is unable to pay compensation to victims of crime as a result of suffering victims of a criminal act committed by the offender. In addition, this kind of institution is very vital for the implementation of the payment of compensation to the victim is having aligned to the system or mechanism of compensation is executed with a simple and concise so that the manner of the victim could be established. If the period of time necessary to realize the compensation

payments will require a long time, it will threaten the protection of victims in relation to the payment of compensation will be neglected⁷.

3. Legislation Relating to Compensation

Prior to the enactment of Law No. 26 of 2000 on Human Rights Court, the terms of compensation and restitution to victims of criminal acts are covered by the term "compensation". Initially compensation to victims of crime, can be seen in the Code of Criminal Procedure (Criminal Procedure Code) was charged to the offender. In the Criminal Procedure Code also known right to get compensation and rehabilitation for suspects, accused and convicted. Compensation for the perpetrators of the crime, the accused or the convicted is intended for those who suffer from

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procedural errors in the criminal justice process. While rehabilitation is given to the perpetrators of the crime were acquitted or released indicated by the Court.

5 In the process, the rights of victims and the more powerful and recognized in the national legal system with the enactment of Law No. 26 of 2000 on Human Rights Court. This law entitles victims of severe violations of human rights for compensation, restitution and rehabilitation. However, the regulation is intended only to victims of serious violations of human rights only, and not for the overall crime victims in general. Article 35 of Law No. 26 of 2000 states: "Each of the victims of human rights violations is serious and their heirs receive compensation, restitution and rehabilitation".

However, compensation and restitution of victims of stern on the violations of human rights is placed within the framework of "compensation". This is evident from the definition of compensation and restitution in Act No. 26 of 2000 and Government Regulation No. 3 of 2002. Article 1 of Government Regulation No. 3 of 2002, the purpose of compensation and restitution are described as follows:

"The compensation is compensation awarded by the State because the actors are not able to provide full restitution which it is responsible. "

"Restitution is compensation paid to the victims or their families by the offender or a third party may include a return of property, the payment of compensation for loss or suffering, or reimbursement for certain actions."

Law No. 26 of 2000 and Government Regulation No. 3 of 2002 also clearly defined who is a victim. Definition of victims in Government Regulation No. 3 of 2002 states that: "The victim is an individual or group of individuals who suffer both physical, mental and emotional suffering, economic loss or neglect, reduction or expropriation of basic rights, as a result Of human rights violations gross human, including the victim is his heir". Based on the above, compensation to victims of serious human rights violations charged to the two parties, namely the perpetrators of the crime and the state. Perpetrators of the crime charged or third parties to indemnify victims, and this is what is defined as "restitution". While in compensation, charging compensation to victims when perpetrators undertaken by the government or third party cannot afford to pay full compensation to the victims, with this provision, it appears the concept of state responsibility for victims of crime (serious human rights violations).

The right to compensation and restitution back regulated in Law No 13 of 2006 on Witness and Victim Protection. Article 7 of Law No. 13 of 2006, compensation to victims of criminal acts use the term compensation and restitution. However, no explanation of the purpose of compensation and restitution. Article 7 of Law No. 13 of 2006 reads: (1) the victim through the Agency is entitled to submit to the Court, such as: (a) The right to compensation in the case of serious human rights violations; (b) The right to restitution or compensation which is the responsibility of the offender.

There was a difference in determining the responsibility of fulfilling the rights of victims, particularly in relation to the refund. Under Law No. 13 of 2006, refunds can be granted to all victims of the criminal act that occurred and is not limited to victims of serious violations of human rights just as the right to compensation. Second, restitution is the responsibility of the perpetrators and did not include obligations for third parties, as well as refund within the meaning of the Act No. 26 of 2000. While the victims' right to rehabilitation only as an aid to the victims in terms of psycho-social rehabilitation (Article 6 letter b).

Thus, there are two settings and a slightly different definition of compensation and restitution, which is regulated in Law No. 26 of 2000 and Act No. 13 of 2006. While terms of rehabilitation, in the third regulatory Code of Criminal Procedure, Law No. 26 of 2000 and Act No. 13 of 2006 has a definition and purpose for each variant.

5 In addition to differences in definition, the compensation to the victims in Law No. 8 of 1981 on Criminal Procedure, Law No. 26 of 2000 and Act No. 13 of 2006 also have different settings. Compensation to victims in Law No. 8 of 1981 on Criminal Procedure Code did not disclose details about the forms of compensation to the victim. It is seen that the setting of the compensation of victims in the Criminal Code is "pinned" on the regulation of mergers lawsuit in a criminal case. However, it is understood that the losses of victims of criminal acts in the Criminal Code that may be requested incorporation claim for reimbursement only on material compensation and does not include the losses immaterial.

Meanwhile, the Law No. 26 of 2000 on Human Rights Court set up more details about other forms of compensation to the victim. The forms of compensation can be seen in the definition of which is the restitution of damages to the victim or his family, which includes the return of property) the payment of compensation for loss or suffering, or reimbursement for certain actions. The forms of compensation, if it is borne by the state terminology used instead of "restitution" but "compensation". This means that the forms of compensation for victims in Law No. 26 of 2000 is the same, whether for restitution or compensation. Law No. 13 of 2006 on Witness and Victim Protection does not provide regulations on the forms of compensation and restitution to victims. Legal clarification is also not found a definition and explanation of forms of compensation to the victim. There can be describes the forms of compensation and restitution in Law No, 13 of 2006, is likely to be set later in the Regulation. Article 7 (2) and (3) of Law No. 13 Year 2006 stated that: (2) Decision on compensation and restitution awarded by the Court; and (3) Further provisions on compensation and restitution shall be regulated by Government Regulation.

4. Conclusion

Similarly, a glimpse of exposure linked to the existence of compensation in relation to the rational and arrangements in legislation in Indonesian positive law and its comparison with some existing arrangements in other countries. Hopefully there is equality attention of the State not only against the perpetrators but also the fate of victims of crime.

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