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## Injustice Behind Rights: Unveiling the Paradox of Wrongful Arrest Victims

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**ABSTRACT:** This research aims to examine the phenomenon of mistaken arrest and its impact on the rights of victims, particularly concerning compensation and rehabilitation mechanisms. Cases of wrongful arrest are frequent in Indonesia; however, the compensation and rehabilitation mechanisms for victims are still suboptimal, resulting in injustice for those whose rights have been violated. This study differs from previous research in that it specifically focuses on the compensation and rehabilitation mechanisms for victims of wrongful arrest in the context of human rights enforcement in the Manokwari region, rather than addressing mistaken arrest cases generally. Qualitative methodology is employed to understand the phenomenon and its implications for human rights in Indonesia. Data is gathered through interviews and document analysis. The study finds that compensation and rehabilitation mechanisms for victims of wrongful arrest still face various normative and non-normative challenges, resulting in injustice for victims who do not fully receive their rights. Legal reforms and increased awareness among law enforcement officials are crucial to ensure the fulfillment of the rights of wrongful arrest victims. The implications of these reforms and increased awareness can lead to a fairer and more accountable criminal justice system, where human rights are respected and protected.

**Keywords:** Wrongful Arrest, Compensation, Rehabilitation, Human Rights, Law Enforcement



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## INTRODUCTION

Behind the veil of law enforcement, a dark tragedy lurks. Hidden are the poignant stories of wrongful arrest victims, those who are trapped behind bars on unfounded accusations, forced to endure the bitter consequences of law enforcement negligence. The state, through its police force, is entrusted with upholding the law and protecting the people. Ironically, however, it is not uncommon for certain officers to tarnish this noble duty by making erroneous arrests. This tragedy not only robs the victims of their freedom but also leaves deep scars on their minds and bodies.

Indonesia, as a nation governed by the rule of law, has set a mission to bring prosperity and justice to its citizens, in line with the spirit enshrined in the preamble of the 1945 Constitution (Arliman, 2020). However, in practice, the implementation of the law often does not reflect this idealism. In the realm of criminal law enforcement, many feel that the law in Indonesia tends to be blunt at the top and sharp at the bottom, while violations of human rights remain a significant issue (Irwan et al., 2022).

Cases of wrongful arrest are not unfamiliar in the realm of Indonesian law. Wrongful arrest, or commonly known as error in persona, refers to individuals or groups who suffer physical and mental consequences due to procedural errors or investigative and detention processes carried out by authorities in law enforcement. Thus, victims of wrongful arrest can conclude that it occurs due to defects in the investigation or detention process. (Fani & Heniarti, 2022)

Cases of wrongful arrest, legally known as error in persona, have led to a number of human rights violations committed by investigators during the process of apprehending individuals suspected of wrongdoing. Article 1 paragraph (1) of Law Number 39 of 1999 concerning Human Rights (HAM) affirms this (Jufri, 2017) :

Human rights (HAM) are a set of rights inherent in the nature and existence of humans as creatures of God Almighty and are His gift that must be respected, upheld, and protected by the state, law, government, and every individual for the dignity and protection of human dignity and worth.

One real example of a human rights violation is the use of violence by Police Investigators in efforts to uncover criminal cases. As the frontline in law enforcement, the police should be pioneers, stabilizers, and catalysts in national development to achieve national goals as stated in the fourth paragraph of the preamble of the 1945 Constitution. (TAMPUBOLON, 2023)

Cases of wrongful arrest are widespread in Indonesia. KontraS recorded 20 cases of wrongful arrest from July 2022 to June 2023. During the period from July to June 2022, KontraS also noted that there were only four disciplinary processes by the Indonesian National Police's Internal Affairs Division (Propam) against officers involved in wrongful arrests. Three officers denied the accusations, three apologized, two underwent ethics hearings, and eight others were either not disciplined or there was no information available. (Dwifantya Aquina, 'Catatan Tren Kasus Salah Tangkap Di Indonesia, Korban Turut Disiksa', IDN TIMES, 2023 < <https://www.idntimes.com/news/indonesia/lia-hutasoit-1/catatan-tren-kasus-salah-tangkap-di-indonesia-korban-turut-disiksa?page=all> >).

Regarding other data related to wrongful arrest practices in Indonesia, the Indonesian National Human Rights Commission (Komnas HAM RI) received and processed 60 complaints regarding wrongful arrest issues from January 2010 to August 3, 2023, classified as follows:

Region of Incident	Quantity
Aceh	1
Banten	5
Daerah Istimewah Yogyakarta	2
DKI Jakarta	11
Gorontalo	1
Jambi	1
Jawa Barat	3

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Jawa Tengah	3
Jawa Timur	7
Kalimantan Tengah	2
Kepulauan Riau	3
Maluku	2
Nusa Tenggara Timur	1
Papua	3
Riau	5
Sulawesi Selatan	2
Sulawesi Tenggara	1
Sumatera Barat	2
Sumatera Selatan	2
Sumatera Utara	2
Without Province Information	1
<b>Total</b>	<b>60</b>

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Amidst this suffering, a glimmer of hope emerges in the form of the victims' right to claim compensation and rehabilitation, as stipulated in Articles 95 and 97 of the Indonesian Criminal Procedure Code (KUHAP). (Senduk, 2017) However, this hope is like a mirage because the mechanism for providing compensation and rehabilitation is still shrouded in the fog of injustice. The word "entitled" in these articles triggers ambiguous interpretations. On the one hand, victims indeed have the right to claim compensation for the suffering they have endured. However, on the other hand, this phrase seems to imply that victims are not obligated to pursue their rights. Besides, in practice, the provision of compensation and rehabilitation for wrongful arrest victims often does not proceed optimally due to various obstacles.

The lengthy legal process is a journey that must be endured. Compensation is the right of wrongful arrest victims, which can be obtained if there is an error in arrest, detention, termination of investigation, and termination of prosecution according to Article 77 letter b of the Indonesian Criminal Procedure Code (KUHAP). Wrongful arrest victims are entitled to compensation as a substitute for what has been taken away by the state. The right to compensation comes in the form of monetary compensation given to suspects and defendants.

Granting rightful rights to suspects is a form of protection for human dignity and human rights. Therefore, the government's assurance of the implementation of these rights is already within the realm of human civilization. In a civilized world, the law must protect the rights of suspects to the fullest extent, including in the implementation or process of fair legal proceedings. Criminal justice in Indonesia reflects the values of Human Rights (HAM), which are a set of rights inherent in humans and are a gift from God Almighty. These rights must be upheld by the state, law, and government as a form of respect and protection for human dignity and worth.

One relevant study on the injustice behind rights: unraveling the paradox of wrongful arrest victims based on Islamic criminal law and positive law is from Mega Syintia's research (2019) "Legal Accountability Due to Wrongful Arrest or Error in Persona Practices in Cases of Murder of Police Members in North Aceh (Case Study at the North Aceh Police Headquarters)" (Syintia, 2019), Arif Rohman's research (2020) "Legal Protection for Wrongfully Arrested Defendants in the Criminal Justice System" Arif Rohman, *'Perlindungan Hukum Terhadap Terdakwa Salah Tangkap Dalam Sistem Peradilan Pidana'*, *Jurnal Komunikasi Hukum (JKH)*, 3.1 (2020), 26–39., Yepriadi's research (2023) "The Implementation of Rehabilitation and Compensation for Wrongfully Arrested Victims in Theft Cases" (Yepriadi, 2023).

The similarity among these studies is that all three researchers aim to discuss the provision of compensation for wrongful arrest, viewed through the lens of Islamic criminal law and positive law. This can be considered as an effective sanction.

The difference among the three studies lies in their focus and objectives. Mega Syintia's research primarily focuses on the factors causing wrongful arrest or error in persona. Arif Rohman's study centers on legal protection for wrongful arrest victims, while Yepriadi's research leans towards the legal accountability of investigators who commit wrongful arrests or error in persona.

In this research, three main theories are used. Firstly, the theory of Human Rights (HR) emphasizes the importance of protecting fundamental human rights, such as freedom, freedom from torture, and the right to fair trial. HR is the foundation for the creation of a just and democratic society. Secondly, the theory of Justice and Legal Protection states that the law must protect individual rights fairly and adequately, and prevent violations of human rights. Thirdly, the Compensation and Rehabilitation theory highlights the rights of wrongful arrest victims to receive compensation and rehabilitation as restitution for the losses suffered. These three theories underscore the importance of strong legal protection to prevent and address cases of wrongful arrest, and ensure justice for the victims.

Cases of wrongful arrest continue to occur frequently in Indonesia, where victims are apprehended, detained, or prosecuted unjustly and denied their rights fairly. Legal uncertainty poses a serious problem, stemming from differences in the interpretation and implementation of the law, thereby depriving victims of adequate legal certainty. As a result, victims of wrongful arrest often do not receive their rights, including proper compensation and rehabilitation, thus exacerbating their suffering and undermining public trust in the justice system.

Based on the realities observed in the field, questions arise regarding the obstacles in implementing compensation and rehabilitation for victims of wrongful arrest by law enforcement authorities. What are the obstacles faced in providing adequate compensation and rehabilitation to victims? Additionally, what legal efforts are made towards victims of wrongful arrest concerning the enforcement of Human Rights (HR)?

This article aims to explore the challenges of implementing compensation and rehabilitation for victims of wrongful arrest conducted by law enforcement authorities, as well as the legal efforts made by these authorities towards the victims in relation to the enforcement of human rights.

## **METHOD**

The research methodology employed in this study focuses on analyzing cases of wrongful arrest by law enforcement authorities in Indonesia, particularly in the Manokwari region. This research utilizes a qualitative approach by conducting interviews with parties involved in wrongful arrest cases. Consequently, it aims to provide detailed insights into how wrongful arrest cases occur and how victims experience physical and mental consequences due to procedural errors or investigation and detention processes.

Furthermore, this study also utilizes a quantitative approach by analyzing statistical data on the frequency and distribution of wrongful arrest cases in Indonesia. This approach aims to offer a broader picture of the scale and impact of wrongful arrest cases on society and the legal system in Indonesia. Additionally, the research incorporates a normative approach by analyzing laws and

regulations related to arrest and detention, as well as how they are implemented in practice. Thus, the study aims to provide more specific recommendations on how the legal system in Indonesia can be improved to prevent and address cases of wrongful arrest.

## **RESULT AND DISCUSSION**

### **The Obstacles In Implementing Compensation And Rehabilitation For Wrongful Arrest Victims By Law Enforcement Authorities**

The implementation of compensation and rehabilitation for wrongful arrest victims by law enforcement authorities remains a complex and sensitive issue.(Wulandari, n.d.) Wrongful arrest, also known as "error in persona," is a situation where someone is arrested and prosecuted for a crime they did not commit or for which there is no evidence against them.(Lubis, 2020) In some cases, wrongful arrest victims may suffer significant losses, both material and non-material, including reputation and psychological harm.

In recent years, Indonesia has experienced several cases of wrongful arrest that have gained national and international attention.(MUHAMMAD BADRI, 2024) These cases have demonstrated that wrongful arrest is not just an individual issue but also has broad implications for the legal system and society. Wrongful arrests can undermine public trust in the legal system and law enforcement agencies, and they can affect the quality of life in society.

In some cases, wrongful arrest victims have sought compensation and rehabilitation from the law enforcement officers involved in the wrongful arrest process. However, the implementation of compensation and rehabilitation still faces several challenges. These challenges can include inconsistencies between existing legal regulations and realities on the ground, as well as complex and slow bureaucratic processes in the filing and resolution of compensation and rehabilitation claims.(Hamidah, 2019)

Based on the research conducted on April 29, 2024, it was found that there are still members of the Indonesian National Police (Polri) who commit wrongful arrests in cases of drug offenses. The study revealed cases of wrongful arrest by investigators at the Manokwari Police Resort (Polres) in narcotics cases. Regarding these wrongful arrests, the police officers involved may face administrative sanctions, including disciplinary violations and breaches of professional ethics, as consequences of their actions.

The Regulation of the Chief of the Indonesian National Police No. 7 of 2006 concerning the Code of Ethics for the Indonesian National Police sets the ethical standards for police work. Every police officer is required to adhere to this code of ethics while carrying out their duties and authority. This indicates that investigators from the Manokwari Police Resort (Polres) who commit wrongful arrests in drug-related cases can be subjected to administrative sanctions in accordance with the Code of Ethics for the Indonesian National Police.

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Source	Position	Question	Answer
<b>Mr. Arman Sudarso</b>	Plh Kabid Propam Papua Barat	How do you view the wrongful arrest cases conducted by investigators at the Manokwari Police Resort?	The wrongful arrest cases conducted by investigators are not considered criminal acts because they do not contain elements of criminal acts in the performance of their duties. The elements of the criminal act referred to include "intent" and consciously committing acts that violate existing regulations, as well as "willingness" to commit criminal acts. The mistakes made by investigators are not actions intended by the investigators themselves, which cause harm to the victims, because the purpose of the arrest by investigators is to gather evidence in a case against the related party for questioning, until clarity is obtained and the investigation process is resolved as regulated in the Criminal Code.
<b>Mrs. Henny Irawan</b>	PLT Kabid Humas Polres Manokwari	What consequences will be faced by police officers who make wrongful arrests?	Wrongful arrest or error in persona is not considered a criminal act because police officers who make the arrest are simply carrying out their duties as regulated in the Criminal Procedure Code (KUHAP). Mistakes made by officers in carrying out arrests fall under disciplinary violations and breaches of the Code of Ethics of the Indonesian National Police.

The interview table above presents statements from two parties involved in the wrongful arrest case at the Manokwari Police Resort. Mr. Arman Sudarso, Acting Head of the West Papua Regional Propam Division, stated that wrongful arrest cases are not criminal acts because they do not involve intent. Investigators are merely carrying out their duties to gather evidence in a case.

Meanwhile, Mrs. Henny Irawan, Acting Head of Public Relations at the Manokwari Police Resort, stated that wrongful arrest or error in persona is not a criminal act because police officers are simply performing their duties as regulated in the Criminal Procedure Code (KUHAP). Any mistakes made by officers in making arrests fall under disciplinary violations and breaches of the Code of Ethics of the Indonesian National Police.

In their statements, there appears to be no element of intent required to meet the definition of a criminal act. However, if there are errors in the arrest process, such violations may be subject to sanctions based on the Code of Ethics of the Indonesian National Police.

The implementation of providing compensation and rehabilitation to victims of wrongful arrest by law enforcement authorities in Indonesia faces various normative obstacles related to existing legal provisions. Here are some of the main normative obstacles:

1. The Unclear Meaning of the Word "Entitled" in Articles 95 and 97 of the Indonesian Criminal Procedure Code (KUHAP):

Article 95 and 97 of the Indonesian Criminal Procedure Code (KUHAP) state that individuals who are unlawfully arrested, detained, or prosecuted are "entitled" to receive compensation and rehabilitation. However, the meaning of the word "entitled" in this context remains ambiguous and undefined. The lack of concrete and detailed interpretation of this right often leads to confusion and differing interpretations among law enforcement agencies and courts. This ambiguity results in inconsistent application, where decisions regarding compensation and rehabilitation may vary from one case to another, thus failing to provide legal certainty for the victims. Consequently, wrongful arrest victims often do not receive their rights fairly and adequately. (Sarip, 2021)

Articles 95 and 97 of the Indonesian Criminal Procedure Code (KUHAP) grant the right to compensation and rehabilitation to individuals who are unlawfully arrested, detained, or prosecuted. (Safitri, 2024) However, the meaning of the word "entitled" in this context remains ambiguous and undefined, leading to several crucial issues regarding legal certainty and justice for wrongful arrest victims.

Firstly, confusion and differing interpretations often arise due to the absence of concrete and detailed interpretations regarding the rights to compensation and rehabilitation. This lack of clarity triggers various interpretations among law enforcement agencies and courts. As a result, there is inconsistency in its application, where decisions regarding compensation and rehabilitation may differ between cases. For example, in one case, a victim may receive adequate compensation, while in another case with similar circumstances, the victim may not receive adequate compensation. This inconsistency creates legal uncertainty for the victims, who should have equal rights under the law. (Herisasono, 2020)

Secondly, the ambiguity of the meaning of "entitled" often results in injustice for wrongful arrest victims. Many victims do not receive their rights fairly and adequately. For example, a wrongful arrest victim may experience significant physical, psychological, and social losses, but due to differing interpretations of the right to compensation and rehabilitation, the victim may not receive the compensation and rehabilitation they deserve. In some cases, law enforcement agencies may interpret "entitled" narrowly, thereby disregarding the actual losses suffered by the victim. This results in the victim not receiving effective legal protection, and their right to justice being neglected. (Murti et al., 2023)

Thirdly, the ambiguity of the meaning of "entitled" can also be categorized as a human rights violation. (Parenrengi, n.d.) Every individual who becomes a victim of wrongful arrest is entitled to fair treatment and the restoration of their rights that were taken away. However, due to the unclear meaning of "entitled," these rights are often not fulfilled. This ambiguity can be seen as a form of violation of human rights principles, which require the state to protect and respect individual rights without discrimination. If a wrongful arrest victim does not receive the appropriate compensation and rehabilitation, it indicates that the state has failed to meet its obligation to provide effective protection of individual rights.

Fourthly, this ambiguity also impacts public trust in the criminal justice system. When the public sees that wrongful arrest victims do not receive proper justice due to the ambiguous meaning of "entitled," confidence in the legal system and law enforcement agencies can diminish. (Marpaung & Moeliono, 2021) The public may feel that the legal system is incapable of providing necessary protection and is unjust in its application. This can negatively impact overall law enforcement efforts, as public trust is a crucial element in supporting the success of the justice system.

To enhance legal certainty and justice for wrongful arrest victims, a clear and concrete definition of the term "entitled" in Articles 95 and 97 of the Indonesian Criminal Procedure Code (KUHAP) is necessary. This can be achieved through legislative revisions or the issuance of implementing regulations that provide clear guidelines for law enforcement officers and courts in applying the rights to compensation and rehabilitation. This would help create consistency in legal application, provide adequate justice for victims, and improve public trust in the criminal justice system.

### 2. Inadequate Provisions on the Amount of Compensation and Types of Rehabilitation:

The provisions in KUHAP do not provide clear guidelines on the amount of compensation that should be awarded to wrongful arrest victims. The absence of a clear standard or formula for determining compensation amounts leads to significant discrepancies in the compensation awarded by judges. Some judges may grant very small amounts, while others may award larger sums, resulting in a lack of consistency. Additionally, the types of rehabilitation specified are inadequate and often do not address the psychological and social rehabilitation needs of the victims.(Barhamudin, n.d.) The rehabilitation provided may be merely symbolic and ineffective in helping victims recover from the trauma they have experienced. The lack of details regarding the types of rehabilitation that should be provided results in inadequate recovery for victims, leaving them vulnerable and not fully healed.

In addition to normative obstacles, the implementation of compensation and rehabilitation is also confronted with various non-normative challenges that are structural and cultural in nature. Here are some common non-normative obstacles:

1. Lack of Awareness Among Law Enforcement Officers about the Rights of Wrongful Arrest Victims:

Many law enforcement officers lack adequate awareness and understanding of the rights of wrongful arrest victims to receive compensation and rehabilitation. This is often due to insufficient training and education received by law enforcement officers regarding the importance of protecting victims' rights. Without clear understanding, law enforcement officers may not fully recognize or support victims' rights, thereby hindering the process of providing compensation and rehabilitation. This ignorance can lead to apathy or even resistance towards the implementation of existing policies.(Hadri & Irvan, n.d.)

2. Complex Bureaucracy in the Process of Claiming Compensation and Rehabilitation:

The convoluted and complex bureaucratic process poses a significant barrier for victims in claiming compensation and rehabilitation. The complex and lengthy procedures often discourage or render victims unable to complete the application process, especially if they lack adequate legal knowledge or resources to obtain legal assistance. Dealing with complicated bureaucracy exacerbates the mental and emotional condition of victims already shaken by wrongful arrest. Moreover, the potential costs associated with legal proceedings can also pose an additional burden for victims, ultimately impeding them from obtaining their rights.(Aribowo, 2021)

3. Negative Stigma Against Wrongful Arrest Victims in Society:

Wrongful arrest victims often face negative stigma from society, which can hinder them in seeking compensation and rehabilitation. The community may view victims with suspicion or consider them guilty even after being proven innocent. This stigma not only impacts the mental and emotional well-being of the victims but can also affect acceptance and support from their surroundings during their recovery process. Victims who feel ostracized or negatively labeled by society may feel isolated and lose crucial social support necessary for their rehabilitation process. This stigma may also make victims reluctant to appear in public or engage in the legal processes required to obtain compensation and rehabilitation.(Ikhsan et al., 2023)

Overall, these normative and non-normative challenges indicate that despite the existence of a legal framework regulating compensation and rehabilitation, its implementation is far from perfect.



This calls for comprehensive improvement efforts, both in terms of legal regulation reform and increasing awareness and structural as well as cultural support for wrongful arrest victims. Only through such efforts can justice and the rights of victims be more effectively and comprehensively protected.

### **Legal Efforts Against Wrongful Arrest Victims By Law Enforcement Officials In Relation To Human Rights Enforcement**

Legal efforts against wrongful arrest victims by law enforcement officials are closely related to the enforcement of human rights. (Wahid, 2024) When someone becomes a victim of wrongful arrest, their human rights, such as the right to freedom, the right to be free from torture, and the right to a fair trial, may be threatened and violated. Wrongful arrest not only causes physical and psychological trauma to the victims but also undermines public trust in the legal system and justice. In this situation, legal efforts become crucial to ensure that victims receive justice, recovery, and protection of their violated human rights. This process includes transparent investigations, accountability for those responsible, as well as adequate compensation for the victims.

Furthermore, legal efforts also play a role in preventing future cases of wrongful arrest. By thoroughly investigating each case of wrongful arrest, improving the standard operating procedures of law enforcement agencies, and providing appropriate training on human rights, the legal system can be strengthened to protect individual rights. These steps not only provide a sense of justice for the victims but also enhance the image and credibility of law enforcement institutions in the eyes of the public. The firm and fair enforcement of the law against such violations serve as evidence of the state's commitment to upholding the principles of human rights, which are the foundation of a just and democratic society. (Handayani et al., 2024)

Based on the research, a case of wrongful arrest in a drug-related crime occurred on April 8, 2023, by the Narcotics Unit of the Manokwari Police Resort. Members of the Elang Team suspected the victim of being involved in a drug transaction after finding six packages of marijuana. The victim was forcibly taken to the West Papua Governor's Office for urine tests and interrogation, which resulted in physical abuse. Subsequently, the victim was taken to various locations, accused of being the owner of the marijuana, and forced to pay a ransom. The next day, the victim reported the incident to the West Papua Regional Police. According to the Decision of the Manokwari District Court Number: 125/Pid.B/2023/PN.Mnk, the investigators were sentenced to 6 months and 15 days in prison. This case indicates that the investigators did not prioritize the presumption of innocence principle and used violence to obtain confessions.

Based on the above case, the author concludes that there needs to be clear legal penalties in criminal law for wrongful arrest, prosecution, or sentencing because this issue seriously threatens human rights. Laws should not be used to cover up actual mistakes. Legal accountability for wrongful arrest actions is expected to serve as a deterrent to perpetrators to be more careful in the investigation process.

Some legal efforts that can be taken against victims of wrongful arrest by law enforcement agencies in relation to upholding human rights include:

1. Filing a Lawsuit :

The victim can file a lawsuit against the law enforcement officers responsible for procedural errors or investigative processes that resulted in wrongful arrest. This lawsuit can be brought

to court to seek compensation for the damages suffered, both physically and mentally, as a result of these errors.(Nainatun et al., 2024)

In the process of filing a lawsuit, the victim can be assisted by a lawyer or a legal aid organization specializing in human rights cases. They will help the victim to prepare strong legal arguments and ensure that the victim's rights are protected throughout the legal process.

### 2. Legal Assistance :

Victims can seek legal assistance from competent organizations or institutions specializing in human rights. This legal aid is crucial to ensure that victims have access to fair justice and protection of their rights.(DI LEMBAGA BANTUAN, n.d.) Moreover, legal assistance can also help victims understand the complex legal process, their legal rights, and provide moral and emotional support throughout the legal proceedings.

### 3. Advocacy and Campaigns :

Victims and human rights advocacy groups can engage in advocacy and campaigns to advocate for policy changes and legal practices that lead to procedural errors and flawed investigation processes.(Juliana et al., 2023; Rasiwan & SH, 2024)

Through advocacy, they can rally support from the public, media, and relevant stakeholders to pressure the government and related institutions to undertake legal reforms aimed at preventing future cases of wrongful arrests.

### 4. Legal Education and Public Awareness:

It is important to enhance the public's understanding of human rights and legal processes so that victims of wrongful arrests receive adequate support and protection. Legal education can also help the community in identifying and reporting cases of injustice, thereby strengthening awareness of the importance of upholding human rights for all individuals.(Abadi, 2023; Waluyo, 2022)

By undertaking comprehensive and sustained legal efforts, victims of wrongful arrest can obtain justice, recovery, and protection of their human rights violated by law enforcement agencies. This is also a crucial step in advocating for human rights enforcement and preventing future human rights violations.

## CONCLUSION

Based on this research, although Human Rights (HR) ensure protection for victims, and the theory of Justice and Legal Protection emphasizes the importance of recovery, the reality in the field shows that the compensation and rehabilitation mechanisms for victims of wrongful arrest in Indonesia are not running optimally. This is evidenced by the continued prevalence of wrongful arrest cases and the numerous obstacles faced by victims in obtaining their rights. The findings are reinforced by interviews with Mr. Arman Sudarso, Acting Head of the West Papua Regional Propam Division, and Mrs. Henny Irawan, Acting Head of Public Relations at the Manokwari Police Resort. They argue that the mistakes made by investigators in arrests are not criminal acts

because they do not involve intent. This indicates legal uncertainty regarding the definition of "rights" in the context of compensation and rehabilitation for victims of wrongful arrest.

Several obstacles faced by victims of wrongful arrest based on this research include: lack of knowledge about their rights, complex and convoluted bureaucratic processes, weak law enforcement, and social stigma. To address these challenges and strengthen compensation and rehabilitation mechanisms, this research recommends several actions: legal reforms, increasing public awareness, strengthening law enforcement, and legal assistance. By improving compensation and rehabilitation mechanisms, Indonesia can achieve justice and recovery for victims of wrongful arrest, as well as enhance respect for HR.

## REFERENCE

- Abadi, C. V. L. N. (2023). *PERLINDUNGAN HUKUM PADA KORBAN SALAH TANGKAP*.
- Aquina, D. (2023). *Catatan Tren Kasus Salah Tangkap di Indonesia, Korban Turut Disiksa*. IDN TIMES. <https://www.idntimes.com/news/indonesia/lia-hutasoit-1/catatan-tren-kasus-salah-tangkap-di-indonesia-korban-turut-disiksa?page=all>
- Aribowo, S. (2021). *Rekonstruksi Kebijakan Gantikerugian Terhadap Korban Kesalahan Penerapan Hukum Yang Berbasis Nilai Keadilan*. Universitas Islam Sultan Agung (Indonesia).
- Arliman, L. (2020). Mewujudkan Penegakan Hukum Yang Baik Untuk Mewujudkan Indonesia Sebagai Negara Hukum. *Doctrinal*, 2(2), 509–532.
- Barhamudin, B. (n.d.). *GANTI RUGI DAN REHABILITASI TERHADAP TERDAKWA YANG DIPUTUS BEBAS MENURUT KITAB UNDANG-UNDANG HUKUM ACARA PIDANA (KUHAP)*.
- DI LEMBAGA BANTUAN, H. P. (n.d.). *BANTUAN HUKUM BAGI MASYARAKAT TIDAK MAMPU DALAM PENYELESAIAN PERKARA PERDATA*.
- Fani, H. F., & Heniarti, D. D. (2022). Pertanggung Jawaban Hukum Aparat Kepolisian atas Tindakan Salah Tangkap di Tinjau dari Kuhap dan Peraturan Polri No 14 Tahun 2011 tentang Kode Etik Profesi Polri. *Bandung Conference Series: Law Studies*, 2(2), 1216–1223.
- Hadri, A. U., & Irvan, M. (n.d.). *Implementasi Hukum Terhadap Pemulihan Hak Terdakwa Korban Salah Tangkap Atau Diputus Bebas (Vrijspraak) Oleh Pengadilan*.
- Hamidah, A. (2019). *PERTANGGUNGJAWAB NEGARA TERHADAP KORBAN SALAH TANGKAP DALAM TINDAKAN KEPOLISIAN MELALUI GANTI RUGI*.
- Handayani, P., Muham, A. P., Fitra, R., & Hadiningrum, S. (2024). Tort Law Dalam Konteks Hukum Perdata: Penegakan Hak Korban Kerugian. *Jurnal Relasi Publik*, 2(1), 124–132.
- Herisasono, A. (2020). *Urgency Compensation for Victims of Rape Against Psychological Impacts*. Untag 1945 Surabaya.
- Ikhsan, M., Laia, A., Siregar, G. T. P., & Simbolon, N. Y. (2023). PERTANGGUNGJAWABAN PENYIDIK POLRI DALAM KAITAN TERJADINYA SALAH TANGKAP. *DIKTUM*, 2(1), 87–99.
- Irwan, I., Perdana, F. W., Tungkup, D. L., Miran, M., & Suteki, S. (2022). Hukum Tajam Ke Bawah Tumpul Ke Atas (Perspektif Sosiologis Penegakan Hukum di Indonesia). *Jurnal Indonesia Sosial Sains*, 3(06), 1026–1034.

- Jufri, M. (2017). Nuansa maqhasid al-syariah dalam undang-undang nomor 39 tahun 1999 tentang hak asasi manusia. *Istinbath: Jurnal Hukum*, 14(1), 1–14.
- Juliana, I. K. J., Heawati, K. M., & Aristiawan, I. G. N. (2023). PERAN BANTUAN HUKUM DALAM MEMBERIKAN BANTUAN HUKUM TERHADAP MASYARAKAT MISKIN DAN MARGINAL. *JIS SIWIRABUDA*, 1(2), 137–143.
- Lubis, F. (2020). *Bunga Rampai Hukum Acara Pidana*.
- Marpaung, R., & Moeliono, T. P. (2021). Perbandingan Hukum antara Prinsip Habeas Corpus dalam Sistem Hukum Pidana Inggris dengan Praperadilan dalam Sistem Peradilan Pidana Indonesia. *Jurnal Wawasan Yuridika*, 5(2), 224–248.
- MUHAMMAD BADRI, K. (2024). *KAJIAN VIKTIMOLOGI DALAM PERLINDUNGAN KORBAN SALAH TANGKAP OLEH PENYIDIK KEPOLISIAN*.
- Murti, V. S. B., Pongoh, J. K., & Kasenda, V. D. D. (2023). Pemberian Ganti Kerugian Sebagai Pemenuhan HAM Terhadap Korban Salah Tangkap Menurut UU No. 8 Tahun 1981 Tentang KUHAP. *LEX CRIMEN*, 12(3).
- Nainatun, M. T., Amalo, H., & Kian, D. A. (2024). SEBAB DAN AKIBAT SERTA PERTANGGUNGJAWABAN HUKUM TERHADAP KASUS SALAH TANGKAP (ERROR IN PERSONA) DI WILAYAH HUKUM KEPOLISIAN RESOR KUPANG KOTA. *Petitum Law Journal*, 1(2), 553–563.
- Parenrengi, R. R. (n.d.). *BATAS EKSTREAMITAS KETIDAKADILAN HUKUM MENURUT PEMIKIRAN RADBRUCH-ALEXY (Analisis Pasal 1 Undang-Undang No. 1/PNPS/1965 tentang Pencegahan Penyalahgunaan dan/atau Penodaan Agama)*. Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta.
- Rasiwan, H. I., & SH, M. H. (2024). *SUATU PENGANTAR VIKTIMOLOGI*. PT Indonesia Delapan Kreasi Nusa.
- Rohman, A. (2017). Perlindungan hukum terhadap terdakwa salah tangkap dalam sistem peradilan pidana. *Jurnal Komunikasi Hukum (JKH)*, 3(1), 26–39.
- Safitri, A. O. (2024). Pertanggungjawaban Penyidik Kepolisian Terhadap Kasus Salah Tangkap. *Devantara: Jurnal Pendidikan Sosial Humaniora*, 3(1), 246–255.
- Sarip, C. S. (2021). PERLINDUNGAN HUKUM BAGI HAK TERSANGKA DAN KONSEKUENSI YURIDIS PADA PELANGGARANNYA DALAM PENYIDIKAN PERKARA PIDANA. *LEX CRIMEN*, 9(4).
- Senduk, N. (2017). Kajian Yuridis Ganti Rugi dan Rehabilitasi Nama Baik Berdasarkan Kitab Undang-Undang Hukum Acara Pidana. *LEX CRIMEN*, 6(9).
- Syintia, M. (2019). *Pertanggungjawaban Hukum Akibat Praktik Salah Tangkap Atau Error in Persona dalam Kasus Pembunuhan Anggota Polri di Aceh Utara (Studi Kasus di Polda Aceh)*. UIN Ar-Raniry Banda Aceh.
- TAMPUBOLON, C. N. (2023). *ANALISIS YURIDIS PERAN INTELKAM POLDA KEPRI DALAM MENGIDENTIFIKASI ANCAMAN TANTANGAN HAMBATAN GANGGUAN KAMTIBMAS GUNA MENEGAKKAN KEPASTIAN HUKUM*. Universitas Islam Sultan Agung Semarang.
- Wahid, A. (2024). *Analisis Yuridis Pertanggungjawaban Penegak Hukum Terhadap Korban Salah Tangkap Ditinjau Dari Perspektif Sistem Peradilan Pidana*. Universitas Kristen Indonesia.
- Waluyo, B. (2022). *Vititmologi: Perlindungan Korban dan Saksi*. Sinar Grafika.
- Wulandari, N. (n.d.). *Hak Restitusi Terhadap Korban Tindak Pidana Perdagangan Orang (Analisis Putusan Nomor 2301/Pid. Sus/2013/Pn. Tng Dan Putusan Nomor 789/Pid. Sus/2016/Pn. Jkt. Tim)*. Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta.

Yepriadi, Y. (2023). PENERAPAN REHABILITASI DAN GANTI KERUGIAN BAGI KORBAN SALAH TANGKAP DALAM PERKARA TINDAK PIDANA PENCURIAN. *Jurnal Cakrawala Ilmiah*, 2(10), 3991–4014.