

# The Fulfillment of Victims' Rights in the Investigation Process of Theft Crimes Based on a Victimological Perspective

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**Abstract:** This study examines the fulfilment of victims' rights in motor vehicle theft cases from a victimological perspective, particularly at the investigation stage within the Indonesian criminal justice system. The research focuses on the position and rights of victims and on the implementation of victimology to ensure those rights. This study employs an empirical legal method with a qualitative and socio-legal approach. Data were collected through in-depth interviews with three victims whose cases did not proceed beyond the investigation stage, supported by a review of relevant legal materials. The findings indicate that, from the victims' perspective, the handling of cases has not provided a sense of justice or legal certainty. Victims did not receive follow-up information, lacked protection and assistance, and faced minimal investigative action. Interactions with law enforcement also revealed inappropriate responses, including victim-blaming and unresponsive attitudes. These conditions led to feelings of insecurity and uncertainty, as well as a decline in trust in the legal system. In addition to material losses, victims experienced psychological, economic, and social impacts. The study concludes that a significant gap exists between legal norms and practice, highlighting the need for a more victim-oriented approach in law enforcement.

**Keywords:** Victims' Rights; Motor Vehicle Theft; Investigation Stage; Criminal Justice System; Law Enforcement; Legal Protection; Social Impact; Victim Blaming; Legal Certainty.

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## 1. Introduction

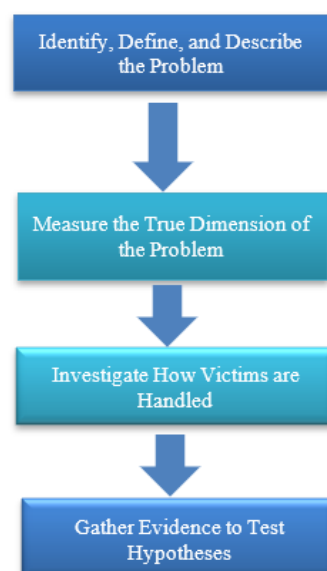
Law is essentially meant to fix the social balance broken by crime. However, the Indonesian justice system still focuses heavily on the perpetrator, prioritising punishment. This can be seen in the resolution of many cases that focus entirely on enforcement instruments against suspects, often overlooking the crucial role of fulfilling victims' rights and protecting them. One type of crime that remains a widespread public concern in terms of volume is motor vehicle theft. This crime not only causes financial loss to victims but also brings broad social and psychological impacts. This is where victimology becomes highly urgent. Victimology places victims not merely as objects of suffering or complementary tools of evidence, but as legal subjects whose rights must be guaranteed by the state. Unfortunately, at the most crucial stage when a crime occurs, namely the initial stage of investigation, there is often a gap between victims' expectations and the reality of legal services. This triggers high levels of public scepticism and apathy toward law enforcement institutions. Many victims feel that the police investigation process involves complicated bureaucracy, worsened by the lack of transparency regarding further information or the absence of a Notice of Investigation Progress (SP2HP). This negative stigma at the initial stage makes legal protection for victims seem to

wither before it can develop. To delineate the research trajectory and establish its novelty, the author reviewed three prior studies that employed an empirical juridical approach—first, the study by Aini et al. [1]. The study concluded that victims encounter various impediments in securing their rights, both within the legal process and regarding protection from law enforcement. However, the analysis lacks a specific theoretical nexus between victimological frameworks and the actual fulfilment of those rights. Second, the research by Ica and Laia [2] delineates forms of protection, including case resolution services, physical and psychological care, and compensation and restitution.

Nevertheless, this study fails to illustrate the existing discrepancy between victimological theories and the empirical realities at the research site. Third, the study by Mahka et al. [3] suggests that the police have adopted an effective approach by involving community leaders in crime management. However, this research is strictly framed from the perspective of law enforcement institutions focused on crime reduction and perpetrator apprehension, neglecting a victimological lens to evaluate the extent to which victims' rights are accommodated during repressive and preventive operations [3]. The research gap lies in the absence of an in-depth analysis of the victim's position during the preliminary phase of the criminal justice process; previous studies have predominantly focused on general obstacles to rights or on police performance in apprehending perpetrators, without utilising a specific victimological lens. In contrast to prior macro-oriented research or studies that examine only final court verdicts, this study offers originality by examining the extent to which victimological principles are incorporated into the technical procedures of an investigation. Proceeding from this background, the study formulates two research questions: 1) How does a victimological review assess the protection and fulfilment of the rights of theft victims during the investigation stage? and 2) How is victimology implemented in the handling of theft crimes during the investigation stage? Accordingly, the primary objective of this research is to empirically analyse the fulfilment of victims' rights in practice from a victimological perspective.

## 2. Literature Review

Victimology is a branch of criminology that studies victims of crime. It encompasses factors influencing the risk of victimisation, the psychological and physical impacts on victims, and how the legal system responds to victim-related events [15]. In this context, victims are positioned as primary subjects, equally important as offenders in the framework of rights protection. Etymologically, victimology derives from the words *victima* (victim) and *logos* (knowledge), and thus, in a narrow sense, refers to the scientific study of victims. Broadly speaking, Andrew Karmen developed victimology as a scientific discipline. According to Karmen [4], his analysis of crime victims is conducted through four principal stages (Figure 1).



**Figure 1:** Framework of analysis of crime victim by Andrew Karmen [4]

**Identify, Define, and Describe the Problem:** At the initial stage, victimology serves to identify and comprehensively characterise the problems victims experience. This includes the identification of physical injuries, emotional distress, economic losses, and social consequences arising from criminal acts. Additionally, this stage involves examining the frequency and recurrence of such impacts, including revictimization [7].

**Measure the True Dimension of the Problem:** This stage aims to obtain an objective understanding of the scale and magnitude of victims' problems through both quantitative and qualitative approaches. The measurement process involves assessing the frequency of crimes, the extent of their impact, and identifying victims' actual needs. Furthermore, this stage facilitates the identification of systemic deficiencies within existing victim-handling mechanisms [9].

**Investigate How Victims Are Handled:** At this stage, victimology critically evaluates the treatment of victims within the criminal justice system. The analysis focuses on the degree of alignment between victims' needs and expectations and the actual responses provided by relevant institutions. This evaluation is essential in determining the level of victim satisfaction and the effectiveness of ongoing case-handling procedures [11].

**Gather Evidence to Test Hypotheses:** In the final stage, data are systematically collected and rigorously analysed to test the hypotheses formulated. This process aims to produce valid and reliable conclusions that may serve as an academic basis for improving legal policies and refining victim-handling practices in the future [12]. Accordingly, within the framework proposed by Karmen [4], victimology does not merely conceptualise victims as passive objects of criminal acts; rather, it positions them as active subjects who must be comprehensively engaged through systematic, data-driven approaches to generate solution-oriented evaluations of prevailing conditions.

## 2.1. Victim

The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power defines a victim [5] as “a person who, either individually or collectively, has suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of fundamental rights, as a result of acts or omissions that violate criminal laws in force within Member States, including those laws prohibiting the abuse of power”. Within the framework of national law, a victim, as defined in Article 1 point 3 of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims [6], is “a person who suffers physical, mental, and/or economic harm as a result of a criminal act. Furthermore, Karmen [4] defines victims as individuals who suffer physical and psychological harm because of the actions of others that are contrary to the interests and human rights of those who suffer”.

## 2.2. Victims' Rights

The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power emphasises the importance of fulfilling victims' rights through several fundamental aspects, namely:

**Access to Justice and Fair Treatment:** Victims of criminal acts deserve empathetic treatment and respect for their personal dignity. They must have equitable access to justice and swift compensation, in line with national legal frameworks. To realise this, effective, fair, simple, and accessible judicial and administrative mechanisms are required, along with adequate information on victims' rights. The justice system must also be responsive by providing opportunities for victims to participate, express their views, and receive assistance throughout legal proceedings, while ensuring their safety and privacy from intimidation or threats. Furthermore, case resolution must be carried out without undue delay, including in the implementation of compensation, and supported by the use of non-formal mechanisms such as mediation or customary law practices to promote more effective and equitable victim recovery.

**Restitution:** Perpetrators or liable third parties are obligated to offer equitable restitution to victims and their survivors. This restoration should encompass the return of assets, indemnification for physical or emotional distress, coverage of accrued costs, the rendering of necessary services, and the full reinstatement of the victims' legal standing. In this context, states are also encouraged to review their policies and legislation to incorporate restitution as a sanction in criminal cases. Furthermore, in cases involving significant environmental damage, restitution must include environmental restoration, infrastructure reconstruction, replacement of public facilities, and relocation costs for affected communities. Additionally, where violations are committed by state officials or individuals acting in an official capacity, the state is obligated to provide restitution to victims, including, where applicable, by successor governments, as a form of responsibility for the harm caused.

**Compensation:** Where the offender or other sources cannot fully provide compensation, the state is obligated to endeavour to provide financial compensation to victims, particularly those who suffer serious physical or mental injury as a result of criminal acts, as well as to the families or dependents of victims who have died or become incapacitated. To support this, the establishment, strengthening, and development of national compensation funds for victims are necessary. In addition, alternative sources of funding may be established, particularly when the victim's country of origin is unable to provide compensation for losses, thereby ensuring that victims' rights are fulfilled.

**Assistance:** Victims of crime are entitled to receive the necessary assistance, in material, medical, psychological, or social forms, which may be provided by government institutions, voluntary organisations, communities, or mechanisms based on local wisdom. In this regard, victims must also be informed of the availability of health, social, and other support services and be guaranteed easy access to them. To enhance service delivery effectiveness, police officers, law enforcement officials, healthcare providers, and social workers must receive training to improve their sensitivity to victims' needs, along with guidelines to ensure timely and appropriate assistance. Furthermore, special attention must be given to victims with specific needs, whether due to the nature of the harm suffered or vulnerabilities. Furthermore, within the criminal justice system in Indonesia, victims of criminal acts possess a set of rights legally guaranteed under Law Number 31 of 2014, which amends Law Number 13 of 2006 on the Protection of Witnesses and Victims.

These guarantees encompass all stages of the criminal justice process, from investigation and inquiry to trial, and are supported by procedural provisions outlined in the Indonesian Criminal Procedure Code (KUHAP) [7]. The strengthening of the victim's position within the criminal justice system is also reflected in Article 144 of the New KUHAP, which explicitly recognises victims as legal subjects entitled to protection, access to information, active participation, and recovery. This provision indicates a shift from an offender-oriented to a more balanced, victim-oriented approach [8]. Normatively, the regulation of victims' rights, as stipulated in Article 5 of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims, provides a more comprehensive elaboration of the forms of protection available to victims. Accordingly, the rights of victims in the context of motor vehicle theft may be outlined as follows:

**The Right to Protection:** Victims are entitled to protection of their personal safety, family, and property, and to be free from threats related to the testimony they provide. This right also includes:

- The right to determine the form of protection
- The right to confidentiality of identity
- The right to obtain a new identity
- The right to obtain temporary or new residence

**The Right to Report and to Receive Proper Services:** Victims are entitled to report criminal acts and to receive professional and non-discriminatory services. Within KUHAP, this right is reflected in Article 1 point 24, which defines a report as a notification submitted by a person, based on their rights or obligations under the law, to an authorized official regarding the occurrence, ongoing occurrence, or alleged occurrence of a criminal act, as well as Article 108 paragraph (1), which grants every person, including victims, the right to report criminal acts to investigators. Victims' reports serve as the basis for initiating investigation and inquiry processes, thereby positioning victims as crucial actors in triggering legal proceedings, particularly in cases of motor vehicle theft.

**The Right to Provide Testimony Without Pressure:** Victims are entitled to testify without pressure, intimidation, or leading questions. In addition, victims have the right to:

- Have their testimony heard
- Obtain an interpreter if necessary

This is in line with the principle of due process of law. Tobias and Petersen explain that the concept of due process of law originates from the Siboy [9] and fundamentally constitutes a constitutional guarantee. This principle affirms that no individual shall be deprived of life, liberty, or property arbitrarily without due and lawful process [10]. This is further reinforced by Article 144 of the New KUHAP, which affirms the victim's right to participate in judicial proceedings actively.

**The Right to Information on Case Developments:** This right ensures transparency and legal certainty for victims, preventing them from being left in uncertainty about ongoing proceedings. Accordingly, victims are entitled to obtain information concerning:

- Progress of the case
- Court decisions
- The release of the convicted offender

**The Right to Legal Assistance and Support:** From a doctrinal perspective, this right is essential to maintaining balance between victims and offenders. Victims are also entitled to temporary living expenses during the protection period. Accordingly, victims have the right to:

- Legal counsel
- Assistance throughout the legal process

**The Right to Restitution:** Victims are entitled to restitution as a form of compensation imposed by a court on the offender. In cases of motor vehicle theft, restitution may include compensation for the value of the stolen vehicle, loss of income, and other damages arising from the criminal act. The amendment through Law Number 31 of 2014 significantly strengthens the role of the Witness and Victim Protection Agency (LPSK) as the institution responsible for protecting witnesses and victims, including in fulfilling restitution obligations [9]. Under this law, restitution is defined as compensation provided to victims or their families by the offender or a third party. This concept differs from compensation, which is provided by the state when the offender is unable to fulfil such obligations. Restitution emphasises the offender's direct responsibility, whereas compensation reflects the state's responsibility. The regulation of restitution under this law has been formulated in greater detail than previously. Pursuant to Article 7A, restitution includes:

- Compensation for loss of property or income
- Compensation for suffering directly related to the criminal act
- Reimbursement of medical and/or psychological treatment costs

This regulation improves on the previous law, which did not comprehensively address victims' rights. Furthermore, it reflects the influence of the provisions contained in Chapter V of Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, which had earlier established a more progressive restitution mechanism [10]. The mechanism for submitting restitution claims has also been strengthened. Applications for restitution may be submitted either before or after a court decision has obtained legal finality. If submitted before the decision, LPSK may propose the claim to the public prosecutor for inclusion in the prosecution's demands. If submitted after the decision becomes final and binding, LPSK may submit the claim to the court for a determination.

**The Right to Compensation from the State:** Where the offender is unable to provide compensation, victims are entitled to receive compensation from the state. This reflects the state's responsibility to protect victims as part of its broader human rights protection. Compensation constitutes a form of reparation grounded in humanitarian values and human rights principles. This concept originates from the idea of social welfare based on social contract and social solidarity, whereby the state and society share a moral responsibility to protect citizens, particularly those who become victims of crime. Unlike restitution, compensation does not depend on criminal proceedings or judicial decisions, as it is funded by the state or public funds as an expression of collective responsibility [11].

**The Right to Recovery:** Victims are entitled to recovery in the form of:

- Medical assistance
- Psychological rehabilitation
- Social reintegration

Victim recovery is an integral part of the objectives of punishment, which should not focus solely on the offender but also on the welfare of victims. This right is further affirmed in the New KuhaP as part of a victim-oriented justice approach.

### 3. Research Methods

This research constitutes an empirical legal study, namely a type of legal research that examines the implementation of normative legal provisions in practice within real legal events in society [12]. The method employed is qualitative, focusing on the implementation of legal rules governing the fulfilment of victims' rights during the investigative stage of theft cases. This approach aims to measure the law's ideality through victims' opinions, behaviours, and expectations after experiencing losses due to crime. The approach used is a socio-legal approach [13], which seeks to examine the 'fulfilment of victims' rights through an analysis of the experiences, perceptions, and attitudes of the legal subjects involved. This approach is relevant, as the research emphasises how victims perceive and respond to the legal services provided by law enforcement officials during the investigation. Data collection techniques were carried out through two methods: interviews and literature study. In-depth interviews were conducted with three victims of theft whose cases did not proceed beyond the investigation stage, serving as the primary informants. Meanwhile, the literature study involved collecting and analysing legal documents, literature, and relevant regulations to support and review the interview findings.

The research data consist of primary and secondary data. Primary data were collected directly at the research site through field studies, providing empirical evidence on the fulfilment of victims' rights at the investigation stage. Secondary data were

obtained through literature review, including primary legal materials such as the Criminal Procedure Code and the Law on the Protection of Witnesses and Victims, as well as secondary legal materials in the form of books, journals, and previous research findings. Data processing was conducted through three systematic stages: editing, coding, and systematising. The editing stage involved re-examining the collected data to ensure relevance, clarity, and accuracy. The coding stage involved classifying or marking the data by type and source to facilitate analysis. Subsequently, the systematising stage involved organising and grouping the data according to classifications and the sequence of research problems. To ensure data validity, this research employed triangulation techniques, particularly technical triangulation, by comparing and cross-checking interview data with documentation or observation. If discrepancies were found, further in-depth analysis was conducted to ensure data validity. Finally, data analysis was carried out using the Miles and Huberman model, which includes data reduction, data presentation in a descriptive narrative form, and the drawing of inductive conclusions to address the research problems comprehensively [14].

## 4. Findings and Discussion

### 4.1. The implementation of victims' rights fulfilment in the investigation process of theft crimes

This research was conducted on incidents experienced by three victims of motor vehicle theft: SY (Male, 21 years old), SP (Male, 45 years old), and CL (Female, 20 years old). These three victims fulfil the criteria of a 'victim' as defined in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Furthermore, the three individuals align with the definition of a victim under Article 1, point 3 of Law Number 31 of 2014 (concerning the Amendment to Law Number 13 of 2006 on the Protection of Witnesses and Victims), which identifies a victim as a person who experiences physical, mental, and/or economic loss caused by a criminal act. According to Karmen [4], victims are those who endure physical and spiritual suffering because of the actions of others that conflict with the interests and human rights of the sufferer [5]. In this case, all three experienced economic loss and psychological distress due to the loss of their motorcycles resulting from the crime of theft. CL represents one of the 13 individual characteristics or social stratifications identified by Von Hentig as categories vulnerable to becoming crime victims. Putra et al. [16] believed that victims can play an active role in triggering the crimes committed against them. CL, being a 20-year-old female, falls into the 'female' category, which is considered socio-culturally vulnerable. Von Hentig's theory, a foundational criminological framework, is among the oldest in the history of victimology. If referring to another expert, Siboy [9], who categorizes victims into five types based on their degree of contribution to the criminal event, the classification of these three victims is as follows (Table 1).

**Table 1:** Classification of victim typologies

| <b>Informant</b> | <b>Profile (Age/Status)</b>       | <b>Chronological Summary</b>                                                                                                                                                                | <b>Mendelsohn's Typology</b> | <b>Vulnerability Analysis</b>                                                                                                                                      |
|------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Informant 1      | 20 Years Old / Student            | The motorcycle was lost in the boarding house parking lot while the gate was unlocked (at night). The victim was proactive in seeking CCTV information from neighbours.                     | The victim with minor guilt  | Vulnerability arose from slight negligence (minor guilt), as the gate was not immediately locked.                                                                  |
| Informant 2      | 45 Years Old / Online Taxi Driver | The victim, an online motorcycle taxi driver, was hypnotised by a passenger pretending to pick up a child. The motorcycle keys were handed over due to psychological manipulation.          | The innocent victim          | Categorised as innocent because the handover of keys occurred due to manipulation (hypnosis), not conscious will or recklessness.                                  |
| Informant 3      | 20 Years Old / Student            | The motorcycle was lost while breaking the fast at a ramen shop. The handlebars were locked, and the bike was within sight (5-7 steps away). The perpetrator was armed with a sharp weapon. | The innocent victim          | A pure victim who was in the wrong place at the wrong time. There was no contribution of fault as security procedures (locking the handlebars) had been performed. |

The actions undertaken by the three victims following their losses were to report the theft to the police on the same day as the incident. In this regard, the investigation phase constitutes the primary gateway for victims to obtain justice within the criminal justice system. However, based on interviews conducted with the three informants, it was found that the fulfilment of victims' rights in cases of motor vehicle theft continues to face a considerable gap between das Sollen (what ought to be according to

the law) and das Sein (what occurs in practice). From the perspective of normative standards and victimological analysis, which emphasise the position of victims within a criminal event, the position of the three informants in this case still tends to be regarded merely as complementary administrative objects, rather than as primary legal subjects whose rights must be fully restored by the state through law enforcement institutions, particularly the police. To provide a more systematic overview, the following section presents a summary of interview findings on victims' experiences during the investigation.

**Table 2:** Summary of the comparison of the fulfilment of victims' rights at the investigation stage

| Aspect                                   | Informant 1                                                       | Informant 2                                             | Informant 3                                                               |
|------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------------|
| Provision of information after reporting | No further information provided                                   | No further information provided                         | No further information provided                                           |
| Opportunity to provide testimony         | Provided and well received                                        | Provided and well received                              | Provided, but the response was inadequate (accompanied by victim blaming) |
| Follow-up of the investigation           | None (no crime scene inspection despite the availability of CCTV) | Environmental check conducted, but no further follow-up | No follow-up                                                              |
| Protection after reporting               | None                                                              | None                                                    | None                                                                      |
| Assistance/support                       | None                                                              | Only directed to the leasing company                    | None                                                                      |
| Focus of handling                        | Loss report (administrative)                                      | Loss report (administrative)                            | Loss report (administrative)                                              |
| Sense of security after reporting        | Initially felt safe, then became uncertain                        | Not fully secure                                        | Not fully secure                                                          |

Based on Table 2 above, it can be observed that, regarding the provision of information to victims, all informants stated that there was no further communication from the police after the report was filed. The three informants consistently indicated that communication from investigators ceased entirely immediately after the police report was made. Informant SY, who has a background in legal education, was fully aware of her right to such information as stipulated in the Law on the Protection of Witnesses and Victims. Nevertheless, she expressed her disappointment: "There was no (follow-up); after the report, the police only said, 'researchers will inform you if there are any updates,' but in reality, up to now there has been no follow-up... the police have never contacted me to inspect the crime scene". Similarly, Informant SP stated that police involvement was limited to mere formalities. The uncertainty surrounding the case has created a sense of collective pessimism among the victims. Empirically, the police tend to adopt a passive stance in the absence of "well-established" evidence at the outset, resulting in the frequent neglect of victims' right to information in favour of bureaucratic efficiency in case handling. Furthermore, regarding the treatment of victims by law enforcement officers, a significant disparity in service was identified, largely influenced by social relations and the officers' perspectives toward the incident.

Informant SY reported receiving prompt service due to internal connections (the father of a friend working at the police office). This stands in stark contrast to the experience of Informant CL, who encountered negative victim-blaming. Informant CL recounted her experience when reporting the incident: "There was no (follow-up); after the report, the police only said, 'researchers will inform you if there are any updates,' but in reality, up to now there has been no follow-up... the police have never contacted me to inspect the crime scene". Such remarks may constitute a disregard for the dignity of victims, who should instead be provided with a sense of security after experiencing loss. Rather than receiving assistance, victims are blamed for the misfortune they have endured. This may contribute to a decline in public trust in law enforcement's effectiveness, as reflected in the perceptions of SP and CL, who felt that filing a report was the most realistic way to pursue insurance claims with leasing companies rather than recover their stolen motorcycles. From the perspective of fulfilling the right to protection and to active investigative measures, the implementation remains notably minimal. Victims' expectations that the police would utilize technology, such as CCTV tracking or E-TLE systems, are often unmet. Informant CL, for instance, argued that the police should be able to act more progressively, given the widespread availability of digital evidence.

However, in practice, investigations frequently stall at the administrative stage. This situation is further exacerbated by the multidimensional impact of the losses suffered by the victims. For SP and CL, the loss of a motorcycle does not merely represent material loss but also constitutes a significant disruption to their economic and psychological stability, particularly since the vehicle had been acquired through considerable effort and was nearly fully paid off. This is especially true for SP, who relied on the vehicle as a means of livelihood. Moreover, in practice, law enforcement officers tend to focus predominantly on administrative aspects when handling these cases. This is evident from the issuance of loss certificates as the primary output of the reporting process, without being followed by comprehensive investigative measures. From the victims' perspective, this

condition affects their perception of security after reporting. Although victims initially felt a degree of safety due to law enforcement's response, the lack of follow-up in the investigative process creates uncertainty. Victims also tend to doubt the likelihood of case resolution. In addition, all victims experienced significant impacts as a result of the crimes, encompassing psychological, economic, and social dimensions. The loss of a motor vehicle not only results in material damage but also affects victims' emotional state and social interactions in their immediate environment.

## **4.2. A victimological review of the position and rights of victims of theft crimes**

When analysed within the victimological framework proposed by Karmen [4] in examining the phenomenon of crime victims, which is structured through four stages, namely:

### **4.2.1. Identify, Define, and Describe the Problem**

At this initial stage, victimology functions to recognise and comprehensively formulate the nature of the problems faced by victims, including the identification of physical injuries, emotional distress, economic losses, and social consequences arising from criminal acts. Based on interviews with three victims of motor vehicle theft, it was found that the losses experienced are multidimensional. Informant SY (21 years old, student) suffered economic and social losses due to the theft of a motorcycle in a boarding house parking area. This incident undermined her sense of security within her own living environment. Meanwhile, informant SP (45 years old, online motorcycle taxi driver) experienced far more severe economic consequences. The loss of his motorcycle due to psychological manipulation (hypnosis) was not merely the loss of an asset. Still, the loss of his primary means of earning a livelihood for his family, further exacerbated by nearly completed installment payments. A more extreme level of vulnerability is reflected in the case of SY, whose motorcycle was forcibly taken during iftar. Despite having taken preventive measures (steering lock), the presence of an armed perpetrator caused profound psychological trauma and posed a direct threat to his life. This is evident in the response received by CL, where police officers engaged in victim-blaming by questioning the victim's negligence in choosing a parking location far from home. This pattern of treatment indicates that victims' rights to be treated with empathy and respect for their dignity are still often neglected at the early stage of investigation.

### **4.2.2. Measure the true dimension of the problem**

This stage aims to obtain an objective picture of the problem by reviewing crime rates and identifying victims' actual needs. At this stage, systemic weaknesses in case-handling mechanisms are revealed, which, in turn, foster public scepticism. The real needs of the three victims, particularly regarding transparency of information and legal certainty, remain at a critical low point. The data reveals a significant gap between *das Sollen*, as stipulated in the Law on the Protection of Witnesses and Victims, and *das Sein*. All three informants consistently stated that after filing their reports, communication from investigators ceased entirely. The measurement of this problem's dimension becomes even more concerning given that the criminal justice system remains heavily oriented toward punishing offenders and administrative formalities, while neglecting essential elements such as victim recovery and active victim participation in the legal process. Ideally, the criminal justice system should adopt a restorative justice paradigm that emphasises reconciliation and the tangible fulfilment of victims' needs, rather than merely processing case files. This uncertainty adds dimension to the problem: the erosion of public trust in law enforcement's effectiveness. The scale of this issue is substantial, as victims ultimately view police reports as merely administrative formalities required for insurance claims with leasing companies, rather than as a means to recover their property or ensure that perpetrators are brought to justice. This demonstrates that the investigative function has not adequately fulfilled victims' rights to information regarding case developments, thereby further expanding public dissatisfaction with law enforcement institutions.

### **4.2.3. Investigate how Victims are Handled**

Based on interviews with three victims of motor vehicle theft, it was found that law enforcement officials' handling tends to be administrative and has not yet addressed victims' comprehensive needs. All victims, namely SY (Male, 21 years old), SP (Male, 45 years old), and CL (Female, 20 years old), stated that after filing reports, the process was limited to the issuance of a certificate of loss, with no clear follow-up investigation. This condition indicates that, in practice, the criminal justice system has not fully implemented a victim-oriented approach. This finding is consistent with research in Indonesian journals, which states that victim protection within the Indonesian legal system remains largely normative and has not been effectively implemented in law enforcement practices. Moreover, in terms of interaction between victims and law enforcement officials, there were indications of treatment that may give rise to secondary victimisation. One victim, CL (Female, 20 years old), experienced victim-blaming and was held responsible for her own negligence.

Meanwhile, although SY (Male, 21 years old) and SP (Male, 45 years old) were heard properly, they still did not receive any clear follow-up. This phenomenon is in line with research findings, which explain that secondary victimisation may arise not only in the form of direct harmful treatment but also through the lack of responsiveness of law enforcement officials to victims'

needs. Regarding the fulfilment of their rights, all victims stated that they did not receive further information on the progress of their cases or any assistance. This indicates a gap between the rights guaranteed in legislation and their implementation in practice. In Indonesian victimological studies, this condition is often identified as a primary weakness in the victim protection system, namely the lack of realisation of victims' rights in law enforcement practices. Furthermore, the impact on victims extends beyond material loss; it also includes psychological and social aspects. SP (Male, 45 years old) and CL (Female, 20 years old) experienced mental distress, economic disruption, and social pressure from their surrounding environment. This reinforces the victimological perspective that crime has multidimensional impacts on victims, which should become a central concern in the criminal justice system.

#### **4.2.4. Gather Evidence to Test Hypotheses**

Based on empirical data obtained from interviews, several victimological hypotheses can be tested. First, the hypothesis that case handling is not victim-oriented is proven. This is reflected in the absence of follow-up investigations, minimal communication from law enforcement officials, and the lack of assistance provided to victims. These findings are consistent across all informants, indicating a systemic pattern in case handling. Research in Indonesia also emphasises that the criminal justice system remains more focused on offenders than on victims, resulting in the neglect of victims' needs. Second, the hypothesis of secondary victimisation is also supported. Secondary victimisation occurs not only in the form of victim blaming but also in the form of neglect, such as the absence of information and follow-up. This is in line with studies that state that victims may experience additional suffering due to interactions with a legal system that is not responsive to their needs. Third, the hypothesis that the lack of communication from law enforcement officials reduces victims' sense of security is also confirmed. All victims stated that they did not receive information regarding the progress of their cases, which led to feelings of pessimism and distrust toward the legal system.

In Indonesian research, transparency of information is one of the important indicators of effective victim protection. On the other hand, the hypothesis that victims' legal knowledge levels influence the treatment they receive is not significantly supported. One victim, SY (Male, 21 years old), with a legal background, has not yet had his rights fully met. This indicates that the main problem lies in the system's structure, not in victims' individual capacities. An analysis based on the four stages of victimology shows that the handling of motor vehicle theft victims has not yet reflected a victim-oriented approach. The criminal justice system tends to stop at the administrative aspect without providing adequate protection, assistance, or information. As a result, victims not only suffer losses due to the criminal act but also experience secondary victimisation in the case handling process. This condition confirms the existence of a gap between legal norms and practices in the field, thereby requiring improvements in policy implementation and service quality provided by law enforcement officials. From a legal perspective, according to Philipus M. Hadjon, protection for victims should be positioned within both preventive and repressive legal protection. In the context of preventive protection, law enforcement officials have an obligation to ensure that the case-handling process does not cause additional harm to victims, either through psychological pressure or a sense of injustice.

### **5. Conclusion**

This study demonstrates that the fulfilment of victims' rights in motor vehicle theft cases at the investigation stage has not been effectively implemented in practice. Empirical findings reveal a significant gap between *das Sollen* and *das Sein*. Victims are still positioned merely as administrative objects rather than as primary legal subjects whose rights must be protected and fulfilled. From a victimological perspective, case handling tends to be procedural and administrative, with minimal investigative follow-up, poor communication, and insufficient protection and assistance. Victims' rights, particularly the right to information, protection, and support, are not adequately fulfilled. Furthermore, the interaction between victims and law enforcement officers sometimes reflects inappropriate attitudes, including unresponsiveness and victim blaming, which may lead to secondary victimisation.

The impact experienced by victims is multidimensional, encompassing not only material losses but also psychological distress, economic disruption, and social consequences. These findings confirm that the current criminal justice system remains predominantly offender-oriented and has not fully integrated a victim-oriented approach. Therefore, this study emphasises the urgent need for reform in the investigation process, adopting a more inclusive, transparent, and victim-centred model. Law enforcement agencies, particularly the police, must enhance accountability, improve communication with victims, and ensure the consistent implementation of victims' rights as guaranteed by law. Strengthening these aspects is essential to restoring public trust and achieving a more balanced and just criminal justice system. Nevertheless, this research is limited to a victimological perspective. Further analysis from the standpoint of law enforcement institutions and criminal law is required to provide a more comprehensive understanding of structural, procedural, and normative challenges in the investigation process. Such analysis is expected to complement this study's findings and contribute to the formulation of more effective, holistic legal policies.

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