



# Counter-Terrorism Policy Brief Series

**Key Aspects in Providing Assistance  
and Support for Victims of Terrorism**



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# About Counter-Terrorism Policy Brief Series

## Countering Terrorism and Violent Extremism in Indonesia: Towards Inclusive and Data-Based Framework

Studies of Counter-Terrorism and Policy is a periodical study published by The Habibie Center as part of the *Countering Terrorism and Violent Extremism in Indonesia: Towards an Inclusive and Data-Based Framework* project. The Study is aimed to provide policy analyses and recommendations for countering terrorism and violent extremism in Indonesia.

*Countering Terrorism and Violent Extremism in Indonesia: Towards Inclusive and Data-Based Framework* is a series of activities implemented by The Habibie Center since 2017 to improve society resilience in preventing the threat of radicalism, violent extremism, and terrorism. This initiative was inspired by the urgency to develop a system of counter terrorism and violent extremism that is based on data, inclusive to all layers of society, and in line with the values of democracy and human rights. The objective of the program will be achieved through three key targets: (1) enhancing a data-based system of policy making and strategy design to counter terrorism or extremism; (2) increasing Indonesian civil society's capacity and involvement in dealing with terrorism and/or extremism in the country; and (3) improving the quality of legal instruments related to terrorism and/or extremism in Indonesia.

Aside from publishing thematic periodical policy paper every 4 months, this program also seeks to implement other activities, such as:

1. Providing a database that records incidents related to terrorism and extremism, as well as the efforts to counter or deal with such incidents. This database is available online for public access, and will be updated regularly;
2. Composing a monograph as an input for the revision of national terrorism law based on international norms and standards about universal human rights;
3. Conducting in-depth research on Indonesia's experience in dealing with issues related to terrorism and extremism;
4. Disseminating findings from the study through seminars, workshops, and online publications;
5. Conducting discussion and consultation with related government officials about the findings and analyses presented in the policy brief;
6. Organising training and capacity building programs for government officials and civil societies in four provinces;
7. Instigating *knowledge sharing meeting* to strengthen the network between civil society organisations;
8. Promoting a wider public discussion about issues related to counter-terrorism through social campaign by publishing info-graphics and other materials.

This program is supported by the Department of Foreign Affairs, Trade and Development of Canada through the Counter-Terrorism Capacity Building Program (CTCBP).

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# Key Aspects in Providing Assistance and Support for Victims of Terrorism

By; The Habibie Center Team

## I. Introduction

A state's commitment in countering terrorism does not only concern with the number of convicted perpetrators or the number of prevented incidents. It is also about the ways in which the state provides protection and fulfils the rights of the victims of terrorism.

Reflecting from the past, terrorism has attracted considerable attention since 1930s. In that period, terrorism was perceived as a crime against the state,<sup>1</sup> and all attacks towards the state and its apparatus could be classified as terrorist act. The next milestone was in 1977 when the European Convention on the Suppression of Terrorism (ECST) established that terrorism is a crime against humanity, which is defined as any attack that massively targets innocent public, creates fear, as well as threatens the peace and safety of human being. Despite this development, however, terrorism was still perceived as an internal problem of a country, not part of a wider global agenda.

The notable milestone for the global war against terrorism was 17 years ago, after the World Trade Center (WTC) twin towers attack in New York, United States. The attack, which is well known as 9/11 or 11 September 2001 attack, is perceived as the worst terrorist attack in history.<sup>2</sup> The United States then initiated the global war against terrorism in almost every part of the world. Massive military operations were executed, consuming substantial resources and funds.

Evidence revealed that the war against terrorism has managed to suppress terrorist groups in several targeted countries, but unfortunately, it has also triggered the emergence of affiliated groups in other countries. Global Peace Index mentioned that in 2016, as much as 106 countries have experienced terrorist attack, and 77 amongst them have at least one death caused by terrorist attack. Another notable finding from the Global Peace Index report is that in the last few years, terrorist attacks actually occurred more frequently in countries outside the warzone.

Another data issued by University of Maryland revealed that the number of terrorist attacks in 2017 was actually higher compared to the number of attacks that happened a decade before the 11 September 2001 attack. In that decade, the annual frequency of terrorist attacks was only one-third of the number of attacks in 2017.<sup>3</sup>

Without disregarding the war, discussion about terrorist attacks will not be complete without topics about victims. It is important to note that in 2017 alone, terrorist attacks around the globe have caused 26,445 deaths, amongst which 8,075 were perpetrators and 18,488 were victims.<sup>4</sup> In Indonesia, since January 2017 until 30 September 2018, it is recorded that 50 people were dead and 68 people were injured due to terrorist incidents.<sup>5</sup> Another data from Indonesian Victims Foundation (Yayasan Penyintas Indonesia) revealed that in 2016, amongst the 544 recorded victims in Indonesia, including the victims who were dead, permanently injured, heavily injured, and lightly injured, no one has received any

<sup>1</sup> Convention for The Prevention and Suppression of Terrorism, 1937.

<sup>2</sup> The 9/11 attack resulted in 2,983 deaths and until now, only 60% of them have been successfully identified.

<sup>3</sup> Global terrorism in 2017 Start background report, University of Maryland, August 2018.

<sup>4</sup> Ibid.

<sup>5</sup> www.deteksi-indonesia.com accessed on October 4th, 2018.

Unfortunately, victims' rights are mostly overlooked and not part of the priorities in counter-terrorism efforts...

compensation from the government.<sup>6</sup> Other than compensation, the government also needs to put more efforts to accommodate the rights of the victims of terrorism, including medical rehabilitation, psychological and social psychological rehabilitation, as well as the social-economic needs of the victims and their families.

This second edition of The Habibie Center's counter-terrorism and policy study explores different aspects in accommodating and fulfilling the rights of terrorism victims in Indonesia.

## 2. Terrorism and Victims of Terrorist Attack

The war against terrorism in Indonesia was instigated after the first Bali bombing in 2002. The attack in Legian, Kuta, Bali, resulted in 202 deaths and 204 casualties. Responding the attack, the Indonesian government issued the Government Regulation (Perpu) No. 1/2002, which was legalised into Law (UU) No. 15/2003. Many stakeholders view that the Law was only a reactive action to quickly respond the Bali bombing. This was perceived to be the cause for the absence of an anticipatory or pre-emptive article in the Law, which would enable related agencies to do preventive measures before terrorist attack was launched.

The government amended the aforementioned Law in June 2018 and issues Law no. 5/2018. Some of the articles in the Law were revised, and new articles were added to improve the shortcomings found in the previous Law. The new Law has included issues on prevention, institutional resilience, deradicalisation, reintegration, victims, as well as

the rights of the victims of terrorism. Chapter VI on Victim Protection regulates the specific issues of victims' rights.

Law no. 5/2018 defines terrorism as an act of violence or a threat of violence, inspired by ideological, political, or security motives, that creates widespread terror or fear, which potentially cause mass victims, and/or disruption or destruction of strategic vital objects, the environment, public facilities, or international facilities. Terrorism as a criminal act is defined as every person or party who deliberately use violence or threat of violence to create terror or fear amongst public, or cause mass casualties, by taking away people's freedom, life, and private properties, or causing disruptions or destructions towards vital objects or the environment, public facilities, and international facilities. Those who committed terrorism acts are subject to capital punishment or life imprisonment, or at least 4 years sentence in prison, and a maximum 20 years sentence in prison.

Indeed, terrorist attacks are designed to create terror in the society. More importantly, the attacks have also caused traumatic immediate impact towards the victims and their family. Unfortunately, victims' rights are mostly overlooked and not part of the priorities in counter-terrorism efforts. As a result, the rights of the victims of terrorism are not accommodated properly in the judicial process. This, however, contradicts the Criminal Justice Response to Support Victims of Acts of Terrorism issued by the United Nations Office on Drugs and Crime (UNODC), which states that the consideration of victims' rights should be included in counter-

<sup>6</sup> The Lack of Victims' Rights in the Draft Revision for the Law of Counter-terrorism, Suggested Recommendations for the Revision of the Law of Counter-terrorism in Indonesia, Institute for Criminal Justice Reform (ICJR), May 2016.



Figure 1. Number of attacks and Handling of Terrorism in Indonesia (January 2017-September 2018)

terrorism judicial system. UNODC also recognises the importance of UN General Assembly to push forward the agenda for the rights of the victims of terrorism in the criminal judicial system, as well as to support the development of a comprehensive protection program for victims of terrorism so they will be able to receive appropriate treatment and management.<sup>7</sup>

Discussion about victims of terrorism often ended up with the debate to include people who are exposed to terrorist ideologies within the victim spectrum. As such, some perpetrators of terrorist activities also identified themselves as victims.<sup>8</sup> Stakeholders are torn between those who view that victims are people who suffered from terrorist attacks, and those who view that perpetrators are victims of radical-extremist ideology propaganda.<sup>9</sup> In a number of cases, some perpetrators even claimed that they were the one who suffered the most compared to all other victims. To avoid misunderstanding, it is therefore crucial to determine the exact classification to define victims of terrorism. The newly revised counter-terrorism law in Indonesia could serve as a useful guideline to give a clearer definition of victims of terrorism.

Article 1 subsection (11) of Law No. 5/2018 defines victims of terrorism as someone who suffered physical, mental, and/or economic damage caused by terrorist incident. Article 35(A) subsections (1) and (2) further assert that the victims referred to in the law are the direct or indirect victims of terrorist actions.<sup>10</sup> Identification of victims of terrorism can be done directly by the investigators or police, without necessarily waiting for any court ruling.

The aforementioned definition corresponds well with the clauses written in Law No. 31/2014 about the Amendment of Law No. 13/2006 on Victim and Witness Protection (LPSK). Article 1 subsection (3) of LPSK Law defines victim as any person who suffered physical, mental, and/or economic damage caused by a certain criminal act.

### 3. Counting Victims of Terrorism in Indonesia

According to the data recorded in the database of Terrorism and Counter-Terrorism in Indonesia (Deteksi-Indonesia.com), there were 17 terrorist attacks and 333 counter-terrorism activities in Indonesia between 1 January 2017 and 30 September 2018<sup>11</sup> (Figure 1).

7 UNODC, *The Criminal Justice Response to Support Victims of Acts of Terrorism*, United Nations, Vienna, 2012, p. 1.

8 Looking at the pattern of recruitment and radicalisation, current development has shown that terrorist groups have increasingly targeted children. Worse, some children had even been involved in terrorist attacks, following their parents' command, just like what happened in the church and Police Office bombing in Surabaya last May. This evidence shows that children have also been directly involved in terrorism activities. However, even if children are involved in terrorism activities, they should be classified as victims. Law No. 35/2015 about the Amendment of Law No. 23 /2002 on Children Protection mandates this classification.

9 Monograph on the Revision of Law No. 15/2003 about the Legalisation of Government Regulations in Lieu of Law No. 1/2003 on Counter-Terrorism to be national law. The Habibie Center. 2018, p. 36.

10 See also Dr. Alex P. Schmid, *Strengthening the Role of Victims and Incorporating Victims in Efforts to Counter Violent Extremism and Terrorism*, ICCT Research Paper. August 2012, p. 4, as a comparative study for more information about the classification of victims of terrorism.

11 The aforementioned 17 attacks were recorded in North Sumatera province (1), Riau (1), West Sumatera (1), Jakarta (2), West Java (4), Central Java (2), East Java (4), West Nusa Tenggara (1), and Central Sulawesi (1) (from www.deteksi-indonesia.com, accessed on October 4th, 2018).

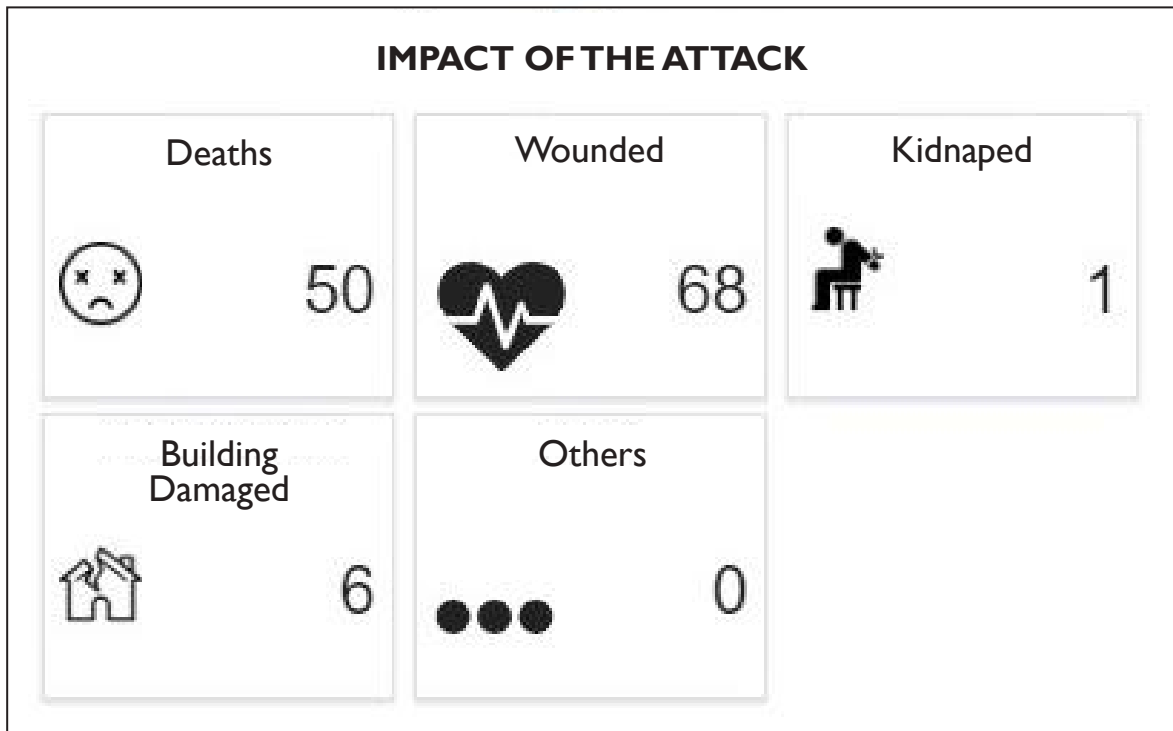


Figure 2. Impact of Terrorist Attacks in Indonesia (January 2017-September 2018)

Deteksi-Indonesia.com database also recorded that the 17 terrorist incidents had caused at least 50 deaths and 68 wounded victims (Figure 2). According to the database, during the period of 2017-2018, most of the targets of terrorist attacks were police officers (12 attacks). This is not a new phenomenon considering the shift in the strategy since 2010. Before 2010, the attacks would be targeted to anything related with the United States or Western countries, but now the attacks are targeted to domestic or national institutions or officers.<sup>12</sup>

Reflecting from the past, since about four decades ago from the Garuda Indonesia flight No. 206 hijack in 1981 to the last terrorist incident in May 2018, terrorist attacks in Indonesia have caused at least 391 deaths and 1,231 wounded victims. The numbers does not include other loss or damage resulted from destruction of property and other materials.

The trend of terrorist attacks in Indonesia (Figure 3) also indicated that during the period of 2000-2010, the dominant method of attack was high

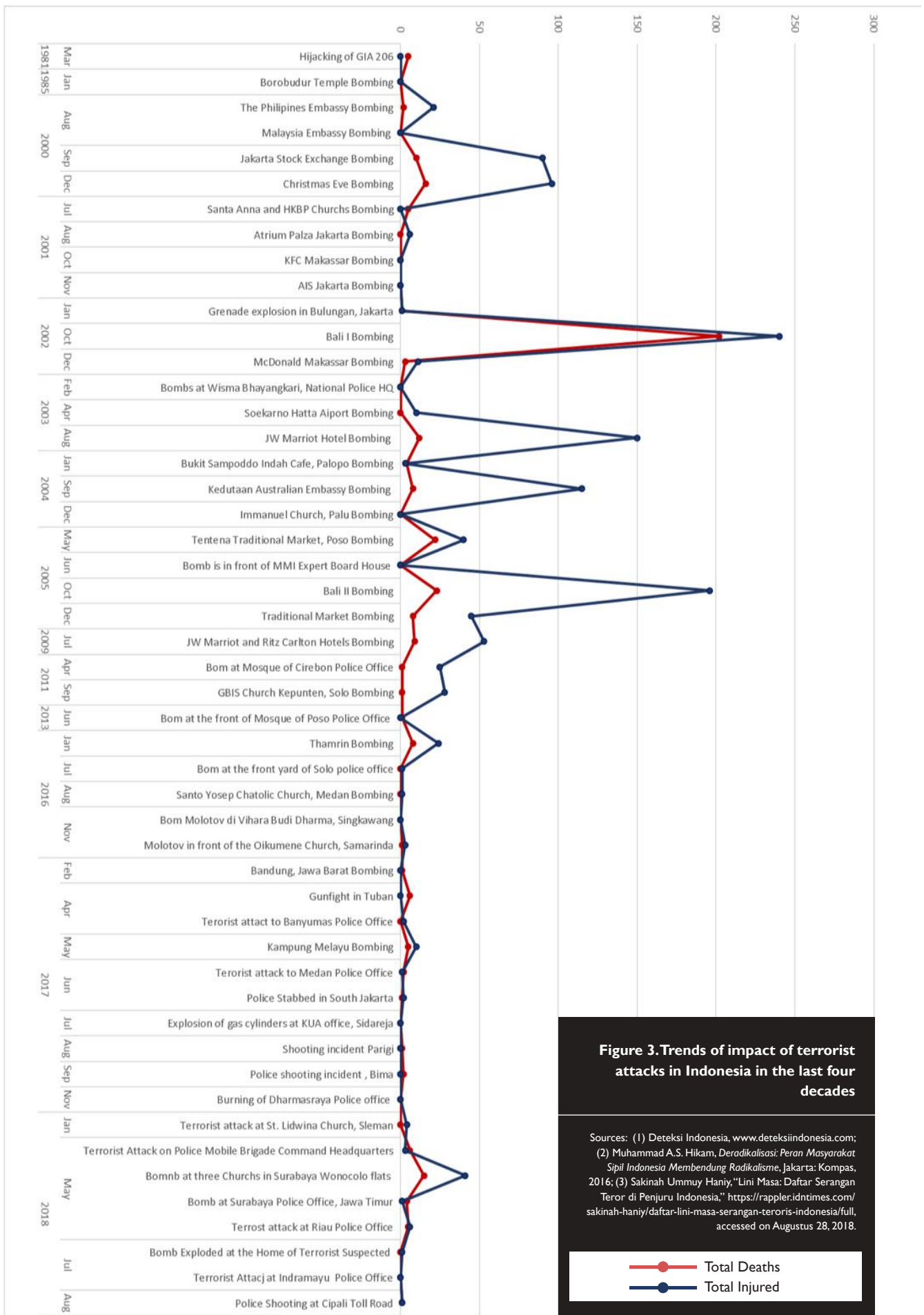
explosive bombing, which could cause a relatively higher impact per incident. This was different from the pattern of terrorist attacks in the period after 2010, in which most of the attacks were smaller in scale and happened more sporadically. After 2010, the impacts of every incident were also relatively lower, and most of the attacks were executed by smaller groups of network or independently radicalised individuals (*lone wolf*). Those smaller networks are actually harder to find because they usually utilise their close circles or family.<sup>13</sup>

According to experts, the decrease in the intensity level of terrorist attacks were influenced by a number of factors, such as: (1) active counter-terrorism campaigns from moderate Islamic organisations in the country, (2) changes in the Obama administration policy that stated the United States was not in war with Islam, and new emphasised on the importance of reconciliation, and (3) the success of Indonesian government's deradicalisation program.<sup>14</sup>

<sup>12</sup> <https://www.dw.com/id/dukungan-terhadap-terorisme-menurun/a-15441327>. Accessed on October 9th, 2018.

<sup>13</sup> <http://www.beritasatu.com/nasional/492830-15-tahun-terakhir-jumlah-serangan-terorisme-di-indonesia-menurun.html>. Accessed on October 9th, 2018.

<sup>14</sup> <https://www.dw.com/id/dukungan-terhadap-terorisme-menurun/a-15441327>. Accessed on October 9th, 2018.



**Figure 3. Trends of impact of terrorist attacks in Indonesia in the last four decades**

Sources: (1) Deteksi Indonesia, [www.deteksiindonesia.com](http://www.deteksiindonesia.com); (2) Muhammad A.S. Hikam, *Deradikalisasi: Peran Masyarakat Sipil Indonesia Membendung Radikalisme*, Jakarta: Kompas, 2016; (3) Sakinah Ummuy Haniy, "Lini Masa: Daftar Serangan Teror di Penjuru Indonesia," <https://rappler.idntimes.com/sakinah-haniy/daftar-lini-masa-serangan-teroris-indonesia/full>, accessed on Augustus 28, 2018.

—●— Total Deaths  
—●— Total Injured

#### 4. Victims' Rights Management and Actualisation

##### A. Issues Surrounding Victims of Terrorism

As explained in the previous section, victims of terrorist attack and their family are the ones who suffered the highest impact of terrorism, and they also have to deal with long-term psychological trauma whilst other people moved on from the attack.

The recent bombings of three churches in Surabaya on May 2018 exemplifies a traumatic and tragic attack, which affected the people days after the event. Mainstream media reported the chronology of the attack and the responses from the government as well as civil society organisations. Many stakeholders expressed their support by sending sympathies for the victims, or condemning the evil perpetrators of terror. Social media timelines were filled with supportive statements for the people to rise up and be united in fighting terrorism.

Supports from various stakeholders are essentially very important to fuel the spirit of the victims and to improve people's awareness. Terrorist incidents could also be viewed as a moment to strengthen the solidarity of the people, across different identities and places. The trust and support from the society to the law enforcement officers have also increased automatically. People's support and solidarity are the key preconditions for the success of counter-terrorism movement.

Unfortunately, one month after the three churches attack in Surabaya, some stakeholders already shifted their attention to another matters. The media no longer publish information related to the payment of compensation for the victims, the long-term socio-economic impact to the victims' family, as well as the medical, psychological, and psychosocial rehabilitation for the victims. The same issues also happened in the management of victims' rights after the previous bombing attacks, such as the ones in Jakarta and Bali. The media no longer published the development of

the bombing case, and shifted to cover stories of other terrorist attacks in another place. At this point, victims and their family were forsaken and forced to support themselves within their limitations. Such conditions indicate that victims' management in this country are usually limited only until the post-attack emergency period when the impacts are still considered to be critical.

Another complex problem for the victims of terrorism and their family is long term economic and job security. Victims who suffered permanent physical disability and those who have to receive long term medical care are in a difficult position to maintain their previous occupation and make ends meet. That being the case, the value of financial compensation given by the government should cover all the costs for the victims to have a decent livelihood - at least during the healing and rehabilitation period - or to help them restart a new business for an independent livelihood.<sup>15</sup>

Article 35A subsection (4) in Law No. 5/2018 mentions that the state is responsible to accommodate the rights of the victims of terrorism in the form of medical support, psychological and psychosocial rehabilitation, aid for the family of deceased victims, and financial compensation. The procedures and regulations for the actualisation of victims' rights are further clarified in Article 35B and Article 36. Other than entitled to financial compensation and other supports from the state, Article 36A also mentions that victims of terrorism are also eligible to receive restitution or financial retribution from the perpetrators of terrorism. The state does not have the authority to claim the perpetrators' personal properties and sell it to cover the financial compensation for the victims. However, in the context of Indonesia, it is more feasible for the state to provide compensation rather than arranging restitution from the perpetrators of terrorism. It will be almost impossible to expect the perpetrators to give out compensation for the victims, particularly in cases where the perpetrators were unknown, killed in the attack, or involved in suicide bombing mission.

<sup>15</sup> <https://tirto.id/harapan-dan-cerita-korban-bom-saat-bertemu-mantan-napi-terorisme-cFtx>

## B. Critical Aspects in Providing Assistance for Victims of Terrorism

Fulfilling the rights of victims of terrorism is a crucial part of state's responsibility to protect the security and the safety of its people. Actualisation of the rights could help the victims to prepare for the future, as well as to ease the tension in the society. In fact, tension within the society could provide a fertile ground for terrorist recruitment. The state should provide a clear legal status for the victims of terrorism and protect their human rights, including the rights for health services, legal support, access to justice and information, as well as effective, fast, and sufficient compensation.<sup>16</sup>

There are four important aspects of state's performance in providing assistance for victims of terrorism: **First**, the best thing that the state could do to protect the safety and security of its people from becoming victims of terrorism is to *prevent or anticipate terrorist activities*. The United Nations Counter-Terrorism Centre (UNCCT) supports all the efforts taken by the countries globally to secure people's rights to live. Article six of international Covenant on civil and political rights clearly states that it is the responsibility of the state to protect the life of every individual in its territory, which also includes the responsibility to counter and prevent terrorist acts. According to international, regional, and national law, the prevention of terrorism is critical because it is part of state's responsibilities to ensure the sustainability of life in its territory.<sup>17</sup>

With such responsibility, the state should be equipped with appropriate legal instruments in order to support the prevention of terrorism nationally. In Indonesia, the shortcomings found in Law No. 15/2003 on the Eradication of the Criminal Acts of Terrorism, which have restrained law enforcement officers to anticipate terrorist acts, have been resolved through the legalisation of Law No. 5/2018.

Within the latest bill, the new aspect, which enables prevention of terrorist acts, has been perceived as one of the most notable improvements to authorise law enforcement officers to prosecute or arrest any individual who plotted to execute terrorist acts.

Other than that, Indonesia is also equipped with Law No. 9/2013 on Prevention and Eradication of the Criminal Acts of Terrorist Financing. This Law is crucial to end the network of terrorist financing, both inside and outside the country. The Law also authorises the Financial Transaction Report and Analysis Centre (PPATK) to acquire information about transactions done through financial institutions from financial service providers or consumers.

The legalisation of these laws indicates that Indonesia has an adequate legal system to support the prevention of terrorism. To further the system and implement the laws effectively, it is also important to improve the capacity and capability of state apparatus. To that end, there are five important notes: (1) The government needs to enhance the intelligence capacity to anticipate terrorist plots as early as possible, even before they execute the plot and harm victims; (2) Security officers must be equipped with deep understanding about the value of universal human rights in order to avoid any violation during their duty to prevent terrorism;<sup>18</sup> (3) Security officers must receive capacity building training and better equipment to support their investigation duty in order to present a reliable and verifiable information (scientific investigation) to avoid mistake in arresting suspects of terrorism;<sup>19</sup> (4) Coordination between related government agencies should be improved in order to improve terrorism prevention efforts; (5) The government and security agencies should utilise their authorities to anticipate and prevent the development of hate speech, provocation, and prejudice, which could potentially spark

16 The Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism: Ten Areas of Best Practices in Countering Terrorism, 31, delivered to the Human Rights Council, U.N. Doc. A/HRC/16/51 (Dec. 22, 2010), accessed from: <http://www.ohchr.org/EN/Issues/Terrorism/Pages/Annual.aspx>.

17 Report of the UN Conference on Human Rights of Victims of Terrorism, United Nations Counter-Terrorism Centre. 11 February 2016, p. 10.

18 Some arrests of terrorist suspects made by the National Police Special Counter-Terrorism Squad Densus 88 have been criticised publicly due to the perceived violence done by the officers. As an example, look at the case of the death of SY (Klaten, March 2016) and MJ (Indramayu, February 2018).

19 From focus group discussions (FGD) at The Habibie Center, October 11th, 2017.

terror or other violent acts.<sup>20</sup> This last note is particularly important to follow considering hate speeches and provocations were often used to promote radical propaganda in the society.<sup>21</sup> The spread of radical ideology, unfortunately, has even targeted educated middle class society through social media.

**Second**, with the responsibility to secure the safety and security of its people, the state should *prioritise the appropriate assistance for victims of terrorism in critical condition and the long-term actualisation of victims' rights*. The assistance for victims in critical period is one of the most important things that the government and security agencies must do after every terrorist attack. Law No. 5/2018 mentions that the determination of victims' status does not necessarily have to wait for a court decision, particularly because the investigators have the authority to decide such status (Article 35A subsection 3).

The actualisation of victims' rights in the critical period of post-terrorist attack should be done immediately because it is a matter of survival for the victims. Experiences from recent terrorist attacks showed that the government, security agencies, and the public have provided quick response and support for the victims. In some cases, various stakeholders even tried to help the victims without minding their own safety. Such precedents indicate a good progress and solidarity between the general public to help victims of terrorism. Assistance for victims of terrorism, particularly those who need medical attention, should not be limited only during the emergency period. On the contrary, medical assistance should continue according to the appropriate medical analysis and measures.

There are certain conditions for the state to appropriately accommodate the rights of the victims of terrorism. There are also various impacts of terrorist activities. Consequently, it is important for the state to provide the necessary

support for victims' rehabilitation. These following principles could serve as a reference for Indonesia to accommodate victims' rights promptly and sustainably: (1) *Immediacy*: state intervention to provide assistance for the victims of terrorism must be done immediately; (2) *Accessibility*: supports or aids provided by the government should be accessible for the victims, including any information that might be useful; (3) *Simplicity*: methods for assistance should be simple and direct (not complicated or difficult) considering victims of terrorism have experienced traumatic and emotional incident; (4) *Unity*: an official direct line or emergency contact should be established to provide easier access to information and available supports; (5) *Resiliency*: baseline for rehabilitation strategy should take into account existing support from the society and past roles of the victims; (6) *Comprehensive assistance*: taking into account every specific need of the victims according to the injury or damage they suffered from.<sup>22</sup>

It is relevant to note that since the legalisation of Law No. 15/2003, the government has only begun to distribute compensation to a limited number of victims, which include victims from the bombing attack in a church in Samarinda, victims from the bombing in North Sumatera, and victims from the incident at MH. ThamrinStreet, Jakarta.<sup>23</sup> Beyond this list, there has not been any other reported compensation given to the victims from the government. State support for medical care or long-term therapy for the rehabilitation of victims from previous terrorist incidents are also not reported.<sup>24</sup>

The government should work on the official coordination network between stakeholders to fulfill the rights of the victims of terrorism. In Indonesia, provision of assistance for victims of terrorism involves at least four important agencies, which are: the National Counter-Terrorism Agency (BNPT), National Police, Witness and Victims Protection Agency (LPSK), medical institutions, and civil society

20 UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism defines incitement for terrorist acts as a deliberate criminal action by distributing messages to the society in order to openly provoke terrorist incident or to suggest terrorist acts, which can put people in danger.

21 Monograph on the Revision of Law no. 15/2003 about the Legalisation of Government Regulations in Lieu of Law No. 1/2003 on Counter-Terrorism to be national law .The Habibie Center. 2018, p. 20-24.

22 Summarised from [https://www.thegctf.org/documents/10162/72352/13Sep19\\_Madrid+Memorandum.pdf](https://www.thegctf.org/documents/10162/72352/13Sep19_Madrid+Memorandum.pdf). Accessed on October 11th, 2018.

23 <https://www.cnnindonesia.com/nasional/20180523165757-20-300691/lpsk-mendorong-kompensasi-atas-korban-dalam-ruu-terorisme>

24 <https://nasional.kompas.com/read/2016/05/31/16241441/korban.aksi.terorisme.minta.uu.antiterorisme.perhatikan.hak.korban>

Victims involvement in the criminal justice process should be done carefully by considering their psychological condition, especially because they have experienced a traumatic incident.

organisations. Bearing in mind that each of these agencies is responsible for different roles and functions, a robust system of coordination is needed to assist victims and accommodate their rights in the long term. This coordination is especially important to make sure victims' interests will be placed as the main objective of the assistance process. According to Global Counterterrorism Forum, this coordination process can be utilised to ensure the actualisation of victims' rights will follow the standard professional procedure and ethics.<sup>25</sup> In the context of Indonesia where official agencies for victim and witness assistance has been established, the government should issue a specific regulation for the implementation of the law to make sure that the official coordination network of related stakeholders will run efficiently.

Furthermore, as also mandated by national law, the government must grant appropriate financial aid and compensation for the victims of terrorism and their family. The distribution of aid and compensation must be regulated with a clear scheme, not only to determine the value but also to make sure it will be distributed on time.<sup>26</sup> Taking into account that victims usually do not have prior knowledge regarding the regulations, it is crucial to quickly and accurately

inform them about the complete terms of the regulations in order to enable them to rightfully claim the aid and compensation.

**Third**, taking into account that victims of terrorism are the ones who are directly affected by the criminal acts of terrorism, it is crucial to involve them in the criminal justice process. Victims' involvement in the criminal justice process should be done carefully by considering their psychological condition, especially because they have experienced a traumatic incident. Presentation of victims in the court should thoroughly consider their well-being and make sure that they will not be subjected to another traumatic event during the whole process. Therefore, it is crucial for the law enforcement officers to understand all the issues related to victims of terrorism and to have sensitivities towards specific problems that the victims have experienced.<sup>27</sup> Moreover, the state should also provide protection for the victims/victim witnesses. As an illustration: the National Counter-Terrorism Agency (BNPT) can coordinate with Witness and Victims Protection Agency (LPSK) to safeguard a protection system or a safe house for victim witnesses who are willing to testify in court, but still worry about their own and their family's safety. Protection for victims of terrorism

25 [https://www.thegctf.org/documents/10162/72352/13Sep19\\_Madrid+Memorandum.pdf](https://www.thegctf.org/documents/10162/72352/13Sep19_Madrid+Memorandum.pdf). Accessed October 11th, 2018.

26 Ibid.

27 Ibid.

should be provided appropriately as a form of state's duty to protect victims of gross human rights violation, which is also regulated in the international covenant. Victims of terrorism must be protected from threat, intimidation, and vengeance, and they should also receive proper supports to facilitate their rehabilitation throughout the whole process of criminal justice. Other than responsible to protect the physical safety of the victims, professional officers who assist the victims should also strive to prevent any emotional damage which could happen to the victims throughout the whole process of criminal justice, particularly when the victims are testifying in court.<sup>28</sup>

Generally, there are two separate schools of thoughts for justice system, which are retributive justice and restorative justice. In Indonesia, the criminal justice system usually applies retributive justice principle, in which punishments are given to the perpetrators of crime, whilst the victims are represented by the state, which will be the one responsible to prosecute the perpetrators of crime.<sup>29</sup> In retributive justice, crimes are perceived to be a violation to the system established by the state; therefore the criminal justice system is centred around the decision making process to determine the punishment for the perpetrators. Retributive justice is aimed to give a deterrent effect so the perpetrators will never commit the same crime again or to prevent others from doing the same crime. In the context of counter-terrorism, this is especially important because there is no exact guarantee that the perpetrators of terrorism will undergo a deradicalisation process during their punishment period. Punishment for perpetrators of terrorism should also be forceful and firm in order to prevent recidivism.<sup>30</sup>

However, the punishment system does not reduce the stigma towards the perpetrators of the crime, which makes it challenging for them

to reintegrate back to the society after serving their sentence. To address this, the government should consider these two key things in implementing the retributive justice system: (1) the punishment must be aimed to protect the society from the people who might put their safety in danger; (2) the punishment should not be a means for retaliation to the perpetrators of the crime, rather to guide the perpetrators to have better behaviours.<sup>31</sup>

Beside retributive justice, there is also restorative justice. Within this system, crime is perceived to be a harmful activity for the society. Whilst retributive justice only interested to punish the criminals, restorative justice can go beyond punishment. Restorative justice emphasises the objective to create fairness and balance between the perpetrators of the crime and their victims. The procedures for the criminal court, which usually focus on conviction, is shifted to be a process of dialogue and mediation to reach a fairer and more balance agreement, which equally satisfies the criminals and the victims, to solve the problem. Restorative justice priorities direct participation of the criminals, victims, and the society in solving a specific crime.<sup>32</sup>

As previously explained, restorative justice emphasises victims involvement. This element makes restorative justice very different from the retributive justice approach, which mainly aims to punish the criminal. So far, there is not enough evidence to conclude that restorative justice can push criminals to empathise with victims, regret their crime, as well as gradually convince victims to forgive the criminals so that the reconciliation and reintegration of the criminals to the society will be easier. Despite this, the effort for restorative justice should be continued as a way for deradicalisation or to disengage the terrorists from extreme ideology.

The combination of retributive and restorative justice to some extent can create a more

28 Ibid.

29 Monograph on the Revision of Law no. 15/2003 about the Legalisation of Government Regulations in Lieu of Law No. 1/2003 on Counter-Terrorism to be national law .The Habibie Center. 2018, p. 37-38.

30 Results from focus group discussion (FGD) at The Habibie Center, October 11th, 2017.

31 <https://media.neliti.com/media/publications/82758-ID-rekonstruksi-pemidanaan-pelaku-tindak-pi.pdf>. Accessed on October 11th, 2018.

32 <https://www.hukumonline.com/berita/baca/lt4e25360a422c2/pendekatan-irestorative-justice-i-dalam-sistem-pidana-indonesia-broleh--jecky-tengens--sh->. Accessed on October 11th, 2018.

comprehensive response towards terrorism, which also includes efforts to rehabilitate and reintegrate the perpetrators of terrorism back to the society after their sentence. Practically, this is not impossible considering restorative justice allows for a bigger chance of reconciliation between the criminals and the victims, and enables the process to reduce bad stigma associated with the perpetrators and their family. Within this process, there is also bigger room for non-governmental organisations to get involved, especially those that have a considerable experience in facilitating forums to bring together perpetrators of terrorism, victims, and wider society.

**Fourth**, other than being involved in the criminal court process, *victims of terrorism can also play important roles in the efforts to support reintegration as well as prevention of radicalisation in the society*. However, it is also important to note that it remains very challenging to change victims' bad stigma towards the terrorists.

In Indonesia, victims' roles in the movements against terrorism are almost invisible thus far. In fact, the activities of ex-terrorists or former terrorism convicts are more significant within the counter narration, counter radicalisation, and anti terrorism movements. Numerous agencies were specifically established to facilitate such activities. In East Java, for example, the Lingkar Perdamaian Foundation was established to provide assistance for former terrorism convicts in Lamongan. In Central Sulawesi, there is also an agency specifically established to facilitate former extremists to create contents for counter-radicalisation campaigns through movie-making and other activities that can support post-conflict reintegration process according to the local wisdom.<sup>33</sup> It is important to note that these examples were only made possible by the success of deradicalisation programs, which were implemented by various institutions in Indonesia.

There are two important reasons why former terrorists should be involved in the campaign

against terrorism: (1) to give more space and opportunity for ex-terrorists to disengage from extreme ideology or their former extremist group, which previously had radicalised them; and (2) their testimonies can build a more convincing anti terrorism campaigns and provide stronger alternative narrative for the people who are at risk to be radicalised with violent extremism.

Other than involving ex-terrorists, it is also crucial to involve victims of terrorism. They will be able to offer a very distinct anti-terrorism narratives compared to the narratives from ex-terrorists. Perspectives from the victims of terrorism can be useful to undermine the credibility of violent extremist ideology.<sup>34</sup>

It is crucial to understand that victims' involvement in anti-terrorism movements should be done by prioritising the interests of the victims. Related stakeholders should be able to ensure that victims' involvement in the activities will not trigger any traumatic experience, which can disrupt the psychological healing process as well as the safety and security of the victims and their family.

Considering that victims of terrorism experience different degree of problems and impacts, it is crucial for all the agencies responsible for their assistance to anticipate the recurrence of their traumatic experience during the activities in campaign against terrorism and counter narrative. In Indonesia, some organisations such as Aliansi Indonesia Damai (AIDA), Prasasti Perdamaian Foundation (YPP), and the Foundation for Victims in Indonesia have a considerable experience and credible legitimacy in advocating for the rights of terrorism victims and representing their case.

According to the United Nations Counter-terrorism Centre (UNCCT), victims of terrorism association can play a significant role in providing supports to build society's resilience, particularly in the area affected by terrorist incident. Moreover, such association can also push the society forward to build

33 Other inspiring stories are available in the book titled "Keluar dari Ekstrimisme – Delapan Kisah Hijrah dari Kekerasan Menuju Binadamai (Escaping Extremism - Eight Stories of "Hijrah" from Violence to Peacebuilding)," Editor: Ihsan Ali-Fauzi and Dyah Ayu Kartika. PUSAD Paramadina. 2018.

34 Report of the UN Conference on Human Rights of Victims of Terrorism. United Nations Headquarters New York. February 11th, 2016. p. 16.

solidarity with victims of terrorism.<sup>35</sup> Beyond that, UNCCT also mentions that victims of terrorism can effectively promote counter narrative and messages of inclusivity to tell positive stories imbued with positive social values and tolerance. They can also participate in bridging the dialogue in their own community and other at risk communities to support prevention. Stakeholders should consider the following points to make messages from the victims of terrorism more acceptable to all layers of society: (1) it is important to identify the target of the messages and the content of the messages for each category of target; (2) specific communication strategy should be designed to broadcast messages for different groups of society in order to make sure that the message will be appropriately received by the audience; (3) debates about ideology should be avoided, however, it is important to include messages to reject violent actions promoted by terrorist groups; and lastly (4) it is also important to identify the media to broadcast the message, whether it is through writings in newspapers, online discussion, or direct storytelling with targeted groups.<sup>36</sup>

## V. Recommendations

A robust coordination between central government, local government, and security enforcement institutions is crucial to safeguard the appropriate assistance for victims of terrorism, as well as to fulfil their rights. Therefore, it is crucial to develop implementing regulations, which clearly and formally explain the chain of coordination between related institutions in providing assistance for the victims. Moreover, the implementing regulations should also contain a detailed elaboration of local government's roles in providing assistance for the victims of terrorism and actualising their rights to ensure a more balanced responsibilities between central and local government.

The government should also compile and socialise a guidelines to provide assistance for victims of terrorism and accommodate their rights. This guideline should include information on short term and long term assistance for the victims of terrorism, guideline to assist medical/psychological

care, and guideline to claim and distribute any compensation or restitution. It is also important to incorporate the guideline to cover and report stories or news about victims of terrorism, which includes sensitivity to broadcast the picture of the victims. All the materials should not harm the victims or their family, emotionally or materially, and they should not be published in any way that can inspire or encourage terrorist groups to execute more attacks.

Capacity building program to improve the skills of organisations or officers involved in providing assistance for victims of terrorism is necessary because victims of terrorism differ significantly from victims of other crimes. The program is crucial particularly to prevent any trigger of traumatic experience such as the terrorism incident, court process, and the difficulties to access their rights as victims of terrorism.

35 Handbook of Good Practices to Support Victims' Associations in Africa and the Middle East. UN Counter-terrorism centre. 2018, p. 9-10.

36 Ibid, p. 25-26.



Photo: J.-H. Janßen/Wikimedia



# Towards Better Protection and Assistance for Victims of Terrorism

By; Dete Aliah dan Tita Apriyantini

## I. Background

**T**errorist incident in Indonesia is not new. The first violent extremist incident recorded in the country was the 1981 Garuda DC 9 Woyla hijack, which happened when the airplane was flying to reach Medan. Since then, the country experienced numerous violent extremist attacks against the New Order regime such as the bombing of Borobudur Temple in 1985. Bombing incidents were found more frequently after the reformation period when Indonesia was in the middle of transition from dictatorship to democracy. Democracy, which encourages freedom of expression, was interpreted differently by radical groups, who have their own political agenda to change the country. The year 2000 was the peak of bombing incident, both in terms of the number of attacks and the sum of casualties, which includes the number of death and injured victims. Data from Wikipedia shows that there were about 355 deaths and 968 injured victims, along with numerous damaged buildings and vehicles, caused by incidents happened between 2000 and 2018.<sup>1</sup>

The bombing incidents were long gone, but the impacts stay in the mind of the victims. The scar from the incident will be a constant reminder of the painful incident that has changed their life and future. They also need to bear the psychological trauma, which will haunt them for years to come. How about their life now? Is there any moral or material support from the perpetrators of terrorism, their workplace, or the government? Where should they turn to for help and support to heal the pain and to find a new job to replace their old occupation, which was gone due to the

injury they have to suffer? Does the state protect victims of terrorism? Who will be responsible for this, and have they done their duties properly to accommodate the victims' needs? What kind of compensations should be made available for the victims?

## 2. Legal Basis to Provide Support for Victims of Terrorism

The state is responsible to protect and provide assistance for the victims of terrorism as stated in two national Laws, Law No. 31/2014 on Witness and Victims Protection Agency (LPSK) and Law No. 5/2018 on Eradication of the Criminal Acts of Terrorism, through the Sub-Directorate of Rehabilitation (SubDit Pemulihan).

Both of these legal instruments provide a strong foundation for victims to receive the appropriate protection and service from the state. According to the Laws, victims of terrorism are entitled to a number of insurances and services, which include:

- Medical care as well as psychosocial and psychological rehabilitation as stated in Article 6 of Law No. 31/2014.
- Rights of the victims of terrorism, including compensation, are regulated in Article 7 Subsection 4 of Law No. 31/2014.
- Which parties are eligible for protection and what kind of supports available for victims of terrorism are elaborated in Article 35A, Article 35B, Article 36A, and Article 36B of Law No. 5/2018.
- The revision to the Law of Terrorism or the

<sup>1</sup> Terrorism in Indonesia, Wikipedia, [https://id.wikipedia.org/wiki/Terrorisme\\_di\\_Indonesia](https://id.wikipedia.org/wiki/Terrorisme_di_Indonesia), [accessed on October 29th, 2018].

New Terrorism Law, particularly article 43L of Law No.5/2018, has included the rights of victims of the past terrorism incidents who have not received support or compensation.

According to these Laws, the main agency responsible to provide assistance and support for victims of terrorism is Witness and Victims Protection Agency (LPSK), supported by other related institutions, including Ministries and State Agencies, as well as non-governmental organisations or civil society organisations.

### 3. Between Legal Foundations, Hopes, and Realities

All kinds of protection, compensation, and rights for victims of terrorism have been elaborated completely inside the two laws mentioned in the previous section. LPSK and National Counter-terrorism Agency (BNPT) have provided the best efforts to assist and protect victims of terrorism. Nevertheless, there are a number of suggestions that could improve LPSK and BNPT's performance in providing services and supports for victims of terrorism in the years to come.

LPSK and BNPT have accommodated many victims of terrorism. However, in reality, there are still a lot of victims overlooked by the government. As such, the presence of these two agencies is especially crucial to properly address all issues related to victims of terrorism. To improve their performance, LPSK and BNPT should pay attention to the following notes:

#### A. Medical Aid

Article 6 of Law No. 31/2014 and Article 35A of Law No. 5/2018 regulates medical services as well as psychosocial and psychological rehabilitation supports for victims of terrorism. Victims have indeed received emergency medical aid right after the bombing incident. They were brought to the nearest hospital for immediate care and treatment. The impact from the injury or infection varied depends on the proximity of the victims to the centre of explosion point and which part of their body was hit. Some victims sensed the impact of the explosion immediately after the incident. However, there were some victims who sensed the impact years after the incident.

Due to this difference, government through LPSK provides medical insurance for victims of terrorism in the form of 'green book' (*buku hijau*). With green book, victims of terrorism can get periodical medical examination. In spite of its advantages, not all victims of terrorism received optimum medical benefits. Part of the problem is that not all victims of terrorism are aware that they are eligible to receive green book in order to get medical treatments; hence, not all victims of terrorism own green book. BNPT has provided support through recommendations for the victims so they can have easier access to get green book. LPSK has also provided easier process to accommodate victims' request for their preferred hospital. Regrettably, socialisation of the information was not optimum and it has not reached the victims who live in the rural areas; therefore, many of the victims are not aware about green book and its benefits. As a result, many victims of terrorism have not received the rights to get proper medical treatments, which are provided by the government after the incident.

Another problem related to the green book is that the victims were not satisfied with the services provided by hospitals. As an illustration, victims with nervous system damage, who need consultation with neurologist, cannot get direct treatment from neurologist before they receive reference for medical specialist from general practitioner. In many cases, victims only receive treatment according to the symptoms detected during examination, and they only received treatment from general practitioner. This was in contrast with their expectations as they hope to receive more serious treatment and complete examination so they will be able to detect the damages or illness caused by the incident, and ultimately receive the appropriate treatment to cure the injury or the infection properly.

Some of the bombing victims are disabled to walk due to the physical injury they suffered, which also limit their mobility. Accordingly, they expect the government to provide better facilities, not only medical examination, but also to support their mobility, so they will be able to access medical treatment. Moreover, regardless of the fact that victims of terrorism with green book are free from any medical

charge or fee, they are still entitled to equal treatment, just like any other paying patients. There have been a number of complains from victims with green book due to mistreatments they had experienced, including getting yelled at or scolded by nurses or administration officers of the hospital.

Medical aid is necessary not only for direct victims of terrorism, but also for the children of bombing victims (indirect victims), which is stated in Article 35A subsection (2) of Law No. 5/2018. Terrorist incidents also affect the children of the victims, particularly because permanent physical injuries suffered by the victims could result in unemployment due to the decrease in productivity level. As breadwinners of the family, parents, particularly fathers, could no longer fulfill the daily needs of the family, including the children's medical insurance.

## **B. Psychosocial Rehabilitation**

As stated in Article 6 subsection (1) Law No. 31/2014 and Article 35A subsection (4b) Law No. 5/2018, the state is responsible to provide psychosocial rehabilitation for victims of terrorism. However, efforts for psychosocial rehabilitation from the government have not been ideal whilst victims of terrorism still need support for entrepreneurship, which could be in the form of education for entrepreneurship or financial aid for business capital. Ministry of Manpower and Transmigration has taken a good initiative by providing a two-week information and technology (IT) training for victims of terrorism, in which they were quarantined for two weeks to focus on the training. Unfortunately, the initiative was insensitive to victims' talent and interest, which varied across different subjects. The offer for the training was only suitable for those who actually have interests and passion in IT.

Moreover, the pressure to join the quarantine for training was considered to be demanding for the victims, particularly because they need to leave the house and could not provide household income during the training. This training was also only accessible for those who were physically capable of following all the training activities, whilst the victims who

suffered from permanent injury or psychically challenged to move were unable to join the training due to their limitation. Up to this point, Ministry of Manpower has not offered alternative program for victims with permanent disability or severe physical injury.

Employment for victims of terrorism is, indeed, not the responsibility of the state because there is no article in the Law to regulate the state to provide employment for victims of bombing incident. However, the state does have the responsibility to provide psychosocial rehabilitation for the victims. These victims never choose or expect to leave their employment, and yet, the heinous act of violent extremist group had made them lost their occupation and maybe even their future. This is the reason why victims of terrorism are in need of entrepreneurship and other kinds of skills training, which is suitable to their talent and background. Accordingly, it is better for the state, particularly LPSK and BNPT, to facilitate the access by distributing victims of terrorism to companies with employment opportunity. The victims expect BNPT, LPSK, and other related ministries to organise skills training, and to follow up the training with distribution of workers to companies with employment opportunity and tolerance towards the physical limitation of the victims.

Violent extremist acts have resulted in multiply effect consequences, in which victims are not only suffered from physical damage, but also have to deal with unemployment due to their physical limitation. The unemployment condition also influences the family of victims (indirect victims). Due to decrease in income, it becomes more challenging for the victims to provide daily needs for their family, as well as to pay for their children's education. As such, the victims expect supports from the state to help them by providing business opportunities or distributing them to partner companies.

Ministry of Social Affairs has initiated a breakthrough solution by providing psychosocial rehabilitation through distribution of business capital for the victims. This initiative is, indeed, still limited, only available for 42 victims, which includes 21 victims from Jakarta (19 victims of JW Marriot hotel bombing I

and 2 victims of Kuningan bombing) and 21 victims of Bali bombing I. Ministry of Social Affairs distributed capital aid, which was Rp5,000,000,- (five million rupiah), for every victim on October 22<sup>nd</sup>, 2018. However, this aid was only distributed to victims of Bali bombing I, JW Marriot I bombing, and Kuningan bombing, regardless of the fact that since 2000, there have been 968 victims of terrorism recorded in the database. To avoid social jealousy coming from the victims who have not received the aid, it is better for the Ministry of Social Affairs to record the data more accurately and distribute the same rights and privileges for other victims.

State presence is crucial for victims of terrorism because not all victims share the same economic background to rebound properly. They really need government's aid, particularly in the form of business capital, without complicated bureaucratic process, to help them rebuild their economic standing and support their family. If possible, business capital should not be given as a one-off financial aid, but should be accompanied with business and entrepreneurship training so victims with no business management background can use their capital independently, productively, and sustainably.

### **C. Psychological Rehabilitation**

Victims of terrorism suffered from multiple traumas, not only physical injury caused by bomb explosion, but also psychological scar that is harder to heal. There are some victims who still cannot go outside of their house because they have not overcome their fear; and there are also some who still have not able to speak out about their experience. For the purpose of psychological rehabilitation, LPSK has appointed Yayasan Pulih (Recovery Foundation) as the institution responsible for the psychological trauma healing of the victims. Despite this, many victims are still reluctant to have consultation due to a couple of reasons, which are:

- First, victims are not aware that they can get psychological consultation support to heal their trauma; and
- Second, victims are not aware of what is

and who is Yayasan Pulih, as well as where to access the consultation services.

Both of the reasons indicate that socialisation about victims' rights to receive psychological rehabilitation needs further improvement. Socialisation efforts should also reach all the victims who live in different part of the country so they will be able to receive treatment to heal their trauma. If possible, the trauma healing treatment should also be provided for indirect victims of terrorism, not only the direct victims.

### **D. Compensation**

Victims' rights to receive compensation, as regulated in Article 7 Law No. 31/2014 and Law No. 5/2018, have not been fully accommodated by the government. This is because the Government Regulation to regulate the terms of claim, the total sum of loss, payment of the compensation, as well as the distribution of restitution, has not been concluded, and according to the plan, it will be finished at the end of November 2018. Victims of terrorism expect the government to legalise the regulation soon so they will be able to claim their rights.

Victims of past incidents can still claim their rights because Law No. 5/2018 is retroactive, which means victims of past terrorist incidents will also be protected and are eligible for compensation. On the other hand, victims of incidents after 2014 or after the legalisation of Law on LPSK can claim their compensation through court decision.

The rights for compensation are clearly regulated in the two Laws. Therefore, it is important for LPSK and BNPT to massively socialise the laws so all the victims who live in different part of the Indonesia can be aware of the information. There are victims who are aware about the compensation, but there are also some victims who are still not aware about this particular rights. Victims of terrorism need access to detailed information about the compensation, including the terms for the claim, the mechanism, and the procedures, so they can easily claim their compensation without any complication.

Compensation is crucial for victims because

Victims of terrorism need access to detailed information about the compensation, including the terms for the claim, the mechanism, and the procedures, so they can easily claim their compensation without any complication.

they can use the fund as capital to start new business for their livelihood so they can be financially independent and not depend on anyone. This compensation is especially important for victims who loss family member or their physical organs that caused them to leave their employment or to be terminated by their office because they are perceived to be no longer productive. The compensation can provide financial alternative for the victims to support their new life with their new business. Accordingly, victims of terrorism really expect the government to legalise the Government Regulation soon so they can claim their compensation and proceed with their plan.

#### **E. Education**

Law No. 5/2018 also guarantees that indirect victims of terrorism will get insurance from the state to receive their rights, including medical aid, psychological and psychosocial rehabilitation, financial compensation for family of death victims, and restitution.

Compensation for victims' family can also be distributed as education scholarship for the victims' children because there are a lot of victims who are physically challenged to

properly provide income for their family's livelihood and to fund their children's education. Many of the victims' children need financial support for education because not all schools provide free education for the students. Victims of terrorism also expect the Ministry of Research, Technology, and Higher Education (Kemenristekdikti) to provide education scholarship, at least for the elementary school students who do not receive government subsidy for their education (BOS program). The victims expect the government through Kemenristekdikti to provide scholarship for the children from elementary level to high school level. It will also be better for the government to provide scholarship for higher level of education, such as college or undergraduate level, or other higher level of education.

So far, Kemenristekdikti has just offered education support for college, undergraduate, and graduate students who are affected by bombing incident (direct victims). However, the support has not reached the family of the victims, particularly the children (indirect victims). This benefit will definitely be advantageous for several victims who will claim the support.

### 3. Recommendations

LPSK and BNPT have done extraordinary efforts to support victims of terrorism and to accommodate their rights. However, these efforts have not been fully optimised, mostly because they are still waiting for the legalisation of some government regulations.

To make LPSK and BNPT work more effectively, and victims of terrorism can receive better services and protection, there are some suggestions that should be considered in providing protection and services for victims of terrorism:

1. Better socialisation efforts to inform all victims of terrorism, from the past incidents and the new, about their rights. They should receive explanation about the rules and mechanism to claim their rights so they are well aware about their rights and how to claim them.
2. There should be a better and integrated system of coordination between all related ministries and agencies that are mandated to provide assistance and rights for victims of terrorism so they will be able to receive a comprehensive and integrated service to solve their problems without complications.
3. The government should be more open and honest to victims of terrorism about what kind of rights they are entitled to and how to claim them.
4. Procedures to claim victims' rights, whether medical rights, compensations rights, restitution rights, or other rights, should be made easier and not complicated.
5. There should be more support and assistance from other related agencies, for example police officers, medical officers, and others, to accommodate the rights of the victims.
6. All victims should be treated fairly, and non-discrimination principle should be applicable for all. Services and assistance should be given regardless of the injury, age, and economic or geographical background.
7. Government and all related agencies should consider the sustainability of every support program so the victims can have a more independent livelihood and will be able to rebuild their life without always expecting assistance from other.
8. The state should also pay more attention to develop programs for victims of terrorism, not just focusing on the perpetrators, because victims suffered from a more painful loss compared to the perpetrators of violent extremism.
9. A better system of identification to classify victims based on the level of treatment needed must be developed. For example, victims can be classified based on those who still need medical treatments, psychological treatments, or those who do not need more medical treatment. This identification is important for the government to provide the right support.
10. Victims should be treated with respect because the incident was unexpected and there is no one who wants to be in the same position. Treatments for victims of terrorism should be based on humanist approach.
11. The two Laws to implement victims of terrorism's rights should be quickly legalised so all victims, both direct and indirect victims, can claim their rights as soon as possible, as also regulated in Law no. 5/2018.
12. All the laws to protect and provide services for victims of terrorism, both direct and indirect victims, must be implemented according to the mandates from the state to agencies and related institutions responsible for the rights of victims of terrorism.





## About The Habibie Center

**The Habibie Center** was founded by Bacharuddin Jusuf Habibie and family in 1999 as an independent, non-governmental, non-profit organisation. The vision of The Habibie Center is to create a structurally democratic society founded on the morality and integrity of cultural and religious values.

The missions of The Habibie Center are **first**, to establish a structurally and culturally democratic society that recognizes, respects, and promotes human rights by undertaking study and advocacy of issues related to democratization and human rights, and **second**, to increase the effectiveness of the management of human resources and the spread of technology.





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