

Effectiveness of Merging Compensation Claims

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Effectiveness of Merging Compensation Claims in Criminal Cases: A Case Study of Decision Number 196/Pid.Sus/2021/PN. Jkt.Utr.

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ABSTRACT

This study investigates the Efficiency of Combining Compensation Claims in Criminal Cases, focusing on Decision Number 196/Pid.Sus/2021/PN. Jkt.Utr. Crime victims' rights are addressed by Law Number 8 of 1981, specifically in Articles 98 to 101 of the Code of Criminal Procedure (KUHP), while compensation in Civil Law is governed by Article 1365 of the Civil Code. However, seeking compensation through civil law procedures can be time-consuming. A normative juridical approach was employed, utilizing statutory analysis and a case study method. Primary, secondary, and tertiary legal materials provided secondary data. The analysis, framed by justice theory and legal certainty theory, reveals that merging compensation lawsuits with criminal cases under Article 98 of the Criminal Procedure Code can expedite resolution. Prerequisites for consolidation include alignment of defendant actions with charges, resulting losses, and a request from the aggrieved party to the Judge. This study underscores the potential of combining cases to streamline compensation claims, offering implications for enhancing victims' access to justice within the legal system.

INTRODUCTION

Based on data from the National Criminal Information Center, Criminal Investigation Agency, and Indonesian National Police, the crime rate in Indonesia in 2022 increased by 16.36% (sixteen point three six per cent) from the previous year. In 2022, the Indonesian National Police took action on 311,523 cases; in 2021, there were 267,716 cases. The reality of the occurring crime is still considered quite worrying and detrimental to society. The crime of crime is very harmful to the victim, both materially and psychologically. Therefore, victims' rights need attention from all parties, both the government and the community, including the perpetrators (Ashworth, 2019; Bazelon & Green, 2019; Ginsberg, 2018; Iksan et al., 2023; Nugroho, 2023).

Law Number 8 of 1981, about the Code of Criminal Procedure (KUHP), has established provisions for safeguarding the rights of victims of crimes (Arief, 2018; Butt & Lindsey, 2020; Santriana et al., 2023). While it may not comprehensively encompass all aspects of victims' rights, it acknowledges and protects the restoration of these rights, thereby contributing to the broader human rights protection framework. The framework for restoring crime victims' rights within the Criminal Procedure Code is delineated by Articles 98 through Article 101.

Certainly, within the realm of civil law, the safeguarding of victims' rights is possible through Article 1365 of the Civil Code (KUHPerdata). This particular legal provision addresses protecting victims' rights by initiating a compensation claim against the wrongdoer for their unlawful actions. Nonetheless, pursuing legal action under Article 1365 of the Civil Code necessitates awaiting the final and conclusive judgment of the criminal case, a process known to entail a considerable duration. Therefore, it is

necessary to conduct further research studies on compensation claims for victims of criminal acts from a criminal law perspective. One example of an interesting case that has used the legal institution of combining compensation claims in non-criminal instances is the online gold fraud committed by Drelia Wangsih (Burke, 2018; Lapkin et al., 2019; Sjarif, 2019).

This research focuses on legal issues related to compensation for victims of crime from a criminal law perspective. The research inquiries concentrate on (1) Exploring the criminal procedural law concept concerning the amalgamation of compensation claims in criminal cases as per Indonesian legal principles and (2) Assessing the efficiency of implementing the consolidation of compensation claims in criminal cases, illustrated by the instance of Decision Number 169/Pid.Sus/2021/PN. Jkt.Utr.

The employed research methodology is normative legal research, employing both a statutory approach (statute approach) and a case approach (case approach) to evaluate the practical effectiveness of consolidating compensation claims in criminal cases (de Miguel Perales & Wilkinson, 2024; Maiano et al., 2023; Ul Akmal, 2021). Secondary data derived from primary, secondary, and tertiary legal sources were utilized in this study. Given the reliance on secondary data, the analysis employed was qualitative data analysis, wherein the collected legal materials were qualitatively examined to ensure comprehensive understanding and to offer explanations and insights into the studied aspects or questions.

Studying the intersection of justice and legal certainty within criminal procedural law, particularly concerning the amalgamation of compensation claims under Indonesian law, is a focal point of this research. The study draws upon the theories of justice by Aristotle and legal certainty by Jan M. Otto to underscore the importance of adherence to clear and consistent regulations in establishing justice and legal certainty within a society. Aristotle's theory emphasizes the significance of adhering to the law to promote societal well-being and harmony, asserting that justice arises when laws are crafted and enforced to ensure the happiness of individuals and the broader community.

Moreover, as elucidated by Jan M. Otto, legal certainty is crucial for the stability and functionality of the legal system. It requires clear and consistent regulations that are easily accessible to the public, applied consistently by the government, accepted by the majority of citizens, ensures judicial independence, and lead to concrete implementation of judicial decisions (Erwiningsih, 2023; Jivebäck Pap, 2021; Tryzna, 2019). Legal certainty and justice are not just normative concepts but also factual characteristics of the legal system, as stated by Gustav Radbruch, suggesting that an uncertain and unjust law undermines the integrity of the legal system (Atmadja & Wirawan, 2023; Demin, 2020; Lei, 2017).

The research addresses gaps in understanding regarding the formal regulation and practical efficacy of the merger of compensation claims within the Indonesian judicial system. The study seeks to provide insights into the regulatory framework concerning compensation claims and evaluate their application in judicial proceedings by analyzing existing literature on justice, legal certainty, and criminal procedural law. Ultimately, this research seeks to contribute to a more nuanced understanding of how justice and legal certainty intersect with criminal procedural law, with implications for legal practice and societal harmony.

In focusing on criminal procedural law related to the merger of compensation claims within Indonesian law, the study addresses two fundamental questions: how the concept is formally regulated and how effectively it is applied in court practice. By delving into these questions, the research provides concrete answers that can enhance understanding and improve the functioning of the judicial system in Indonesia.

METHODS

The research employs normative legal methodology, utilizing statutory and case approaches. Qualitative data analysis uses secondary data from primary, secondary, and tertiary legal sources

(Creswell & Poth, 2016; Ngulube, 2015). The study delves into the concept of criminal procedural law, particularly concerning consolidating compensation claims within the scope of Article 98 to Article 101 of the Code of Criminal Procedure. This analysis is grounded in Aristotle's Theory of Justice and Jan M. Otto's Theory of Legal Certainty, emphasizing the interplay between justice, societal well-being, and the application of unambiguous rules. The data will be gathered through a comprehensive examination of legal materials, specifically focusing on Articles 98 to Article 101 of the Code of Criminal Procedure, to gain a deeper understanding of the amalgamation of compensation claims in criminal procedural law.

RESULTS

Merger of Claims for Damages in Criminal Cases

The matter of compensation falls under the jurisdiction of civil law, making civil courts and Civil Judges responsible for adjudicating compensation claims. In contrast, criminal issues are governed by the Criminal Procedure Code (KUHP). The procedure for merging under this Code simultaneously undergoes two examination processes. The first is criminal proceedings. The second is civil proceedings to examine compensation. The approval of the plaintiff's compensation claim against the defendant in a civil case, combined with a criminal case, follows the receipt of the compensation application by the Judge. This approval is by Article 99 of the Code of Criminal Procedure, which is linked to Article 89 of the same code. These articles pertain to the authority to adjudicate the lawsuit, the validity of the lawsuit's basis, and the imposition of penalties instead of the costs borne by the injured party. However, suppose the District Court asserts its lack of jurisdiction, deeming the lawsuit inadmissible. In that case, the Judge's decision will solely address the imposition of penalties on the defendant for the costs incurred by the plaintiff.

The word restitution in the dictionary means repayment, indemnity, or submission of the remaining payment portion. While in criminal law, restitution is a payment of compensation that shows an understanding of the suffering of the victim of a criminal act, compensation must be paid to the victim or the victim's heirs. The meaning of Restitution as outlined in Article 1 number 11 of the Republic of Indonesia Law Number 31 of 2014 on Amendments to Law Number 13 of 2006 regarding the Protection of Witnesses and Victims can be summarized as follows: "Restitution refers to the compensation provided to victims or their families by offenders or other parties."

In the Indemnity System described in the book "Compensation Of The Victim Of Crime," "In a wide variety of societies throughout history, restitution has been a central principle of criminal law," This concept is further elaborated in a guidebook for the enforcement of Law Number 8 of 1981, which categorizes the compensation system into five distinct types:

1. Compensation, classified under civil proceedings, is applicable within the realm of civil procedures. This legal avenue allows victims to seek redress for all forms of losses, both tangible and intangible, incurred. Victims of criminal acts can leverage civil procedures to seek compensation for their damages. However, a notable drawback of this civil process is that it may deter plaintiffs due to the prolonged resolution period, leading to increased time and expenses.
2. Civil indemnity is integrated into criminal procedures, enabling victims to initiate criminal charges while also seeking compensation for the offenses committed by criminals. In this criminal procedure, victims are not required to file a compensation claim separately; instead, the cases are consolidated. This integration ensures that the compensation claim is simultaneously scrutinized and adjudicated alongside the criminal case, resulting in time and cost savings.
3. Civil damages are interlinked with criminal aspects and are addressed within criminal procedures. Within this framework, the court determines compensation in the form of Criminal Substitutes, as exemplified in cases such as corruption. Compensation is awarded to victims without a separate prosecution, where the court oversees the payment of damages to the affected parties.

4. Civil damages, as per criminal procedure, are the responsibility of the State, with the State having the authority to reimburse the convicted individual.
5. Compensation in Switzerland is impartial and is administered within the framework of criminal procedures. This particular system solely encompasses criminal procedures, omitting both civil and criminal proceedings. The rationale behind this approach lies in the vulnerable status of the victim, who is typically facing significant hardships. Simultaneously, the offender is also considered a person in need, prompting the State to assume responsibility by alleviating the convict's burden through compensation.

In accordance with the stipulations outlined in Article 4 of Supreme Court Regulation Number 1 of 2022 regarding Procedures for Resolving Applications and Granting Restitution and Compensation to Victims of Criminal Acts, the restitution forms available to victims of criminal acts encompass indemnity for loss of wealth or income;

1. Compensation for financial and income losses;
2. Restitution covering both tangible and intangible damages resulting from direct affliction due to the criminal act;
3. Refund of expenses related to medical and psychological treatments or
4. Compensation for other adversities endured by the victim as a consequence of the crime, such as essential transportation expenses, legal fees, or additional costs associated with legal proceedings.

Indemnity within the realm of criminal law involves a responsibility imposed on an individual who has engaged in unlawful actions resulting in harm to others due to their guilt. Many criminal cases also encompass civil components, holding the perpetrator accountable for civil compensation. Articles 98 to 101 of the Code of Criminal Procedure address this phenomenon as the Merger of Claims for Compensation for Criminal Acts. The amalgamation of compensation lawsuits occurs when cases involve both civil and criminal aspects, necessitating simultaneous resolution. Prior to the implementation of the Code of Criminal Procedure, the court's resolution of such cases was sequential, with the criminal aspect addressed first, followed by the settlement of the compensation claim (civil case).

The definition of Merger in the Merger of Compensation Claims, namely Merger, is the combination of cases that should be within the scope of a criminal act and punished by criminal penalties but are considered to contain civil elements that can be held accountable to perpetrators of criminal acts to achieve justice in the Indonesian justice system. The merger, in this case, is intended to combine claims for damages for embezzlement crimes that should be in different legal environments.

The definition of a compensation claim is a combination of compensation cases, not claims for compensation due to arrest, detention, prosecution, or trial that are not based on law but are claims for compensation arising from the criminal act itself.

The compensation claim is made so that it is submitted to the public prosecutor and combined with the criminal embezzlement charge. If the public prosecutor is unavailable, the compensation claim may be presented to the judge before a verdict is delivered, as outlined in Article 98, paragraph (2) of the Criminal Procedure Code. The provision specifies that the request mentioned in paragraph (1) must be made no later than before the public prosecutor files a criminal charge. However, if the public prosecutor is absent, the request should be submitted by the judge before the judge issues a verdict.

Scope of Merger of Claims for Compensation in Criminal Cases

In criminal law, the extent of indemnification is more limited compared to civil law. The breadth of indemnity under civil law surpasses that of criminal law, as it aims to restore the plaintiff to the state they were in before the defendant's actions caused harm. In civil law, there is no set minimum or maximum limit for damages, encompassing both tangible and intangible losses. Real losses involve quantifiable monetary calculations, while intangible or moral losses are those that cannot be precisely evaluated in financial terms.

The legal foundation for compensating the damages resulting from the defendant's actions is established in Article 98 Paragraph (1) of the Criminal Procedure Code. This article stipulates that if an act forming the basis of a criminal case in a District Court inflicts harm on another individual, the presiding judge, upon the request of that person, has the authority to consolidate the compensation case with the criminal proceedings. The victim has initiated a compensation claim against the accused, highlighting the fact that illegal acts result in victims experiencing various forms of loss.

Article 98 of the Code of Criminal Procedure outlines the conditions for merging these cases, requiring three essential criteria, as evident from the provision's formulation.

1. The presence of the defendant's conduct;
2. The requirement that the defendant's conduct, as the initial condition, results in harm to others;
3. A petition from the injured party is necessary to the Court for the consolidation of compensation cases.
4. The actions perpetrated by the accused are criminal.

Purpose and Purpose of Combining Claims for Compensation in Criminal Cases

The purpose and purpose of combining compensation cases with criminal case examinations as, according to the explanation of the provisions of Article 98 Paragraph (1) of the Criminal Procedure Code, "the purpose of merging lawsuit cases in this criminal case is so that the lawsuit case at the same time is examined and decided at the same time with the criminal case concerned, which is meant by "loss of others" including losses to the victim." The main objectives of this merger include:

1. To simplify the process of examining and filing the claim for compensation itself so that the meaning contained in the principle of simple, fast, and light cost justice can be achieved.
2. So that as soon as possible, the aggrieved person gets compensation without going through the usual civil lawsuit process and is not required to wait for a new criminal verdict to file a claim for compensation through an ordinary civil lawsuit. Thus, the incorporation of claims for damages is a shortcut that the injured person can use to get compensation payments as quickly as possible.
3. The cost of the lawsuit does not exist.

In Circular No. 2 of 2014, issued by the Supreme Court of the Republic regarding Case Resolution at the Trial and Appellate Levels within 4 Judicial Environments (SEMA No. 2 of 2014), it is emphasized that the resolution of cases at the Trial level must be finalized within a maximum period of 5 (five) months. SEMA No. 2 of 2014 explicitly sets a time limit of 5 (five) months for the entire process, from the initial hearing to the verdict, for both civil and criminal cases. Considering Article 98 of the Criminal Procedure Code, which permits the integration of compensation claims related to criminal acts within the examination of the criminal case, there is no need for a separate legal proceeding, thereby streamlining the case resolution process to a minimum of 5 (five) months, encompassing the period from the initial hearing to the verdict. This incorporation of compensation claims in accordance with the Criminal Procedure Code proves advantageous for crime victims seeking compensation resulting from the actions of the Defendant, as it is integrated into the overall case examination and criminal proceedings.

Thus, in terms of time to resolve cases, the merger of these loss claims is relatively fast because they are examined together with the main criminal case. This is under the principles of criminal procedural law, namely fast, simple, and low-cost trials.

Mechanism for Merging Claims for Compensation in Criminal Cases

The consolidation of compensation claims in criminal cases is conducted in accordance with the stipulations outlined in Article 98, Article 99, Article 101, and Article 274 of the Criminal Procedure Code, as follows:

1. Article 98:

- (1) "Should an action that serves as the foundation for an accusation in a criminal trial before the District Court result in harm to another individual, the Presiding Judge of the session has the

authority, upon the request of the affected person, to opt for the integration of the damages claim into the ongoing criminal proceedings;

- (2) The request mentioned in paragraph (1) is only admissible before the public prosecutor initiating criminal charges. In the absence of the public prosecutor, the request must be presented before the judge issues a verdict."

2. Article 99:

- (1) "If the aggrieved party requests a merger of his lawsuit into a criminal case referred to in article 98, the District Court considers its authority to adjudicate the suit, about the truth of the basis of the lawsuit and the penalty for reimbursement of costs incurred by the aggrieved party;
- (2) Except if the district court declares that it is not authorized to adjudicate the claim as referred to in paragraph (1) or the claim is declared inadmissible, the judge's decision only determines the penalty for reimbursement of costs that the injured party has incurred;
- (3) The judgment on compensation itself has permanent force if the criminal judgment also gets permanent legal force."

3. **Article 101:** "The provisions of the Code of Civil Procedure shall apply to claims for damages insofar as this law is not provided otherwise;"

4. **Article 274:** "If the court also imposes an award on damages as referred to in article 99, the execution shall be carried out according to the procedure of the civil judgment;"

The process of merging claims for compensation in criminal cases in Decision Number 196/Pid.Sus/2021/PN. Jkt.Utr.

The merging of compensation claims in criminal cases has been substantiated through the Drelia Wangsih case, involving 40 victims who suffered a collective loss of around 6 billion rupiah. This criminal incident centered on fraud and money laundering, was officially addressed in the North Jakarta District Court's Decision Number 196/Pid.Sus/2021/PN.Jkt.Utr. on July 8, 2021, in conjunction with the DKI Jakarta High Court's Decision Number 205/PID.SUS/2021/PT.DKI. on September 14, 2021.

To compensate the victims, the procedure for merging compensation claims in the DRELIA WANGSIH case is submitted by:

1. Filing an Application for Incorporation of Indemnity Claims

The request for the consolidation of compensation claims was submitted during Criminal Case No.: 196/Pid.Sus/2021/PN.Jkt.Utr, prior to the Public Prosecutor presenting charges in the court proceedings. This action was carried out in accordance with Article 98 of Law No. 8 of 1981 on the Code of Criminal Procedure, supported by a letter dated June 16, 2021, with the subject: Application for the Merger of Compensation Claims. The letter was addressed to the esteemed Panel of Judges overseeing Criminal Case No.: 196/Pid.Sus/2021/PN.Jkt.Utr, which essentially pleaded that the Defendant be punished to pay compensation to the Victims in the amount of their respective losses, with the evidence seized from the Defendants being handed over to the Victims to pay the damages suffered by the Victims.

This application for Merger of Compensation Claims in the Drelia Wangsih Case was filed at the time of Case Number 196/Pid.Sus/2021/PN. Jkt.Utr, this is still in the stage of examining witnesses, so it does not violate the provisions of Article 98 of Law No. 8 of 1981 concerning the Code of Criminal Procedure.

2. Defendant's Response to the Request for Incorporation of Damages Claim

As is common in courts, every request contains a Response. In the case of Drelia Wangsih (Defendant), responding to the Victims' application with a Letter dated June 23, 2023, Regarding the response to the application for merging cases by the victims in special criminal case No. 196/PID. SIS/2021/PN. JKT. UTR. It rejected the Victims' application because the merger of compensation claims was irrelevant. It should have used the instrument of Law Number 13 of 2006 concerning the

Witness and Victim Protection Agency jo. PP Number 44 of 2008 concerning the Provision of Restitutusi Compensation and Assistance to Witnesses and Victims as lex specialis de rogata lege generali.

3. Public Prosecutor's Response to the Request for Merger of Claims for Damages

In the case of Drelia Wangsih, the Public Prosecutor gave his Response, which, in essence, conveyed the following:

- a. The accused faced charges under Article 3 of Law Number 8 of 2010, which pertains to the Prevention and Eradication of Money Laundering.
- b. According to the elucidation of Law Number 8 of 2010 on the Prevention and Eradication of Money Laundering, the second paragraph emphasizes, "In the anti-money laundering efforts, the identification of perpetrators and assets involved in criminal activities can be achieved through tracing, allowing the proceeds of the crime to be subsequently seized for the state or returned to the rightful owner."
- c. The case above involves the confiscation of assets belonging to the defendant, whether directly owned or under the control of a third party.
- d. In this trial, scrutiny will be applied to these items to establish whether they genuinely stem from a criminal act committed by the defendant. Further elaboration on this matter will be provided in our formal complaint.
- e. According to the Public Prosecution later as executors do not have the authority to count or divide the seized goods equally if they are later handed over to the victim witness, so we suggest to the petitioners, in this case, to be able to form an association confirmed by notarial deed to manage these items and reduce the risk of future problems.

And in Claim No.Reg.Case: PDM-27/Eku.2/JKT-UTR/02/2021 states that the confiscated goods in the case were returned to the victim to compensate for the losses suffered by the victims.

The process of executing the decision on the claim for compensation in criminal cases in Decision Number 196/Pid.Sus/2021/PN. Jkt.Utr.

The Execution Process in the Drelia Wangsih Case is generally the same as the Civil Execution Process. However, what is different is that you have to coordinate with the North Jakarta District Attorney's Office. The stages of execution in the Drelia Wangsih Case are as follows:

1. Request for Execution

The Execution Application was filed with an Official Letter from the Applicant addressed to the Chief Justice of the District Court, in the Case of Drelia Wangsih, addressed to the Chief Justice of the North Jakarta District Court.

2. Pay the Execution Fee

After the Execution Request is received, the Execution Fee will be submitted. In the case of Drelia Wangsih, the teaching fees are:

- a. Charge the execution fee of Tegoran/Aanmaning;
- b. Assess the cost of confiscating the execution of the object;
- c. Panjar Costs of Confiscation of Delegation Execution (Cibinong District Court);
- d. This Delegation Fee exists if the Object of Execution is outside the jurisdiction of the Court. In the case of Drelia Wangsih there is one Execution Object located in the Bogor Regency area, therefore it is necessary to assist with the Delegation to the Cibinong District Court;
- e. Panjar Execution Auction Fees.

3. Tegoran/Aanmaning

Tegoran/Aanmaning is a Scratch from the Chief Justice to the Execution Respondent to be able to carry out the judgment that has the force of law remaining voluntarily. Following the Provisions of the Law, Aanmaning was carried out 2 (two) times to allow the Execution Respondent to carry out the contents of the Judgment voluntarily.

4. Execution of Confiscation of the Defendant's Execution Object in Civil

If, after the execution of the Execution Respondent (Defendant), there is no settlement or payment of compensation made by the Execution Respondent (Defendant) voluntarily, then the Execution Seizure will be carried out. The implementation of the Sita in the Drelia Wangsih case was carried out three times because the seized objects were quiet a lot and the time for the seizure was determined by the Chairman of the North Jakarta District Court through a Determination because it was related to the bailiff (who represented the Clerk) and witnesses from the Court. The implementation of the Sita is in the form of:

- a. The defendant's goods, Drelia Wangsih, were seized at the North Jakarta District Attorney's Office, where the items were confiscated at the Prosecutor's Evidence Warehouse. The items in question are Luxury goods, cash, and vehicles seized during criminal proceedings.
- b. Implementation of Sita In the jurisdiction of the North Jakarta District Court, namely the defendant's house in Cilincing.
- c. The seizure was implemented under the jurisdiction of the Cibinong District Court, namely the defendant's house in Jonggol, Bogor Regency.

5. Real Cash Execution

In the case of Drelia Wangsih, the Real Execution of the seized Cash takes precedence because this Object of Execution does not need to be assessed, so the first Object is given to the Execution Applicant.

6. Assessment of Execution Objects

Before the execution objects are auctioned, an assessment of the execution objects is first carried out. In conducting an Assessment of the object of execution, an Assessment is required through an Institution certified to teach the Assessment. In this case, the Applicant submits an Application for the Appointment of the Public Assessment Service Office (KJPP) to the Chairman of the North Jakarta District Court, where later the Chief Justice will appoint the KJPP by issuing a KJPP Appointment Determination to assess the Objects of Execution. After the Court sets the KJPP, the Applicant directly coordinates with the KJPP to conduct the Assessment of the Objects of Execution. All costs required by KJPP are the Applicant's responsibility and are paid directly to the KJPP, not through the Court or the Prosecutor's Office. After the KJPP conducts an Assessment and the price for the Execution Objects has been issued, the price of the Execution Objects is given to the Applicant and the North Jakarta District Court so that the Auction registration is carried out at the State Wealth and Auction Service Office (KPKNL).

7. Registration with the State Wealth and Auction Service Office

The Court carries out auction registration to the State Wealth and Auction Service Office (KPKNL). In the case of Drelia Wangsih, the courts that registered with the KPKNL were the North Jakarta District Court and the Cibinong District Court. The requirements for auction registration to KPKNL are:

- a. Copy of the Court Decision that has permanent legal force (inkracht van gewijsde);
- b. a copy of the execution assignment;
- c. Copy of Sita's Minutes;
- d. a copy of the auction determination;
- e. Copy of notification letter to interested parties;
- f. A large breakdown of the amount of the Execution Respondent's bills;
- g. Detailed Assessment Results of Auction objects;
- h. Proof of ownership (certificate) of the item/object of the auction;
- i. Auction Terms;
- j. Proof of Auction Announcement;

CONCLUSION

The study's findings demonstrate that compensation falls within the purview of civil law, requiring scrutiny by civil courts and judges, while the Criminal Procedure Code governs criminal matters. However, Article 98 of the Criminal Procedure Code allows for incorporating compensation claims into criminal cases, bridging the gap between civil and criminal law, previously unaddressed by the Code. This inclusion occurs at the behest of the aggrieved party and necessitates three conditions: alignment of the defendant's actions with the charges, resulting losses, and a request from the aggrieved party to the Judge. The amalgamation of cases involves concurrent criminal and civil proceedings to evaluate compensation. After a comprehensive review of merged compensation cases, several recommendations emerge. To balance the rights of the accused and the victim, it's suggested that the Criminal Procedure Code refrain from enforcing Article 100, Paragraph (2). Furthermore, regardless of whether the defendant has received a criminal or civil verdict, the victim's right to appeal or seek cassation should be respected, mirroring the procedure of a pure civil lawsuit. The decision on granting an appeal or cassation from the victim should rest with a higher court, provided that the criminal case is not implicated.

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