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# Victimological Analysis of The Impact of Wrongful Arrest in The Pegi Setiawan Case and Its Influence on The Criminal Justice System in Indonesia

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## ABSTRACT

This study aims to examine the victimological impact of the wrongful arrest case involving Pegi Setiawan in the murder of Vina and Eky, as well as its influence on investigative practices and the use of evidence in the criminal justice system in Indonesia. The case drew national attention because it revealed structural weaknesses in law enforcement processes, particularly concerning the haste in naming suspects, the lack of evidence verification, and the suboptimal protection of suspects' rights. This study aims to analyze the forms of victimization experienced by the wrongfully arrested victim, evaluate the factors causing procedural errors in investigations, and identify the implications for the legitimacy of the criminal justice system. Using a juridical-normative approach and case study analysis, this study found that Pegi suffered psychological, social, and economic losses, as well as prolonged stigma due to the mistakes of law enforcement officials. Furthermore, this case demonstrates a discrepancy between the ideal standards of investigation and field practice, including officers' weak objectivity, professionalism, and accountability in assessing evidence. This study concludes that the Pegi Setiawan case reflects the need for deep reforms through strengthening oversight mechanisms, enhancing investigator capacity, and reinforcing.

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## 1. INTRODUCTION

The primary objective of the criminal justice system in Indonesia is to enforce the law, ensure justice, and protect human rights. However, in practice, this mechanism still harbors various weaknesses that can lead to violations of citizens' rights, one of which is through the phenomenon of wrongful arrest [1]. Wrongful arrest is a situation in which a person is accused, detained, or prosecuted for an alleged criminal act they did not commit [2]. This phenomenon not only causes suffering for the victim personally but also

undermines public trust in law enforcement institutions and threatens the integrity of the criminal justice system itself [3]. The Pegi Setiawan case has drawn public attention because it reveals weaknesses in the investigation process, a lack of professionalism among officers, and the absence of principles protecting the rights of suspects in law enforcement practices.

In that case, Pegi Setiawan, a young man accused of involvement in the Vina murder case in Cirebon, faced a legal process fraught with controversy. His arrest and designation as a suspect sparked polemics in the community because it was considered unsupported by adequate evidence and violated the presumption of innocence. This confirms that the practice of wrongful arrest is not merely a procedural error, but also a form of human rights violation that can result in psychological trauma, economic loss, social stigma, and other long-term impacts on the victim's life [4]. Thus, the Pegi Setiawan case underscores the urgency of comprehensive reform of the criminal justice mechanism, encompassing the inquiry, investigation, prosecution, and judicial process.

Victimological studies provide a different perspective on this phenomenon. Victimology views victims of wrongful arrest as parties experiencing double victimization, namely as victims of a criminal act (if they are related to the case being investigated) and simultaneously as victims of the criminal justice system [5]. This perspective emphasizes the importance of protecting victims' rights, providing compensation, and recovering losses suffered. In Indonesia, legal instruments such as Law Number 31 of 2014 concerning Witness and Victim Protection and the Criminal Procedure Code (KUHAP) have provided a legal basis for victim protection [6]. However, the implementation of these regulations is still not optimal, especially in the context of victims of wrongful arrest, who are often ignored and do not receive access to proper recovery [7].

The phenomenon of wrongful arrest also reveals structural problems within the criminal legal system. Pressure on officers to immediately resolve cases, weak internal supervision, and minimal professionalism in the investigation process contribute to wrongful arrest [8]. This situation contradicts the principles of a rule-of-law state that uphold legal certainty, justice, and the protection of human rights [9]. If these procedural errors are not immediately rectified, public trust in law enforcement officials will further erode and ultimately hinder criminal justice reform in Indonesia.

Based on this context, research titled "Victimological Analysis of the Impact of Wrongful Arrest in the Pegi Setiawan Case and Its Implications for the Criminal Justice System in Indonesia" becomes relevant to conduct. This research is expected to provide an in-depth analysis of the impact of wrongful arrest on victims, emphasizing a victimological perspective, while simultaneously offering recommendations for legal policies and the criminal justice system to be more sensitive to human rights and principles of justice. With an academic approach based on theory and real case studies, this research is expected to contribute both theoretically to the development of legal science and victimology, and practically to encourage the renewal of victim protection mechanisms and the accountability of law enforcement officials in Indonesia [10].

This research is the author's original work and not a duplication of another person's work. As a reference for the author, several previous studies are in line with this research, namely, the first is research conducted by Yayang Putri Ayunda with the title "*Perlindungan*

*Hukum Terhadap Korban Salah Tangkap dalam Peradilan Pidana (Analisis Pengadilan Negeri No. 1204/Pid.B/2014/PN.JKT TIM Pengadilan Tinggi No. 142/Pid/2015/PT DKI)*".

This research discusses legal protection for victims of wrongful arrest in the criminal justice system, as provided for in Law Number 8 of 1981 on the Criminal Procedure Code (KUHAP). Such protection is provided through the right to compensation and rehabilitation. Provisions regarding compensation cover acts of arrest, detention, prosecution, trial, examination, or other legal actions carried out without a valid legal basis, as well as due to errors in determining the identity of the perpetrator or in applying the law [11]. This research uses a normative juridical approach, with data sources comprising primary, secondary, and tertiary legal materials obtained through library research to complete the analysis.

Then the second is research conducted by Muhammad Safrizal, with the title "*Implementasi Perlindungan Hukum Terhadap Hak-Hak Korban Salah Tangkap (ERROR IN PERSONA) dalam Tindak Pidana Umum di Wilayah Polres Kudus*". This paper examines legal protection for victims of wrongful arrest in the Kudus Police region, which has, until now, been considered to operate suboptimally. This condition is seen from the fact that there are still victims who actually understand their rights but do not file for a pretrial hearing, as well as other victims who do not know their rights, so they also do not pursue the pretrial route. The provision of compensation to victims of wrongful arrest is also considered minimal because some victims experience material losses exceeding the compensation they receive [12]. As a preventive measure, investigators at the Kudus Police strive to minimize wrongful arrest by internalizing the issue among all investigators and issuing warnings about sanctions that will be imposed on investigators found to have committed wrongful arrest.

The last is research initiated by Difa Maulana titled "*Efektivitas Perlindungan Hukum Korban Salah Tangkap Dalam Proses Peradilan Pidana*". This research examines legal protection for victims of wrongful arrest in the criminal justice process based on Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), specifically Articles 95 and 97, which regulate the mechanism for compensation and rehabilitation, and clarified through Government Regulation Number 27 of 1983 and Decree of the Minister of Finance Number 983/KMK.01/1983. Investigator responsibility is regulated by Law Number 2 of 2002, while provisions on sanctions for negligence or intent are set out in Articles 333–335 of the Criminal Code. In addition, witness and victim protection is regulated in Law Number 13 of 2006. This research found that legal protection for victims of wrongful arrest is not yet optimal. The main obstacles include ineffective compensation and rehabilitation mechanisms, limited budgets and resources, limited awareness and empathy among law enforcement officials, suboptimal rehabilitation processes, and continued careless investigation practices. To improve effectiveness in the future, regulatory reform, capacity building for officers [13], strengthening supervision, simplifying compensation procedures, upholding principles of justice, periodic evaluation of the justice system, and cross-institutional cooperation are needed. This research uses a sociological juridical method with an analytical-descriptive approach, utilizing primary data from interviews and analyzing them based on legal theory.

Fundamentally, the three studies share substantial similarities, as they collectively examine the urgency and mechanisms of legal protection for victims of wrongful arrest

1304

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(*error in persona*) within the Indonesian criminal justice system, positioning the Criminal Procedure Code (KUHAP) as the primary normative foundation regarding the rights to compensation and rehabilitation. Nevertheless, this research aims to examine in depth the psychological, social, and legal impacts on victims of wrongful arrest through a victimological perspective, while also examining the causal factors and their implications for the effectiveness and accountability of the criminal justice system in Indonesia [14]. With this focus, this research is expected to reveal the various forms of secondary victimization experienced by victims, evaluate procedural and structural weaknesses in the law enforcement process, and formulate policy recommendations to strengthen the protection of victims' rights and improve transparency and professionalism among law enforcement officials. In addition to making a theoretical contribution to the development of criminal law and victimology, this research also has practical value for policymakers, law enforcement officials, and the general public in encouraging the renewal of the criminal justice system to be fairer, more accountable, and to uphold human rights.

## 2. METHOD

In this research, used in the scientific work titled "Victimological Analysis of the Impact of Wrongful Arrest in the Pegi Setiawan Case and Its Implications for the Criminal Justice System in Indonesia," is normative legal research with a qualitative approach [15]. This research examines written legal norms contained in statutory regulations, court decisions, legal principles, and relevant doctrines, and analyzes them through a victimological perspective to understand the impacts on victims of wrongful arrest. In this article, the author applies a statutory, case, and conceptual approach. The statutory approach involves comprehensively examining all legal provisions and regulations related to the legal issue raised [16]. At this stage, the researcher examines laws and government regulations as the basis for analysis of the case being studied. Furthermore, the case approach involves analyzing relevant decisions and cases on wrongful arrest to gain a deeper understanding. Meanwhile, the conceptual approach refers to concepts, theories, doctrines, and legal principles advanced by legal experts as a framework for examining the problem.[14] This approach does not draw directly on written norms or court decisions, but rather on academic thought and views.

## 3. RESULTS AND DISCUSSION

### 3.1. The Victimological Impact Experienced by Pegi Setiawan as a Consequence of the Alleged Wrongful Arrest and Determination of Suspect Status in the Vina and Eky Murder Case

The phenomenon of the alleged wrongful arrest of Pegi Setiawan in the Vina and Eky murder case demonstrates one of the most serious forms of victimization within the criminal justice system [17]. From a victimological perspective, this condition falls under the category of *state-induced victimization*, which is a form of victimization resulting from the actions of the state or officials who are supposed to provide protection. According to Mendelsohn, the state can become a perpetrator of victimization when the exercise of its authority violates the principle of prudence and causes unfounded suffering [18]. The Pegi

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1305

case illustrates how a suspect determination lacking strong evidentiary support can result in immense loss for an individual who is actually innocent. In a broader context, this case reveals structural loopholes in the investigation and law enforcement processes, which ultimately have a direct impact on a person's dignity and liberty.

The first and most apparent impact is psychological suffering. Pegi Setiawan has experienced significant mental distress since his designation as a suspect. In victimological theory, Fattah refers to this psychological impact as *psychological victimization*, which is a mental burden in the form of anxiety, fear, trauma, and uncertainty [19]. The process of arrest, intensive interrogation, and public stigma placed Pegi in a condition of prolonged distress. Legal uncertainty regarding his future also exacerbated his psychological condition. Even when his status was subsequently annulled, the trauma experienced by victims of wrongful arrest is generally long-term in nature and is not easily recovered [20].

Furthermore, the victimization of Pegi also appeared in the form of social and reputational losses. His designation as a suspect in a murder case that received national attention created a strong, adhering social stigma. In the context of victimology, this phenomenon is known as *secondary victimization*, which is additional suffering that does not originate from the officials but from the social environment through ostracization, prejudice, and negative stereotypes. Mass media and public opinion, which had prematurely formed a perception of him as the perpetrator, further aggravated the damage to Pegi's personal image. This damage to reputation is often more difficult to repair than material loss because it is directly related to societal perception, which tends to persist even though the truth has been revealed [21].

The next aspect of victimization is economic loss. When a person is arrested or designated as a suspect, access to employment, income, and economic activities becomes disrupted. In Pegi's case, the legal process he underwent caused a severance of employment activities and resulted in both direct and indirect financial losses [22]. Criminologist Nils Christie asserts that victims of wrongful arrest often face *economic victimization*, namely the loss of livelihood and economic opportunities due to the actions of officials. This economic loss can have long-term impacts because a tarnished reputation makes it difficult for the victim to obtain employment again.

In depth, Pegi experienced violations of his fundamental rights as a suspect. Modern victimology highlights the importance of protecting the rights of victims and suspects in the judicial process. When suspect determination is conducted without adequate evidence, the victim experiences what is termed by von Hentig as *victimization through power abuse*, namely suffering due to the misuse of authority by state officials [23]. Violations of the principle of *presumption of innocence*, the right to a fair legal process (*due process of law*), and the right not to be treated distinctively constitute forms of normative victimization that worsen the victim's experience within the criminal justice system [24].

The subsequent victimological impact is visible in the form of disrupted social and familial relations. The stigma received by Pegi not only harms him individually but also impacts his family. Victimology refers to this phenomenon as *collective victimization*, which is when the suffering of one individual extends to family members or the community due to emotional and social connections. Families of wrongful arrest victims frequently experience

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shame, psychological pressure, and economic burdens because they must assist with the legal process. This condition creates layered pressure, disrupting family resilience [25].

In addition to emotional and social losses, Pegi also experienced what is called *institutional victimization*. When officials do not work professionally, for example, in an imprudent evidence collection or a forced investigation process, law enforcement institutions contribute to creating new suffering for the victim. This case demonstrates how weak internal controls and accountability mechanisms can lead to inappropriate decisions that are detrimental to citizens. Institutions are supposed to protect; however, in cases of wrongful arrest, institutions instead become a source of suffering.

It is also important to note that the victimological impact experienced by Pegi did not cease after his suspect status was revoked. Much victimological research indicates that victims of wrongful arrest face *long-term victimization*, including a loss of trust in legal institutions, mental health disorders, and an inability to function socially in a normal manner in the near future. The trauma experienced by the victim usually does not disappear simultaneously with the conclusion of the legal process. On the contrary, the recovery process requires a long time and adequate psychosocial support, something that is frequently not provided by the Indonesian legal system.

Ultimately, the victimological impact on Pegi Setiawan must be understood as a consequence of systemic failures in the mechanisms of investigation and in the protection of citizens' rights. This case is not merely a form of individual victimization, but also a symptom of structural problems within the criminal justice system. Within the theoretical framework of Fattah and Mendelsohn, a victim of wrongful arrest not only experiences personal suffering but also becomes a symbol that the state can become a perpetrator of victimization when internal control mechanisms do not function. Therefore, this case provides a strong argument for legal reform, increased official accountability, and comprehensive protection for victims of wrongful arrest to prevent the recurrence of similar suffering [26].

The determination of Pegi Setiawan as a suspect in the Vina and Eky murder case became one of the most crucial parts that generated controversy while simultaneously triggering allegations of wrongful arrest. The process of suspect determination is viewed as problematic because it was deemed not to be supported by adequate evidence, did not meet the standard of proof for *reasonable suspicion*, and did not reflect the application of the principle of *due process of law* as regulated in the Criminal Procedure Code (KUHAP).[11] This procedural impropriety was reflected in the haste of the investigators, the minimal verification of witness testimony, and the absence of a thorough examination of the conformity of the forensic evidence. Such a situation strengthens the view that Pegi's designation as a suspect not only demonstrates structural weaknesses in the investigation stage but also opens the door to human rights violations, particularly in the protection of the suspect's rights, the principle of presumption of innocence, and the right to a fair legal process. Thus, this case constitutes an important illustration of how officials' failure to ensure accurate investigation can give rise to a form of state victimization with severe impacts on the individual designated as a suspect.

### 3.2. The Influence of the Pegi Setiawan Wrongful Arrest Case on Investigation Practices and the Use of Evidence in the Criminal Justice System in Indonesia

The wrongful arrest case against Pegi Setiawan in the Vina and Eky murder matter has become a legal event that unveils profound issues regarding investigation practices in Indonesia. The process of suspect determination, carried out without strong evidence, demonstrates that the investigation system remains vulnerable to error, particularly when officials work under public or institutional pressure to resolve major cases immediately. This situation indicates that investigators still tend to rely on a rapid procedure approach rather than applying the standard of prudence, which should be the fundamental principle in determining a suspect. This event simultaneously raises questions regarding the extent to which accuracy, precision, and investigation objectivity are prioritized in day-to-day practice [27].

One of the most highlighted aspects of this case is the inaccuracy in the use of evidence during the suspect determination process. The public observes that investigators relied too heavily on unverified testimony and ignored the need to test every piece of evidence through objective methods of proof. The minimal forensic evidence supporting the allegations against Pegi clarifies that officials have not yet made scientific evidence the backbone of the investigation. When witness testimony becomes the sole evidence relied upon, without any other validation to ensure its truth, the potential for wrongful arrest is very high. This subsequently sparked public criticism and broad debate about the quality of evidence in investigations [28].

This case also reveals weaknesses in the cross-verification process for the evidence collected. The conformity between witness testimony, the condition of the crime scene, and the pattern of events should have been the investigators' main concern. However, in the Pegi case, the public saw that investigators failed to place the evidence within a single, coherent, logical sequence. The discrepancy between field facts and the narrative constructed indicates that the investigation did not proceed with adequate methodological standards. Consequently, conclusions were drawn prematurely, so that Pegi was designated a suspect without undergoing a complete evidentiary process.

On the other hand, this wrongful arrest case also highlights the weakness of internal control mechanisms within law enforcement institutions. Ideally, every investigation process should undergo layered supervision to minimize the potential for error from the start. However, the Pegi case actually demonstrates that the internal supervision system has not functioned effectively, so that investigators can determine suspects based on subjective assessments or under certain pressures without any correction from superiors or other supervisory bodies. The weakness of this control mechanism creates a wide window for the abuse of authority, ultimately harming community members who become targets of investigation.

Another influence clearly evident in this case is the strong pressure from the community to improve standard operating procedures for investigations. The Pegi case has created widespread public concern that anyone could become a victim of wrongful arrest if an investigation is conducted without precision and accountability. This public response ultimately encourages demands that investigators apply methods based on more modern

evidence, including forensic technology, digital reconstruction, and data-matching based on information systems. Thus, this case exerts significant pressure on law enforcement institutions to update their working methods in line with the times.

Not only the community, but academics and legal observers also view this case as evidence that investigations in Indonesia still contain structural weaknesses. They assess that the problem does not lie solely with individual investigators but also with the education system, training, and work culture of law enforcement agencies. A lack of training in modern investigative techniques and weak moral integrity are factors that increase the likelihood of errors in investigations. Therefore, the Pegi Setiawan case encourages discourse on the necessity of comprehensive reform of the official training system so that they are capable of working to higher professional standards [29].

This case also influences the level of public trust in the criminal justice system. The community begins to doubt whether the investigation process can be trusted to produce objective, error-free determinations. When a famous case like the Vina and Eky murder can experience procedural deviations, the community becomes worried that other cases not exposed to the media might experience a worse fate. This decline in public trust poses a major challenge for law enforcement institutions, as their legitimacy is heavily dependent on the community's belief in the integrity and fairness of the system.

Furthermore, this wrongful arrest case raises the urgency to strengthen the evaluation mechanism for evidence used in investigations. Every piece of evidence needs to be tested from various aspects, such as validity, relevance, consistency, and its connection with other evidence. However, in practice, investigators often do not conduct thorough evaluations, allowing weak evidence to pass and serve as the basis for suspect determination. In the Pegi case, this condition was clearly visible when evidence that was not solid was given a large portion in determining his involvement. As a result, this case underscores the need to tighten and standardize evidence evaluation procedures nationally [30].

The Pegi Setiawan case also impacts the reformulation of the importance of the principle of prudence in investigations. This principle is often mentioned in theory, but is less applied in practice. Through this case, the community and legal observers realize that prudence is not merely a formality but an important instrument for protecting citizens from arbitrary actions. The application of the principle of prudence must cover all stages of investigation, from evidence collection and witness examination to chronological analysis and suspect determination [31]. When this principle is violated, as in the Pegi case, the consequences are not only wrongful arrest but also permanent damage to the accused individual's reputation and life.

Finally, the wrongful arrest case of Pegi Setiawan becomes an important momentum for improving the criminal justice system in Indonesia, particularly in investigation practices and the use of evidence. This event reveals that the system still has many gaps that must be addressed, ranging from investigation methods and standards of proof to supervision mechanisms and human resource capacity building [32]. This case also affirms that the protection of human rights must be the top priority so that state victimization against innocent citizens does not occur again. By making this case a lesson, it is hoped that the

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1309

criminal justice system can move towards a fairer, more transparent, and more accountable direction [33].

#### 4. CONCLUSION

This research concludes that the wrongful arrest of Pegi Setiawan serves as a critical indicator of systemic fragility within Indonesia's criminal justice infrastructure, confirming the occurrence of state-induced victimization. The primary finding elucidates that the investigative process was compromised by a significant deficit in scientific evidence verification and an over-reliance on uncorroborated testimony, which directly contravened the principles of *due process of law* and prudence. From a victimological perspective, the study identifies that the impact extends beyond temporary loss of liberty; it manifests as a multidimensional crisis involving psychological trauma, economic displacement, and severe reputational damage exacerbated by secondary victimization from societal stigma. The case underscores that the current legal mechanism is structurally vulnerable to cognitive biases and external pressures, where the absence of rigorous internal supervision allows procedural errors to escalate into human rights violations.

The implications of these findings are profound for the integrity of law enforcement in Indonesia. Theoretically, this study reinforces the relevance of "victimization through power abuse" concepts within the Indonesian legal context, highlighting how state apparatuses can paradoxically become sources of harm. In practice, the procedural misconduct exposed in this case significantly erodes public confidence in the police force's objectivity. It implies that without a fundamental overhaul, shifting from confession-based to scientific-based investigation standards, the legal system remains prone to reproducing similar injustices. However, this research is limited to a qualitative victimological and normative analysis of a single high-profile case; it does not provide a quantitative assessment of wrongful arrest prevalence across all Indonesian jurisdictions, nor does it technically evaluate the specific internal disciplinary proceedings applied to the investigators involved. To address these limitations and advance the field, future research should focus on formulating concrete policy recommendations for a more accessible and substantial compensation mechanism for victims of wrongful arrest, as well as conducting comparative studies on evidentiary standards in other civil law jurisdictions to prevent *error in persona*. For the general public, this research contributes to elevating critical legal awareness of the rights of suspects and the necessity of public oversight. It emphasizes that reforming investigation mechanisms is not merely an administrative necessity but a moral imperative to ensure that the Indonesian criminal justice system functions as a true instrument of justice and human rights protection, rather than a tool of oppression.

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