

Responsibilities of Witness and Victim Protection Institutions in Legal Protection of Whistle Blower and Justice Collaborator

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Abstract : *The role of the Witness and Victim Protection Agency (LPSK) in ensuring the safety of whistleblowers and justice collaborators is very important in the criminal justice system in Indonesia. Whistleblowers and justice collaborators often face serious threats, both to their physical and psychological safety, so effective protection is an important prerequisite for encouraging their participation in uncovering crimes, especially major crimes such as corruption and terrorism. This study uses a qualitative method with an empirical juridical approach, the primary data source comes from the Witness and Victim Protection Institute (LPSK) while the secondary data comes from books, journals, encyclopedias, dictionaries, and virtual sources. while data management techniques through analytical descriptive, The results of this study show the responsibility of the Witness and Victim Protection Institute (LPSK) towards witnesses and victims and the legal position of whistle blowers and justice collaborators towards the criminal justice system.*

Keywords : *Witness and Victim Protection Institute (LPSK), Whistle Blower, Justice Collaborator*

Abstrak : Peran Lembaga Perlindungan Saksi dan Korban (LPSK) dalam menjamin keamanan whistleblower dan justice collaborator sangat penting dalam sistem peradilan pidana di Indonesia. *whistle blower* dan *justice collaborator* seringkali menghadapi ancaman serius, baik terhadap keselamatan fisik maupun psikis mereka, sehingga perlindungan yang efektif menjadi prasyarat penting untuk mendorong partisipasi mereka dalam mengungkap tindak pidana, terutama kejahatan besar seperti korupsi dan terorisme. Penelitian ini menggunakan metode kualitatif dengan pendekatan yuridis empiris, Sumber data primer berasal dari Lembaga Perlindungan Saksi Dan Korban (LPSK) sedangkan data sekunder berasal dari buku, jurnal, ensiklopedia, kamus, dan sumber virtual. sedangkan teknik pengolahan data melalui deskriptif analitis, Hasil penelitian ini menunjukkan pertanggung jawaban Lembaga Perlindungan Saksi Dan Korban (LPSK) terhadap para saksi dan korban dan kedudukan hukum *whistle blower* dan *justice collaborator* terhadap sistem peradilan pidana.

Kata Kunci : Lembaga Perlindungan Saksi Dan Korban (LPSK) , *Whistle Blower, Justice Collaborator*



I. INTRODUCTION

Legal protection is a form of service that must be provided by the government to provide a sense of security to every Indonesian citizen. Based on the Constitution of the Republic of Indonesia, the State is responsible for the protection of Human Rights which is very important for the Community. As described in Article 28I paragraph (4) of the 1945 Constitution which reads "The protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government".¹

The importance of legal protection for every community is one of the reasons for the issuance of Law Number 31 of 2014 concerning the Protection of Witnesses and Victims which was promulgated on October 17, 2014. In Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, it is also regulated about an institution responsible for handling the provision of protection and assistance to witnesses and victims, called the Witness and Victim Protection Institute (LPSK). The Witness and Victim Protection Institute (LPSK) is tasked and authorized to provide protection and assistance to witnesses and victims. The legal protection of the Witness and Victim Protection Institution (LPSK) is in the form of all stages of the criminal justice process, so that witnesses and/or victims feel safe when giving evidence.

The Witness and Victim Protection Institute (LPSK) is considered important, because the wider community views that it is time for witnesses and victims to be given protection in the judicial system. The role of witnesses and victims in every criminal case trial is very important because witness testimony can influence and determine the outcome of the judge's decision. As an institution that was born with the main task of providing protection for witnesses and victims. The presence of the Witness and Victim Protection Institution (LPSK) is still considered not optimal because in fact the duties and authority of the Witness and Victim Protection Institution (LPSK) in the Witness and Victim Protection Law are not specifically regulated.

Table 1 data on protection applications received by the Witness and Victim Protection Institute (LPSK) from the last 5 (five) years

No	Year	Sum
1.	2020	1.454
2.	2021	2.341
3.	2022	7.777
4.	2023	7.645
5.	2024	10.217

From the data that the researcher has summarized, the researcher can find the number of protection applications received by the Witness and Victim Protection Institute (LPSK) from the last 5 (five) years with a total of 29,434 applicants. From the data that researchers can find, the number of protection every year always increases so drastically, except in 2023 the number of applicants will decrease slightly from the

¹ Constitution of the Republic of Indonesia in 1945.

previous year in 2022, but in 2024 the number of protection applicants to the Witness and Victim Protection Institute (LPSK) will increase dramatically.²

The position of witnesses in the criminal justice process is very important because it is to uncover the truth of violations of the law, both at the prosecutor's level and at the court level. Because witness testimony is the main reference for the judge in deciding whether the defendant is guilty or not and the amount of punishment that will be received by the defendant. So it is very clear that witnesses have a very large contribution to the efforts to uphold law and justice. The importance of the presence of witnesses in the judicial process needs to be supported by protection efforts so that in their testimony they can be objective and can tell what they are according to the incident.

The protection and fulfillment of witness rights is the first step so that a witness is willing to give testimony in court honestly without fear, a witness will dare to volunteer as a witness because their rights are fulfilled first and the legal protection provided has provided a sense of security, comfort, without pressure, threats, and interference from anyone. To provide a sense of security for witnesses, it is necessary to have protection that is able to make witnesses comfortable in carrying out the judicial process.

In addition to Witnesses and Victims, there are other parties who also have a great contribution to uncovering criminal acts, namely justice collaborators, whistle-blowers, and experts, including people who can provide information related to a criminal case even though they are not heard by themselves, not seen by themselves, and not experienced by themselves, as long as the person's information is related to the criminal act. so that they need to be given protection. The specific criminal acts mentioned above are serious human rights violations, corruption crimes, money laundering crimes, terrorism crimes, human trafficking crimes, narcotics crimes, psychotropic crimes, sexual crimes against children, and other criminal acts that result in the position of the Witness and/or Victim being faced with a situation that is very dangerous to their lives.³

The Supreme Court of the Republic of Indonesia as the main pillar for law enforcement in Indonesia has made a step that attracts attention by issuing the Supreme Court Circular Letter Number 4 of 2011 concerning the treatment of whistle blowers and witnesses of perpetrators who cooperate with justice (collaborators).⁴ However, a justice collaborator and a whistleblower have a difference, namely, a witness to a cooperating perpetrator (justice collaborator) is a perpetrator of certain criminal acts who has admitted to mistakes and crimes that have been committed but is not a main perpetrator in the crime that has been committed and also gives testimony in the judicial process. Meanwhile, a whistle blower is someone who has reported a certain criminal

² Results of an interview with Mr. Rianto, Member of the Witness and Victim Protection Agency on April 22, 2025 at 13.20 WIB

³ "Law Number 31 of 2014 concerning the Protection of Witnesses and Victims" (n.d.).

⁴ Coby Elisabeth Mamahit, "Study of the Supreme Court Circular Letter (SEMA) Number 4 of 2011 concerning Witnesses of Criminal Offenders Who Cooperate (Justice Collaborator).," *Electronic Journal of the Criminal Law Section, Faculty of Law, Unsart 5 No. 6* (2016).

charge but is not part of the reported crime.⁵ A person who becomes a justice collaborator has the opportunity to get a leniency for helping law enforcement to uncover a crime and the party who has the right to provide leniency is the prosecutor.⁶

The whistle blower and justice collaborator system applied in various agencies and state-owned or private companies is also equipped with protection. But for the protection of whistleblowers and justice collaborators who reveal crimes and violations of laws and regulations, it is left to the state. The Witness and Victim Protection Institution (LPSK) is one of the institutions that is expected to protect whistle blowers and justice collaborators because of their duties and functions that protect witnesses and victims, as stipulated in Law No. 31 of 2014 concerning the Protection of Witnesses and Victims.⁷

The Witness and Victim Protection Institute (LPSK) in practice has received several requests for the protection of whistleblowers and justice collaborators because the person concerned feels afraid. In fact, they also asked for help from the Witness and Victim Protection Institute (LPSK) to assist them in reporting the crimes they knew to law enforcement officials. In some of these cases, they do not understand where to report crimes or violations that they know. The Witness and Victim Protection Institute (LPSK) itself considers that the protection of whistleblowers and justice collaborators in the future will be increasingly important. Along with the strengthening of the macroeconomy, economic competition, political liberalization, law enforcement demands, and the eradication of the mafia that are intensively carried out by various circles, the existence of whistleblowers and justice collaborators has become significant. Based on this background, the author is interested in conducting thesis research with the title "Responsibilities of Witness and Victim Protection Institutions in Legal Protection Of Whistle Blower and Justice Collaborator".

II. RESEARCH METHODS

In this study, the author uses qualitative research methods, qualitative research according to Creswell is an approach to explore and understand the meaning of individuals or groups related to social or human problems.⁸ The approach method used is empirical juridical which can also be called field research, which is to examine the legal provisions that are applied and what happens in reality in society or in other words, research carried out on the actual circumstances that occur in society with the intention of knowing and finding the existing facts. This research is included in analytical

⁵ Y Komarudin, "PENERAPAN JUSTICE COLLABORATOR DALAM PERADILAN PIDANA INDONESIA (Analisis Putusan Pengadilan Negeri Yogyakarta Nomor 2/Pid. Sus-TPK/2017/PNYk/," 2017.

⁶ Arini Asriyani, "Legal Protection of A Witness Cooperating Offender (Justice Collaborator) In Exposing The Criminal Acts of Corruption.," *Of Humanities And Social Science (IOSR-JHSS)* 23, no. 2 (2018).

⁷ Andre Monifa, "Perlindungan Hukum Terhadap Saksi Pengungkap Fakta (Whistleblowers) Dan Saksi Pelaku Yang Bekerja Sama (Justice Blower) Oleh Lembaga Perlindungan Saksi Dan Korban (LPSK)" (2016).

⁸ Lina Alfiyani Zimon Pereiz Utari Yolla Sundari, Ahmad Andreas Tri Panudju, Aditya Wahyu Nugraha, Febriani Purba, Yuni Erlina, Novalia Nurbaiti, Septaria Yolana Kalalinggi, Amalia Afifah, Suheria, Gabriela Elsandika, Ricky Yunisar Setiawan, *Metodologi Penelitian*, 2024.

descriptive research,⁹ which reveals laws and regulations related to legal theories that are the object of research.

The data sources in this study are divided into three types, namely primary data, secondary data and tertiary data. The primary data is data obtained by research from the source of origin from the first one that has not been repeated and described by others, primary legal materials consist of legislation, official records or treatises in making legislation and judges' decisions. Secondary data is data obtained through library materials, including official documents, books, research results in the form of reports, and so on. The tertiary data is a large Indonesian dictionary, and an encyclopedia.¹⁰ The data analysis used in this study is descriptive analytical data analysis, which is an analysis carried out by understanding and assembling primary data (interviews) and secondary data (books, legal journals, articles and so on) that have been collected systematically so that from the data a picture is obtained that concerns the problems being researched.

III. DISCUSSION

Legal Protection of Witnesses and Victims by the Witness and Victim Protection Agency (LPSK)

LPSK was established because of the implementation of the policy of Law No. 31 of 2014 concerning amendments to Law No. 13 of 2006 concerning the protection of witnesses and victims, in terms of the political law of institutional witness and victim protection, this is included in the issue of a different operational context. LPSK underlined a number of things that can be exemplified in Indonesia from witness and victim protection programs in the United States, including the Victim Trust Fund and the Victim Impact Statement.¹¹ LPSK is still classified as a new institution, but the public has high hopes for LPSK's performance. The response of the public still considers that LPSK has not responded to providing protection, which should be its duty and authority. This is understandable, because the existing institutional apparatus and human resources do not have adequate experience.¹²

Before witnesses and victims can get legal protection from the Witness and Victim Protection Institution (LPSK), they must go through several procedures that have been set by the Witness and Victim Protection Institution (LPSK) in addition to they must meet the requirements to receive protection from the Witness and Victim Protection Institution (LPSK) as explained in Article 28, Article 29, Article 30, Article 31, Article 32, Article 33, Article 34, Article 35 and Article 36 of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims.¹³ The mechanism to obtain witness and victim protection from LPSK is as follows:

⁹ Rr. Dijan Widijowati, "A Comparative Study Of Guilt In The Provision Of Indonesian And English Criminal Law," *Krtha Bhayangkara* 18, No. 3 (2024): 561.

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum* (Surabaya, 2022).

¹¹ Fakhrol Hakiki, "Mengenal Sistem Perlindungan Saksi Dan Korban Di Amerika Serikat," *Jatiswara* Vol. 38 No (2023). accessed on Thursday, April 10, 2025 at 00:10

¹² Bambang Julianto, "Perlindungan Hukum Terhadap Saksi Dan Korban Dalam Sistem Peradilan Pidana Di Indonesia," *LEX Renaissance* Vol 5 No 0 (2020): 21–30.

¹³ Mamay Komariah, "Perlindungan Hukum Saksi Dan Korban Oleh Lembaga Perlindungan Saksi Dan Korban (LPSK)," *Ilmiah Galuh Justisi* Vol 3.No.2 (2015).

1. The request is submitted in writing by the party concerned, either on its own initiative, submitted by the person representing it, and or by an authorized official to LPSK
2. The provision of protection and assistance to witnesses and/or victims is determined and based on the decision of the LPSK in the LPSK plenary meeting
3. In the event that LPSK accepts the application, the witness and/or victim concerned is obliged to sign a statement of willingness to follow the terms and conditions of witness and victim protection
4. LPSK protection is given to witnesses and/or victims, including their families, since the signing of the declaration of willingness
5. Protection for witnesses and/or victims is provided since the signing of the protection agreement
6. Financing for witness and/or victim protection is provided with the state revenue and expenditure budget
7. Protection for witnesses and/or victims can only be terminated based on the following reasons:
 - 1) Own initiative of the protected witnesses and/or victims
 - 2) At the request of the authorized official
 - 3) The witness and/or victim violates the provisions as written in the agreement, or In the event that LPSK is of the opinion that the witness and/or victim no longer needs protection based on convincing evidence.

The termination of protection for witnesses and/or victims must be done in writing. A more detailed mechanism for witness and victim protection is regulated in the Regulation of the Chairman of the Witness and Victim Protection Institution Number 6 of 2010 concerning Procedures for Providing Witness and Victim Protection. The position of the Witness and Victim Protection Institution is regulated in Article 11 of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, which is as follows:

Article 11

1. LPSK is an independent institution.
2. LPSK is domiciled in the Capital City of the Republic of Indonesia.
3. LPSK has representatives in the regions according to needs.
4. Provisions regarding the formation of the composition and work procedures of LPSK representatives in the regions as referred to in paragraph (3) are regulated in the presidential regulation.

In practice, there are indeed not a few threats or intimidation received by victims, witnesses or their families, both in physical and psychological forms. In fact, it is not uncommon for witnesses who try to dare to give testimony at the trial threatened with losing their lives by the perpetrator or his commander. In an effort to protect LPSK witnesses, witnesses/victims must be willing to sever ties with everyone they know if circumstances allow. This is in line with the intention in article 30 paragraph (2)

letter c, where witnesses or victims who are in the protection program will be transferred to a completely safe hiding place and will cut ties with anyone so that no one else knows them, even though the nuclear family (husband, wife and children) may be included in the hiding.¹⁴

The Legal Position of Whistle Blower and Justice Collaborator on the Criminal Justice System in Indonesia

The legal position of Justice Collaborators and Whistle Blowers in the criminal justice system in Indonesia has an increasingly important role in efforts to eradicate crimes, especially in cases of corruption and organized crime. Their existence is recognized as an important element in the process of uncovering crimes that are often difficult to uncover without help from within or from those with crucial information. The criminal justice system in Indonesia, through various laws and regulations, has governed their position, but there are still many challenges in the implementation of protection and recognition of their role.

1. The Legal Position of Whistle Blower in the Criminal Justice System in Indonesia

The criminal justice system as the implementer of the rule of law must be able to enforce criminal law by revealing various events or criminal acts that occur in the community for the sake of creating order and security. The disclosure of criminal acts by law enforcement members of the criminal justice system begins with the investigation and investigation process. Where the investigation process into an event suspected of being a criminal act by investigators is usually carried out based on a report or complaint, or found directly by the investigator.

In general, the existence of the complainant in the practice of criminal justice can be as a Reporting Witness, a Perpetrator Witness, and a Victim Witness. In the practice of criminal law enforcement, a whistleblower is known as a whistleblower, which is someone who provides information to the public about a violation of the law or criminal acts. In addition to whistleblowers, there is also known to be a justice collaborator, which is a criminal who collaborates with law enforcement to uncover a criminal act. Meanwhile, victim witnesses are those who are victims of crime, whether they are victims directly or indirectly. The position of witnesses in the process of proving a criminal event is very decisive for the verdict that will be handed down by the judge, related to whether or not the criminal act charged against the defendant is proven.

According to the Oxford Advanced Learner's Dictionary, the term "whistleblower" is a person who informs people in authority or the public that the company they work for is doing something wrong or illegal. Whistleblower can also be interpreted as a report submitted by a person, where a person who works for a certain organization reports irregularities or violations of hukm that occur in his organization. (whistleblower is an individual who reports unethical practices by their employer to outsiders).¹⁵

¹⁴ Marnex L. Tatawi, "Perlindungan Hukum Terhadap Saksi Dan Korban (Kajian Undang- Undang Nomor 31 Tahun 2014)," *Lex et Societatis* Vol. III/7, no. 49 (2015).

¹⁵ Suradi, "Korupsi Dalam Sektor Pemerintah Dan Swasta, Yogyakarta; Gaya Media Press," 2006.

Referring to the definition of Whistleblower above, it can be said that a whistleblower is an important report in order to combat serious crimes, such as money laundering, corruption and other economic crimes which are also referred to as white collar crimes. Therefore, the existence of whistleblowers will always be seen as a form of threat to an organization/company or criminals. This is because a whistleblower is a party who can provide information about various irregularities committed by a public organization or company, where the whistleblower will be an accurate source of information for law enforcement in uncovering a criminal act, including money laundering.

The existence of witnesses in the process of proving a criminal case is very important, where witnesses are one of the valid evidence that according to the Criminal Code is indispensable in proving a criminal case. The existence of witnesses in the criminal justice process is so urgent, considering that many criminal cases cannot be revealed and/or the process must be "stalled" or settled, so that the investigation process experiences a dead-end or finally the judge is forced to issue a free verdict against the defendant because the public prosecutor cannot present witnesses who really support his charges.¹⁶

The existence of witnesses in giving witness statements in the criminal justice process is very important, considering that witness testimony is one of the evidence used in the process of proving a criminal act in the criminal justice process. Through the information provided by witnesses, it is hoped that it will be able to explain the series of events related to an event that is the object of examination of a case before the trial. Witnesses along with other evidence will help the judge to make a fair and objective verdict based on the legal facts disclosed.¹⁷

Although the position of whistleblowers and witnesses in the criminal justice system has such an important role in uncovering various crimes, in terms of protection, it turns out that it still receives relatively little attention, where existing legal provisions have not been able to provide comprehensive protection. The regulation of whistleblowers and justice collaborations in the Supreme Court Circular Letter (SEMA) Number 04 of 2011, also still raises several legal issues, including the position of SEMA in the hierarchy of laws and regulations, which creates legal uncertainty regarding the applicability of the Supreme Court Circular Letter (SEMA) as a law regulation that regulates whistleblowers (whistle blowers) and Witnesses of the perpetrators who cooperate (justice collaborations).

The substance of the Supreme Court Circular Letter (SEMA) Number 04 of 2011 has indeed adopted the definition of a whistleblower at number 8 letter a with the affirmation that "the person concerned is a party who knows and reports certain criminal acts as referred to in this Supreme Court Circular Letter (SEMA) and is not part of the perpetrators of the crime he reported.

Based on the above provisions, it is clear that the legal system in Indonesia has equated the Complainant with a whistle blower. However, another problem that then

¹⁶ Muhammad Ikhsan, "Hukum Perlindungan Saksi Dalam Sistem Peradilan Pidana Indonesia, Surakarta: Muhammadiyah University Press," 2017.

¹⁷ Sunarso Siswanto, *Viktimologi Dalam Sistem Peradilan Pidana, Cetakan Pertama Sinar Grafika* (Jakarta: Sinar Grafika, 2012).

arises and causes a conflict of norms between the substance of the Supreme Court Circular Letter (SEMA) No. 04 of 2011 and the substance of Law No. 31/2014 concerning prostitution, is the formulation of the number 8 letter b which is actually considered to weaken the protection of the whistleblower (whistle blower), which emphasizes that if the whistleblower is also reported by the whistleblower, Therefore, the handling of the case on the report submitted by the complainant of the crime takes precedence over the report from the reported party.

When linked to the provisions of Article 10 paragraph (1) of Law No. 13/2014 concerning prostitution, which emphasizes that "Witnesses, Victims and Complainants cannot be prosecuted legally either criminally or civilly for reports, testimonies that will, are being or have been given", then it can be seen that the provisions of the article have closed the possibility for the complainant as a whistle blower who has good faith to be prosecuted legally, both civil and criminal.

On the contrary, the substance of the Supreme Court Circular Letter (SEMA) No. 04/2011 number 8 letter b actually opens up the opportunity to process the whistleblower for the report he submitted. This can be deduced based on the phrase "... The handling of cases on reports submitted by the complainant of criminal acts takes precedence over the report from the reported party". The sentence can be understood that, if then the case reported by the whistleblower (whistle blower) has been heard, then the case reported by the reported party will be processed, so that a whistleblower (whistle blower) will face legal charges, both civil and criminal. The various laws and regulations mentioned above, it can be seen that the protection of whistleblowers (whistle blowers) has not received maximum protection. Weak protection for whistleblowers and witnesses, especially for whistleblowers (whistle blowers) will set a bad precedent in law enforcement against serious and organized crimes, such as: money laundering, corruption, terrorism and narcotics. In fact, it is recognized that the existence of whistleblowers and witnesses of criminal perpetrators who cooperate (justice collaborations) have a strategic and important role in uncovering various crimes/criminal acts, especially serious and organized crimes that are difficult for law enforcement to reveal because they are carried out neatly and systematically by professional people and have the influence of power.

Basically, whistleblowers and witnesses of criminal acts who cooperate (justice collaborations) can play an active role and have a very large role in uncovering criminal practices that are considered serious, such as: Money laundering, corruption, and narcotics crimes which are organized crimes and as extra ordinary crimes. This was stated by Abdul Haris Semendawai, et al. who said that based on the explanation mentioned above, it can be seen that whistleblowers and witnesses of criminal acts who cooperate (justice collaborations) have a very important role in uncovering criminal acts/crimes that are considered serious. It's just that the protection of whistleblowers and witnesses of criminal offenders who cooperate (justice collaborations) in various existing laws and regulations is still weak, so it has not been able to provide maximum protection.

The role of whistleblowers is important in uncovering a case. In addition to being considered useful for early detection of fraud, it can also be used as a repository of other information, as well as useful for organizations in carrying out necessary

follow-up to reduce the external spotlight and impact resulting from an irregularity in the organization. Whistleblowers are the key in uncovering corruption cases, because with the information provided by the whistleblower regarding the existence of corrupt criminal practices, the authorities can act to investigate the alleged practice of corruption, which is also possible that money laundering has also occurred.

The information provided by the whistleblower is the key in uncovering a corruption case, because the whistleblower is a person who works at the place where the corruption crime occurred, who may also be suspected of being involved in corruption crimes that may have committed money laundering, so that the information can be processed to find out the truth. The information provided by the whistleblower will be investigated for truth by the authorized authorities, after evidence is found that indicates that the information is true, then the authorized authorities can immediately take action to be processed in accordance with the applicable law. Complainants and witnesses in relation to law enforcement against money laundering crimes are different from each other. A whistleblower in the crime of money laundering cannot be used as a witness in the trial process. So that his identity must be kept secret by investigators, public prosecutors, judges and other people related to money laundering crimes.¹⁸ Thus, the position of a witness in the crime of money laundering is certainly different from that of the complainant, where the witness will give information in front of the trial, so that his identity and himself will be known to the public, including known by the defendant. However, both reporters who have reported alleged money laundering crimes and witnesses who will or have given testimony before the trial must be given special protection from the state.¹⁹

It must be admitted that the reporting of parties who are charged with the obligation to report suspicious financial transactions is an important thing in efforts to prevent and eradicate money laundering crimes. Likewise, the information submitted by witnesses is also an important factor to prove the truth of the crime of money laundering. Generally, law enforcement has difficulty obtaining witnesses, especially in cases of economic crimes, including money laundering to be presented in court. This is very natural, considering that people who should be in the position of reporting witnesses are reluctant to become witnesses, because they are worried about threats obtained from certain parties that can threaten the safety of themselves and their families.²⁰

Based on report data obtained by LPSK in 2019, there were at least 67 requests for witness protection in corruption cases received by LPSK throughout 2019. This indicates the importance of the testimony of the reporting witness as the key in a case and the need for protection for the reporting witness.²¹ Protection for whistleblowers and witnesses can basically be distinguished into 2 (two) types, namely legal protection and special protection. Legal protection, which is protection to not be prosecuted both civilly and criminally. This protection is important, considering the potential for a

¹⁸ "Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering," 2010.

¹⁹ "Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering."

²⁰ Abdul Azis Sinar, Muhammad Syukri Akub, "Protection of Reporting Witnesses in Corruption Crimes" Vol. 28, N (2020).

²¹ Djisman C. Samosir, *Segenggam Hukum Acara Pidana* (Bandung: Nuansa Indah, 2013).

whistleblower who is then designated as a suspect and reported back by the reported party on suspicion of having committed defamation.

2. The Legal Position of *Justice Collaborators* in the Criminal Justice System in Indonesia

Criminal acts were formulated by Simons who said that criminal acts are wrong and contrary to the law, which are threatened with criminal charges and committed by someone who is capable and that person can be held accountable for his actions. The existence of a justice collaborator is basically very necessary in a criminal case in Indonesia. Especially if the criminal act is a criminal act that is in the spotlight of the community, because of the impact or because the perpetrators are people who have a high social status in society. as well as acts of corruption which are one of the criminal acts that are still rampant in Indonesia.²²

The limitation of the types of evidence in the provisions of the Indonesian Criminal Procedure Code has an impact on the frequent occurrence of law enforcement officials finding obstacles in the investigation and prosecution process. Therefore, it is required to be able to give birth to a new innovation in uncovering a case. As time goes by to uncover an extraordinary crime (extra ordinary crime), investigators often cooperate with the perpetrator to be used as a cooperating witness and can provide information to law enforcement officials in helping to prove a criminal act in order to uncover a larger case or commonly known as a Justice Collaborator.

The Supreme Court Circular Letter (SEMA) Number 4 of 2011 explains related to the definition and form of collaborator protection. Justice explained in this regulation that a justice collaborator is someone who is one of the perpetrators of a certain criminal act and has admitted to his actions and is not the main perpetrator in the crime and is willing to cooperate with law enforcement officials in providing information as a witness before the trial. Certain criminal acts referred to in the Supreme Court Circular Letter (SEMA) Number 4 of 2011 are serious criminal acts such as corruption, terrorism, narcotics, money laundering, human trafficking and other criminal acts that are organized in nature and of course cause serious problems and threats to the stability and security of the community.

With the presence of the Supreme Court Circular Letter (SEMA) Number 4 of 2011 concerning the Treatment of Whistleblowers and Witnesses of Perpetrators Who Cooperate (Justice Collaborator) in Certain Criminal Cases, providing a little breath of fresh air for the existence of justice collaborators, this regulation explains that the Supreme Court gives an appeal to judges if they find people who can be categorized as Witnesses of Collaborators who can provide treatment Specifically, including criminal relief and/or other forms of protection.

The Supreme Court Circular Letter (SEMA) Number 4 of 2011 explains how the guidelines in determining a person can be categorized as a justice collaborator as follows:

1. The person concerned is one of the perpetrators of certain criminal acts as referred to in this SEMA
2. Admitting the crime that

²² Eddy O.S. Hiariej, *Prinsip - Prinsip Hukum Pidana*, Edisi Revi (Yogyakarta: Atma Pustaka, 2016).

3. Not the main perpetrator in the crime
4. Provide testimony as a witness in the judicial process; and
5. The Public Prosecutor in his charge stated that the person concerned had

Provide information and evidence that is significant so that investigators and/or public prosecutors can effectively uncover the criminal act in question, can reveal the perpetrator whose role is greater, and/or return the assets or proceeds of a criminal act.

This regulation stipulates that a witness of a cooperating perpetrator cannot necessarily be exempted from criminal charges if he is indeed legally proven guilty. However, if after the requirements in the Supreme Court Circular Letter (SEMA) Number 4 of 2011 are considered to have been met, then the assistance provided by the Witness of the Perpetrator who cooperates with the judge in determining the crime to be imposed can consider the matters of criminal imposition such as imposing a special conditional probation sentence and/or imposing a sentence in the form of the lightest prison sentence among other defendants, of course, by considering the values of the justice.

Meanwhile, Law No: 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning the Protection of Witnesses and Victims does not provide a detailed explanation of witnesses in their status who have been designated as witnesses or suspects who are willing to cooperate in order to bring a case to light together with law enforcement officials. In Indonesia, a justice collaborator is interpreted as a witness who is also a perpetrator who is willing to cooperate. A justice collaborator can be defined as a perpetrator of a crime, and he or she is willing to cooperate to assist the Public Prosecutor in order to uncover a criminal act. The way is that the perpetrator provides complete information, evidence and testimony to solve the crime case, but the person who is used as a justice collaborator is not the main perpetrator.

In the Indonesian legal system, there are basically several legal bases related to justice collaborators. In Indonesia, a justice collaborator usually functions to solve large and complicated cases in proving them. There are at least 5 (five) legal rules that can be used as a juridical basis for justice collaborators. This legal rule can be used as a juridical basis to regulate and as part of the requirements for suspects to be used as a justice collaborator. There are five legal regulations that regulate the existence of justice collaborators, including:

1. Law of the Republic of Indonesia No: 31 of 2014 concerning the Protection of Witnesses and Victims
2. Government Regulation No: 99 of 2012 concerning the second amendment to Government Regulation No: 32 of 1999 concerning procedures and conditions for the implementation of correctional assisted citizens
3. SEMA No: 4 of 2011 concerning the treatment of whistle blowers and witnesses of cooperating perpetrators (Justice collaborators)
4. Joint Regulation of the KPK, Kajari, Chief of the National Police, LPSK and the Minister of Law and Human Rights of the Republic of Indonesia No: M.HH11. HM. 03. 02. th. 2011, No. PER- 045/A/JA/12/2011, No. 1 of 2011, No. KEPB-02/01-55/12/2011, No. 4 of 2011 concerning the protection of complainants, complainant witnesses and cooperating witnesses of perpetrators; and

5. Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No: 3 of 2018 concerning procedures and conditions for granting remission, assimilation, leave to visit family, parole, leave before release and parole leave for the implementation of remission, assimilation and parole.

Furthermore, the requirements for a defendant or suspect to become a justice collaborator are also regulated in joint regulations with Ministers and other state institutions. The rule is then used as a standard for the judicial system in determining a justice collaborator. This is so that the determination of a person as a justice collaborator is not arbitrarily determined by the parties in the criminal justice system. The requirements to be able to be used as a justice collaborator are:

1. The type of crime that the justice collaborator will reveal is organized crime and/or serious crime
2. The justice collaborator must provide correct, valid, significant, clear and reliable explanations for efforts to shed light on organized crime and/or serious crime
3. A justice collaborator must not be a principal perpetrator of organized crime and/or serious crime being processed
4. A justice collaborator is required to provide a written statement and is willing to return everything he has obtained from organized crime and/or serious crime.

The requirements mentioned above are general requirements, but apart from that to become a justice collaborator can be divided into 2 (two) parts, namely applying as a justice collaborator during the investigation and prosecution process and when you are already a prisoner.

IV. CONCLUSION

LPSK was formed in response to the need for legal protection for witnesses and victims, in accordance with Law No. 31 of 2014. Even though LPSK is still classified as a new institution, the public has high expectations for its performance. However, there is still an assumption that LPSK has not been fully effective in providing protection, caused by limited experience and human resources. The procedure for obtaining protection from LPSK involves several steps, including submitting a written application, a decision of the LPSK plenary meeting, and the signing of a statement of willingness by a witness or victim. Protection is granted to witnesses and their families, and can be terminated based on several predetermined reasons. LPSK functions as an independent institution based in the capital city and has representatives in the regions. In practice, witnesses and victims often face threats, both physical and psychological, that require them to cut ties with known people for their safety. LPSK is committed to providing effective protection, including transfer to a safe place, to ensure the safety of witnesses and victims in legal proceedings.

Whistle Blower and Justice Collaborator have a very important role in the criminal justice system in Indonesia, especially in the eradication of serious crimes such as corruption and organized crime. Whistle Blower functions as a whistleblower who provides information about violations of the law, while Justice Collaborators are criminal offenders who are willing to cooperate with law enforcement to uncover larger crimes. Despite their recognized legal standing, protection for *Whistle Blower* and *Justice*

Collaborator is still relatively weak. There are challenges in the implementation of comprehensive protection, including legal uncertainty caused by conflicting regulations, such as the Supreme Court Circular Letter (SEMA) and the Witness and Victim Protection Law. This can result in the helplessness of the complainant and witnesses in facing threats or intimidation from certain parties. Both of these categories are regulated in various laws and regulations, but further efforts are still needed to strengthen legal protections and ensure that they can play an effective role in uncovering crime. The existence of Whistle Blower and Justice Collaborator is very important to support fair and transparent law enforcement, as well as to encourage the public to dare to report criminal acts without fear of legal consequences. Therefore, there needs to be more attention from the government and related agencies to increase the protection and recognition of their role in the criminal justice system.

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