

Law Enforcement Regarding Witness Protection in the Investigation of Corruption Crimes in Indonesia

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Abstract : In the investigation of corruption crimes, the role of witnesses is important, given that witness testimony is the strongest evidence in criminal proceedings. However, often the investigation process involving witness examination does not pay attention to the aspect of witness protection itself. This study applies a normative legal methodology with the main objective of identifying law enforcement regarding witness protection in the investigation of corruption crimes in Indonesia. Specifically, this study analyzes how law enforcement regarding witness protection is carried out in Indonesia. In addition, this study also seeks to examine the coherence of the search for material truth in witness examination in the investigation of corruption crimes in Indonesia. The main findings highlight that there are still obstacles to the enforcement of the law on witness protection, as well as a lack of clarity regarding regulations related to witness protection, especially for witnesses who report corruption crimes. As a solution, it is recommended that mandatory protection regulations be codified immediately to ensure the security of all examination procedures and to reinforce the reliability of evidence in order to achieve substantive justice.

Keywords : law enforcement; Witness Protection; Investigation; corruption

I. INTRODUCTION

Indonesia is classified as one of the countries with significant levels of corruption. This is confirmed by data published by Transparency International Indonesia (TII). In 2024, Indonesia scored 37 out of 100 on the Corruption Perceptions Index, placing it 99th out of 180 countries surveyed. This data indicates that Indonesia still faces serious challenges in its efforts to mitigate corrupt practices.¹ Efforts to tackle corruption cannot be separated from the role of witnesses. This is because witnesses, with the information they provide, can support the investigative efforts of law enforcement officials, which is crucial to the successful resolution of most corruption cases. In general, witness testimony

¹ Transparency International Indonesia, 2023, Indeks Persepsi Korupsi 2023: Pemberantasan Korupsi Kembali Ke Titik Nol, <https://ti.or.id/indeks-persepsi-korupsi-2024-korupsi-demokrasi-dan-krisis-lingkungan-2/> Diakses: Senin 17 November 2025



is recognized as the most dominant form of evidence in criminal proceedings.² Dapat diasumsikan bahwa hampir tidak ada perkara pidana yang dapat diselesaikan tanpa mengandalkan pembuktian yang bersumber dari keterangan saksi.³ It can be assumed that almost no criminal case can be resolved without relying on evidence sourced from witness testimony. This is especially true for corruption cases, in which witnesses play a central role, and therefore need to be given protection.

Witness protection is specifically regulated in Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection (hereinafter referred to as the Witness and Victim Protection Law). Article 1 paragraph (8) states:

“Protection refers to all efforts to fulfill rights and provide assistance to ensure the safety of Witnesses and/or Victims, which must be carried out by the Witness and Victim Protection Agency (LPSK) or other agencies in accordance with the provisions of this Law.”

As stipulated in Article 4 of the Witness and Victim Protection Law, the main objective is to ensure that witnesses feel safe while giving testimony at every stage of the criminal justice process. This sense of security includes freedom from all forms of threat, so that the rights, life, body, property, and family of witnesses are protected from intimidation.⁴ Legal protection for witnesses during the investigation stage of corruption cases is important, because not all cases can proceed to prosecution. A case can be terminated with an SP3 if, during the investigation, it is found that one of the elements of the crime is not fulfilled by the available evidence, or because there are exculpatory reasons recognized by jurisprudence (for example, the unlawful nature of the act is not proven).⁵ This is because witnesses need to be given a sense of confidence that they are guaranteed protection from an authoritative and trustworthy institution that is capable of protecting them.

As the main institution in Indonesia, LPSK (Witness and Victim Protection Agency) plays an important role in providing legal protection for witnesses, victims, and reporters, as well as guaranteeing their rights based on the Witness and Victim Protection Law. To ensure that the role of protecting reporters is carried out optimally, strong collaboration between LPSK and law enforcement agencies is a must.⁶

However, in practice, there are still frequent incidents where witnesses experience psychological pressure, inadequate treatment, or limited facilities when they fulfill their

² Cancellor Frederick Sidauruk, Rugun Romaida Hutabarat, “Keterangan Saksi Yang Mengakibatkan Putusan Bebas (Vrijspraak) Kepada Terdakwa Tindak Pidana Pembunuhan Ditinjau Dari Asas In Dubio Pro Reo (Studi Putusan Nomor : 155/Pid/2020/Pt Tjk)”, *UNES Law Review*, 5 no. 4: 3399.

³ M. Yahya Harahap, *Pembahasan Permasalahan Dan Penerapan KUHAP Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*, (Jakarta: Sinar Grafika, 2016), 286

⁴ Bambang Waluyo, *Viktimologi (Perlindungan Korban dan Saksi)*, (Jakarta: Sinar Grafika, 2012), 38

⁵ Leden Marpaung, *Tindak Pidana Korupsi (Pemberantasan dan Pencegahan)*, (Jakarta: Djambatan, 2001), 67

⁶ Kharisma Nursafitri, Elwi Danil, Yoserwan Yoserwan, “Penerapan Prinsip Perlindungan Hukum Terhadap Saksi Pelapor Tindak Pidana Korupsi di Wilayah Hukum Kepolisian Daerah Sumatera Barat”, *UNES Law Review*, 6, no. 4, (2024):12294.

legal obligation to provide testimony. Furthermore, according to Surastini Fitrianingsih, there are certain risks that can befall a witness, including:⁷

1. For witnesses who are unfamiliar with the law, giving testimony is not an easy task,;
2. If the information provided turns out to be false, there is a criminal penalty for the person concerned, as they will be considered to have provided false information;
3. The information provided will expose him to threats, terror, and intimidation from parties who feel aggrieved;
4. Witnesses are often questioned for long periods of time.a;
5. Law enforcement officials often treat witnesses like suspects or defendants.

Especially when discussing criminal acts of corruption, the investigation stage plays a strategic role in uncovering the truth behind such crimes. The disclosure of crimes by witnesses, particularly reporting witnesses, faces serious challenges because the process of giving testimony itself is a risky step. These risks take the form of ongoing threats to the rights, lives, and freedoms of witnesses and their family members. The existence of reporting witnesses in corruption cases is often controversial because they are vulnerable to intimidation that affects them psychologically.⁸ The reality of these risks is clearly reflected in the data on requests for protection. According to data obtained from the LPSK in the Recap of Protection Requests throughout 2024, the LPSK has received 10,217 requests for protection, which is an increase of around 34 percent compared to the previous year, when there were only 7,645 requests. This significant increase underscores the urgency of strong legal protection.

Philosophically, legal protection for witnesses reporting corruption crimes is part of the protection of human rights, because witnesses in corruption cases are considered to represent the participation of the community in exposing crimes that are very detrimental to the state. Therefore, the state has an obligation to protect the human rights of its citizens. However, there is a phenomenon where many people are unwilling or reluctant to become witnesses, driven by concerns about the ambiguity and uncertainty of the legal protection provided, especially for witnesses reporting corruption crimes. Based on these issues and the dilemma between high risk and the state's obligations, this study will discuss law enforcement regarding witness protection in Indonesia. In addition, this study also seeks to examine the coherence of the search for material truth in witness examinations during the investigation of corruption crimes in Indonesia.

II. RESEARCH METHODOLOGY

The research method used is a legal-normative approach, which is legal research through literature conducted by examining literature or secondary data only.⁹ This

⁷ Surastini Fitriasih, "Perlindungan Saksi Dan Korban Sebagai Sarana Menuju Proses Peradilan (Pidana) Yang Jujur Dan Adil", <http://www.antikorupsi.org/mod=tema&op=viewarticle&artid=53>

⁸ Putri Pratama dan Hasuri, "responsibilities of Witness and Victim Protection Institutions in Legal Protection of Whistle Blower and Justice Collaborator", (2025). *KRTHA BHAYANGKARA*, 19 no. 1, (2025): 32-47

⁹ Soekanto, S., & Mahmudji, S, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, (Jakarta: Rajawali, 2003),13

normative legal research is based on primary and secondary legal materials, which means that this research will refer to legal norms and rules contained in legislation.¹⁰ Therefore, this study uses data in the form of primary legal materials, including Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, the Criminal Code, Law Number 8 of 1981 concerning Criminal Procedure Law and Government Regulation Number 2 of 2002 concerning Procedures for the Protection of Victims and Witnesses in Cases of Gross Violations of Human Rights. Furthermore, secondary legal materials are legal materials that are useful in strengthening primary legal materials and providing explanations related to existing primary legal materials.¹¹ This secondary legal material consists of books, articles, and journals. The data obtained will be analyzed normatively and qualitatively using descriptive methods to examine and research law enforcement in witness protection during criminal investigations of corruption in Indonesia.¹²

III. DISCUSSION

Law Enforcement in Witness Protection in Indonesia

The development of witness protection in the international community began to receive significant attention, as seen in the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Milan from August 26 to September 6, 1985.¹³ In Indonesia itself, the existence of the Witness and Victim Protection Law initially provided great hope for responding to public demands for witness security guarantees. However, in reality, the implementation of this law appears to be less than optimal and is considered incapable of resolving public issues. This is indicated by the incomplete formation of derivative legal components that support the implementation of witness protection. As a phenomenon in criminal procedure law, the effectiveness of witness protection is always closely related to the role and consistency of law enforcement officials themselves. The implementation of witness protection always faces several fundamental issues, namely related to its enforcement, timing, form of protection, and operational procedures in the criminal justice process. The testimony of witnesses or victims who saw, heard, or directly experienced the crime is valid and important evidence, which must also be accompanied by law enforcement itself.

When talking about law enforcement, it can be interpreted as a process of making efforts to uphold or enforce existing legal norms as guidelines for behavior or legal relationships in the life of the state and society.¹⁴ Therefore, law enforcement is a process that involves many things.¹⁵ This aims to realize the noble ideas contained in the objectives of law, including justice, benefit, and legal certainty, so that they become a reality. When we look at the broader context of law enforcement, it falls within the realm of real and

¹⁰ Soekanto, S, *Pengantar Penelitian Hukum*, (Jakarta: UI Press, 1984), 20

¹¹ *Ibid*, 25.

¹² H. Ishaq, *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis serta Disertasi*, (Bandung : Alfabeta, 2017), 69.

¹³ Nyoman Serikat Putra Jaya, *Sistem Peradilan Pidana (Criminal Justice Sistem)*, Bahan Kuliah Program Magister Ilmu Hukum Universitas Diponegoro, Semarang, 2006, 53

¹⁴ Barda Nawawi Arief, *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan*, (Jakart: Kencana Prenada Media Group, 2007), 21.

¹⁵ Shant Dellyana, *Konsep Penegakan Hukum*, (Jakarta:Liberty, 1988), 32

factual deeds, actions, or behaviors that are in accordance with the rules or norms that apply in society. Where this is done in order to maintain and restore order in society, it is the government that can be referred to as the actor of security.¹⁶

In implementing the law, there are various aspects that must be considered so that law enforcement can proceed in accordance with the meaning of law enforcement itself, in order for existing laws to function properly. Soerjono Soekanto also mentions that there are five crucial factors that can influence law enforcement, namely:¹⁷

1. Legal factors, namely laws or regulations;
2. Law Enforcement Factors, namely various parties involved in the formulation or enforcement of existing laws.;
3. Supporting Facilities and Infrastructure Factors;
4. Social factors, namely the environment in which the law is applied and enforced.;
5. Cultural factors, where culture is the result of creativity and taste based on human will in social interactions.

In terms of witness protection, there is a very close relationship with law enforcement, especially with regard to the factors of law enforcement mentioned above, because without law enforcement, witness protection cannot function properly. The following is an analysis using law enforcement factors in witness protection in Indonesia:

1. Legal Factors

When viewed from the first factor of law enforcement, namely the law as a written and abstract regulation drafted and enacted by the legitimate authorities, in practice there are laws that regulate witness protection. These regulations are contained in Law No. 13 of 2006 on Witness and Victim Protection. Although there is a legal framework for witness protection, there are still problems in providing witness protection in corruption cases, as the existing law is only accommodated by the LPSK, while criminal procedure law does not yet regulate the provision of protection to witnesses by law enforcement officials, so that currently it is only carried out by the LPSK.

2. Law Enforcement Factors

The second factor in law enforcement is law enforcement agencies, which in this case refer to the relevant parties that formulate and implement laws and have a position and role in the social structure. In fact, there are several institutions involved in witness protection, specifically in corruption cases, namely the LPSK as the institution that provides protection to witnesses, and the Attorney General's Office as the institution that has the authority to enforce the law in the repressive function of prosecution. The authority of the Attorney General's Office in handling cases is based on Regulation of the Attorney General of the Republic of Indonesia Per036/A/JA/09/2011, which begins with the

¹⁶ Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, (Jakarta: Rajawali Pers, 2005), 21.

¹⁷ Harun M. Husein, *Kejahatan dan Penegakan Hukum di Indonesia*, (Jakarta: Rineka Cipta, 1990), 8

receipt of a Notice of Commencement of Investigation (SPDP) by investigators from the police or PPNS, as well as the KPK.

With many institutions involved in witness protection in corruption cases, good coordination between institutions is essential. In particular, there must be clear SOPs that investigators (especially the KPK/Attorney General's Office) must comply with in order to immediately coordinate with the LPSK once a witness or whistleblower submits a request. Delays in coordination (at the investigation level) can have fatal consequences because this is the most vulnerable period.

3. Facilities and Infrastructure Factors

The third factor in law enforcement is supporting resources or facilities. These supporting resources and facilities are quite important and necessary for law enforcement to run smoothly and effectively in order to achieve its objectives. Speaking of resources and infrastructure, based on Regulation of the Witness and Victim Protection Agency of the Republic of Indonesia Number 1 of 2024 concerning Service Standards within the Witness and Victim Protection Agency, the resources and infrastructure available to witnesses who have requested protection from the LPSK may include:

- a. safe home protection;
- b. inherent security;
- c. security during court proceeding;
- d. monitoring of threat levels;
- e. changes/replacement of new identity documents;
- f. facilitation of temporary and/or new residence; dan
- g. other needs based on LPSK decisions.

Specifically, the exact number of safe houses owned by LPSK is not disclosed to the public due to confidentiality reasons that are very important for protecting witnesses and victims. Not only that, but LPSK offices are not always available in every district/city in Indonesia. This certainly complicates the provision of protection for witnesses in the regions, especially if witnesses in corruption cases request protection from the LPSK during investigations by regional prosecutors.

4. Social Factors

The fourth factor in law enforcement is society, which greatly influences the implementation of law. In other words, if society has a high level of legal awareness, then law enforcement itself will be higher or better. In reality, society tends to avoid involvement in corruption cases due to the perception that *“fighting corruption is fighting power.”* This fear is not only directed at the perpetrators, but also at the system, which is considered to not fully protect witnesses.

5. Cultural Factors

The fifth factor in law enforcement is culture. Culture itself is a factor that is closely related to society. Although there are fundamental

differences between cultural factors and social factors, cultural factors focus more on the discussion of the values that underlie the enforcement of a law, relating to what values are considered good so that they are followed by society and what is considered bad and not followed by society or even avoided. In relation to witness protection, especially in corruption cases, there is still a perception that whistleblowers are traitors or troublemakers, rather than heroes of integrity. This culture makes witnesses feel socially isolated, which indirectly pressures them to retract their testimony.

The Coherence of the Search for Material Truth in Witness Examination During the Investigation of Corruption Crimes in Indonesia

The presence of a witness in a criminal investigation of corruption in the event of a criminal incident plays an important role for law enforcement officials in reconstructing the criminal incident that occurred. Without witnesses, it is difficult to prove a criminal act, given that witnesses are one of the main pillars of the criminal evidence system.¹⁸ This becomes clear when Article 1 Number 26 of Law Number 3 of 1981 concerning the Criminal Procedure Code, hereinafter referred to as KUHAP, states that, “*A witness is a person who can provide information for the purposes of investigation, prosecution and trial of a criminal case that he/she has heard, seen and experienced himself/herself.*” This article limits testimony to that which the witness has heard, seen, and experienced personally. However, the meaning of “*testimony*” itself underwent a fundamental expansion after the enactment of Constitutional Court Decision Number 65/PUU-VIII/2010. In this decision, the Constitutional Court stated that *testimonium de auditu* testimony is recognized in the criminal justice system. The Constitutional Court stated that the importance of a witness is not the events that he or she experienced, heard, and saw personally, but rather the relevance of his or her testimony to the criminal events in question.¹⁹

Regardless of the broad meaning of the term “witness,” the role of a witness is very important in a criminal investigation. In the context of criminal law, according to Van Bemmelen, criminal procedure law has at least three objectives:²⁰

1. Finding the Material Truth;
2. The judge's decision; and
3. Enforcement of the decision.

This is in line with what is stated in the Criminal Procedure Code Implementation Guidelines, namely, “*The purpose of criminal procedure law is to seek and obtain, or at least approximate, material truth...*”²¹ Material truth is the complete and absolute truth of a criminal event, applying honest and appropriate laws to uncover the elements involved in

¹⁸ Tiovary A. Kawengian, “Peranan Keterangan Saksi Sebagai Salah Satu Alat Bukti Dalam Proses Pidana Menurut KUHAP”, *Lex Privatum*, IV, no. 4, (2016): 37

¹⁹ Steven Suprianto, “Daya Ikat Putusan Mahkamah Konstitusi Tentang “*Testimonium De Auditu*” Dalam Peradilan Pidana : Kajian Putusan Mahkamah Konstitusi Nomor 65/PUU-VIII/2010”, *Jurnal Yudisial*, 7 no. 1, (2014):41

²⁰ Van Bemmelen dalam Andi Hamzah, *Hukum Acara Pidana Indonesia*, (Jakarta: Sinar Grafika, 2013), 7

²¹ *Ibid*

a criminal act, particularly the perpetrator of a criminal act,²² Therefore, the search for material truth cannot be done instantly and “*easily*.” To find this material truth, Article 183 of the Criminal Procedure Code states that a judge's decision must be based on at least two pieces of valid evidence and the judge's conviction. Meanwhile, Article 184 of the Criminal Procedure Code states that “*valid evidence*”, in hierarchical order, is testimony from witnesses, testimony from experts, documentary evidence, related clues, and testimony from the defendant. It can be seen that witnesses play an important role in a criminal investigation.

In order to obtain true and reliable witness testimony, a witness must be able to testify freely and independently. This means that the testimony given must be without pressure. The enactment of Law No. 13 of 2006 on Witness and Victim Protection, as amended by Law No. 31 of 2014 (hereinafter referred to as the Witness and Victim Protection Law), creates a space for witnesses and victims in a criminal case to testify freely and with a sense of security.²³

This is regulated in Article 5 of the Witness and Victim Protection Law, which states that a witness has the right to receive protection and be free from threats to their personal safety, family, and property for the testimony they give, has the right to determine the mechanism of protection for themselves, to be in a situation free from pressure when giving testimony, have an interpreter, be free from leading questions, obtain updates on the case, have access to court decisions, be informed of the release of the convicted person (if any), have a new identity, obtain new accommodation, receive accommodation costs during the investigation process, receive legal advice, and/or receive living assistance during the protection period.²⁴

The right of witnesses to testify without pressure is an important point to note. This is because witnesses are in a vulnerable and dilemmatic position. On the one hand, witnesses may be pressured by other parties who want to silence them for their own interests, but on the other hand, witnesses may also be pressured, or even subjected to violence, during the examination process.²⁵ Especially in criminal acts of corruption, which can be considered extraordinary crimes. This immense pressure certainly has a significant influence on ensuring the accuracy of information conveyed by a witness through their testimony.

Furthermore, witness examination must be based on two fundamental requirements, namely 1) The summons must clearly state the reason for summoning the person, whether as a witness, expert, or suspect, and 2) The summons must be signed by the authorized investigator. The above conditions do not clearly regulate the requirements for summoning witnesses in a manner that is psychologically conducive to the examination. On the other hand, examining witnesses without considering their

²² *Ibid.*, 8

²³ Reza Andriyanto, “Perlindungan HAM Terhadap Tersangka Dan Korban (Saksi) Dalam Proses Peradilan Pidana”, *Jurnal Ilmu Hukum Universitas Muhammadiyah Surakarta*, 2020: 4

²⁴ Drake Allan Mokorimban, “Perlindungan terhadap Saksi dalam Proses Penegakan Hukum Pidana di Indonesia”, *Lex Crimen*, 2 no. 1, (2013): 41

²⁵ Hotman Sitorus, “Kedudukan Saksi dalam Pemeriksaan Pendahuluan Suatu Perkara Pidana”, *Jurnal Yure Humano*, 1 no. 1, (2017): 85

psychological state will certainly affect their thinking, even if the examination situation has been arranged to be conducive. Ideally, interviews should generally not exceed three hours. If they do, a person's concentration can easily be disrupted, even by an experienced interviewer. Based on the opinion of psychologists Field and Morse, they suggest that a typical interview should be conducted within one hour. If the information obtained is insufficient, additional interviews can be conducted at another time.²⁶ This means that there must be a break after a maximum duration of three hours in an interview. Of course, this interview break procedure must be properly implemented in the examination of witnesses in the investigation of corruption crimes. This is because such examinations can certainly cause greater pressure and stress.

To maintain the safety and comfort of a witness when giving testimony, law enforcement officials must pay attention to the interests of witnesses that must be protected. It is not uncommon for many cases to remain unresolved despite taking a long time. Although in his book, R. Soesilo states that a person can be punished under Article 224 of the Criminal Code if they deliberately fail to attend a hearing to provide testimony (as a witness, expert, or interpreter), which they are required to do by law. The deliberate failure to fulfill the obligation to attend constitutes a criminal offense punishable under Article 522 of the Criminal Code.²⁷

Not many people are willing to take the risk of testifying in cases of corruption. This may be based on the paradigm that being a witness means opening up a “loophole” in one's life that makes it easier for others to intervene, so many are unwilling to be witnesses on the grounds that there is no protection. Given the powerful role of witnesses in the criminal justice system, it is necessary to foster an adequate climate of witness protection, so that this can increase public participation in providing testimony, with a sense of security and without feeling threatened, either physically or psychologically.

So far, neither the Criminal Procedure Code nor Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on Eradication of Corruption Crimes explicitly regulate the process of requesting or submitting a request for witness protection. The protection referred to is only regulated in relation to serious human rights violations, namely in Government Regulation No. 2 of 2002 concerning Procedures for the Protection of Victims and Witnesses in Serious Human Rights Violations. Article 5 of the aforementioned Government Regulation states that the protection of witnesses and victims can be carried out by:

1. Initiative of law enforcement officials; or
2. Request from witnesses and victims.

This request can be submitted to the National Human Rights Commission during the investigation stage, to the Attorney General's Office during the preliminary investigation stage, and to the court during the trial stage. However, this only focuses on

²⁶ Imami Nur Rachmawati, “Pengumpulan Data Dalam Penelitian Kualitatif: Wawancara”, *Jurnal Keperawatan Indonesia*, 11, no.1, (2007): 37

²⁷ Arthur Daniel Sitorus, “Dapatkah Saksi di Persidangan Dijatuhi Pidana?”, 2021, dilansir melalui <https://indonesiare.co.id/id/article/dapatkah-saksi-di-persidangan-dijatuhi-hukuman-pidana> pada 24 September 2024 Pukul 14.02 WIB

criminal acts in the case of gross human rights violations; it does not yet regulate how a witness can request protection during the examination process up to the trial process.

The role of investigators in protecting the rights of witnesses is very important. If witnesses feel afraid to give testimony, they can convey this to investigators so that investigators can provide them with legal protection, as mandated by Article 5 Paragraph (1) of the Witness and Victim Protection Law. If witnesses feel that this protection is insufficient, they have the right to report this and request protection from the LPSK. As a last resort, if the witness feels that the protection they have received is insufficient, they can then request protection through the Legal Aid and Legal Counsel Agency.²⁸

Regardless of the various protection measures that can be taken, it should be emphasized that prosecutors must also play a role in providing a sense of security at every stage of the criminal proceedings for corruption, so that the investigation process must also be carried out without intimidation and high tension, which has implications for the conducive condition of witnesses and their ability to testify freely and without pressure, so that the validity of the information obtained can be accounted for. Through existing regulations, the provisions regarding such protection should be clear and mandatory. This is because the obligation of investigators, as stated above, contains the word “may,” which means that it is not yet an absolute legal obligation for law enforcement officials to protect the rights of witnesses. Meanwhile, Article 3 of the Witness and Victim Protection Law states that this protection must be based, among other things, on legal certainty, which should be accommodated. Furthermore, Article 5 Paragraph (1) of Government Regulation Number 2 of 2002 only states that the provision of protection by law enforcement officials is based solely on “initiative.” This should be an absolute obligation for law enforcement officials in protecting witnesses, as law enforcement officials are an extension of the State in safeguarding, protecting, and fulfilling the rights of its citizens, especially as mandated by Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which reads “*Every person shall have the right to protection of his personal self, his family, his honor, his dignity, and his property under his control, and shall have the right to a sense of security and protection from the threat of fear of doing or not doing something that is a fundamental right.*”

IV. CONCLUSION

The presence of witnesses is a key milestone in criminal evidence and essential for uncovering material truth, especially in corruption cases, where the role of witnesses has now been expanded following Constitutional Court Decision No. 65/PUU-VIII/2010. Although it has become an international concern and is accommodated by the Witness and Victim Protection Law to guarantee testimony free from pressure, the effectiveness of protection in Indonesia seems to be less than optimal due to obstacles in law enforcement. This is because protection is still an initiative of law enforcement officials rather than an absolute legal obligation as mandated by the constitution. In practical terms, this suboptimal situation is also closely related to the inconsistent implementation of five law enforcement factors: Legal Factors (the weak finality of Justice Collaborator

²⁸ Reza Andriyanto, *op. cit.* 6

recommendations from the LPSK), Law Enforcement Factors (lack of rapid coordination between the LPSK and prosecutors/KPK investigators in the early stages), Facilities/Infrastructure Factor (limited availability of secure facilities and a limited number of LPSK offices, which are not always available in every district/city in Indonesia), Community Factor (the community tends to avoid involvement in corruption cases due to the perception that “fighting corruption is fighting power”), and Cultural Factor (the stigma that reporting witnesses are troublemakers). Therefore, strong coordination and consistent commitment from all law enforcement officials are key to ensuring effective witness protection in corruption cases and supporting the achievement of material truth, as well as public understanding of the importance of witnesses in corruption cases. Not only that, it is recommended that mandatory protection regulations be codified immediately. The main objective is to guarantee the security of the entire examination process and increase the reliability of evidence in order to achieve substantive justice.

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