

Strengthening Whistleblower Protection in Combating Corruption and Money Laundering: A Normative Legal Study

Adhalia Septia Saputri*

Faculty of Law, Universitas Bhayangkara Jakarta Raya

adhalia.septia.saputri@dsn.ubharajaya.ac.id

*Corresponding author

Article info

Received: 18 Jan 2026

Revised: 10 Mar 2026

Accepted: 20 Apr 2026

DOI: <https://doi.org/10.31599/krtha.v20i1.5066>

Abstract : *Law enforcement against corruption and money laundering is often constrained by closed criminal networks, complex financial transactions, and sophisticated asset concealment practices. In this context, whistleblowers serve a strategic function by providing internal information that may support crime detection, evidence gathering, and asset recovery. However, in Indonesia, whistleblowers remain vulnerable due to fragmented legal protection, unclear legal status, retaliation risks, counter-criminalization, and weak coordination among law enforcement institutions. This study aims to analyze the normative framework of whistleblower protection in corruption and money laundering cases, identify legal gaps and practical obstacles, and formulate an integrated model of legal protection. This research employs normative legal research using statutory, conceptual, jurisprudential, and comparative approaches. The analysis focuses on Indonesian regulations concerning witness and victim protection, the institutional role of the Witness and Victim Protection Agency (LPSK), and comparative whistleblower protection models in selected jurisdictions. The findings show that although Indonesia has established a general legal basis for witness and victim protection, the existing framework does not yet provide comprehensive, specific, and operational protection for whistleblowers. Key weaknesses include the absence of integrated reporting mechanisms, limited anti-retaliation guarantees, inadequate safeguards against criminalization, and low public trust in protection institutions. This study proposes regulatory strengthening, enhanced institutional coordination, non-criminalization guarantees, and the development of a secure and integrated reporting system. The study contributes to the development of a more responsive legal policy framework for strengthening whistleblower protection as a strategic instrument in combating corruption and money laundering.*

Keywords : *Whistleblower; Corruption; Money Laundering; Witness and Victim Protection; LPSK*

Abstrak : *Penegakan hukum terhadap tindak pidana korupsi dan pencucian uang sering terkendala oleh jaringan kejahatan yang tertutup, transaksi keuangan yang kompleks, serta praktik menyembunyian aset yang semakin canggih. Dalam konteks ini, pelapor pelanggaran*



(*whistleblower*) memiliki fungsi strategis karena dapat memberikan informasi internal yang mendukung deteksi tindak pidana, pengumpulan alat bukti, dan pemulihan aset. Namun, di Indonesia, pelapor pelanggaran masih berada dalam posisi rentan akibat perlindungan hukum yang terfragmentasi, status hukum yang belum jelas, risiko retaliasi, kriminalisasi balik, serta lemahnya koordinasi antar lembaga penegak hukum. Penelitian ini bertujuan menganalisis kerangka normatif perlindungan pelapor pelanggaran dalam perkara korupsi dan pencucian uang, mengidentifikasi kekosongan hukum dan hambatan praktis, serta merumuskan model perlindungan hukum yang terintegrasi. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan peraturan perundang-undangan, konseptual, yurisprudensial, dan komparatif. Analisis difokuskan pada regulasi Indonesia mengenai perlindungan saksi dan korban, peran kelembagaan Lembaga Perlindungan Saksi dan Korban (LPSK), serta model perlindungan pelapor pelanggaran di beberapa negara. Hasil penelitian menunjukkan bahwa meskipun Indonesia telah memiliki dasar hukum umum mengenai perlindungan saksi dan korban, kerangka tersebut belum memberikan perlindungan yang komprehensif, spesifik, dan operasional bagi pelapor pelanggaran. Kelemahan utama meliputi belum adanya mekanisme pelaporan terintegrasi, terbatasnya jaminan anti-retaliasi, belum memadainya perlindungan dari kriminalisasi, serta rendahnya kepercayaan publik terhadap institusi perlindungan. Penelitian ini menawarkan penguatan regulasi, koordinasi kelembagaan, jaminan non-kriminalisasi, dan sistem pelaporan aman sebagai instrumen strategis pemberantasan korupsi dan pencucian uang.

Kata kunci : *Whistleblower*; Korupsi; Pencucian Uang; Perlindungan Saksi dan Korban; LPSK

Introduction

Corruption and money laundering are extraordinary crimes with multidimensional¹ impacts on the state and society. Corruption not only harms state finances but also creates social injustice, erodes public trust in state institutions, and hinders national development.² Meanwhile, money laundering serves to disguise or conceal the proceeds of predicate crimes,³ thereby strengthening corruption and complicating law enforcement.

Addressing corruption and money laundering requires a comprehensive strategy, one of which is the role of whistleblowers. Whistleblowers are individuals who bravely report suspected criminal acts from within the system or from parties with direct access to criminal information.⁴ The presence of whistleblowers is considered crucial because they can overcome

¹ Barda Nawawi Arief, *Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan Korupsi*, (Jakarta: Kencana, 2020), hlm. 13–15.

² Muhammad Ridwan Lubis, Korupsi dan Dampaknya terhadap Kepercayaan Publik terhadap Negara, *Jurnal RechtsVinding*, Vol. 9 No. 2 (2020): 215–217.

³ Sutan Remy Sjahdeini, *Pencucian Uang: Pengertian, Sejarah, Faktor Penyebab, dan Dampaknya*, Edisi Revisi, (Jakarta: Pustaka Utama Grafiti, 2021), hlm. 42–45.

⁴ Transparency International, *International Best Practices for Whistleblower Protection*, *Global Corruption Report*, (Berlin: TI, 2020), hlm. 4–5.

investigative obstacles posed by the latent, secretive⁵ nature of corruption and money laundering. However, whistleblowers often face serious threats, including intimidation,⁶ violence, and retaliation.⁷

This situation has led many parties to be reluctant to report information, thereby hampering efforts to eradicate corruption and money laundering.⁸ Therefore, legal protection for whistleblowers is urgently needed to ensure reporters' courage and physical, psychological, and social safety. Indonesia already has a legal framework that can serve as the basis for whistleblower protection, namely Law Number 31 of 2014 amending Law Number 13 of 2006 on Witness and Victim Protection.⁹ Under this law, the Witness and Victim Protection Agency (LPSK) is authorised to protect security guarantees, identity confidentiality, legal assistance, and certain compensation.¹⁰ However, this regulation does not comprehensively¹¹ address the legal status of whistleblowers, creating legal uncertainty for reporters.

This study employs a normative legal research method, drawing on statutory, conceptual, and comparative approaches. The comparative analysis specifically examines whistleblower protection frameworks in the United States and the European Union, as these jurisdictions provide well-established and contrasting models—namely, incentive-based protection and rights-based protection—which are relevant for assessing and developing a more comprehensive legal protection system in Indonesia.

In examining the legal protection of whistleblowers within the Indonesian legal system, this study adopts a comparative legal approach focused on normative and regulatory frameworks. The comparison focuses on the United States and the European Union, as these jurisdictions have well-developed legal instruments governing whistleblower protection. The United States is selected for its comprehensive statutory framework, particularly under the Dodd-Frank Act and the Whistleblower Protection Act, which normatively establish the legal status, protection guarantees, and incentive mechanisms for whistleblowers. Meanwhile, the European Union represents a rights-based regulatory model through Directive (EU) 2019/1937, which establishes minimum legal standards on the definition, scope of protection, reporting procedures, and safeguards against retaliation within a unified legal framework.¹²

The selection of these jurisdictions is based on their normative completeness and systematic legal construction, which offer relevant references for

⁵ A.J. Brown et al., *International Handbook on Whistleblowing Research*, (Cheltenham: Edward Elgar Publishing, 2021), hlm. 31–33.

⁶ OECD, *Committing to Effective Whistleblower Protection*, (Paris: OECD Publishing, 2020), hlm. 21.

⁷ FATF, *Best Practices on Managing the Risk of Retaliation Against Whistleblowers*, (Paris: FATF Secretariat, 2020), hlm. 6–8.

⁸ Wahyu Nugroho, Urgensi Perlindungan Whistleblower dalam Pemberantasan Tindak Pidana Korupsi, *Jurnal Legislasi Indonesia*, Vol. 17 No. 3 (2020): 389–391.

⁹ Undang-Undang Nomor 31 Tahun 2014 tentang Perlindungan Saksi dan Korban.

¹⁰ Lembaga Perlindungan Saksi dan Korban (LPSK), *Laporan Tahunan LPSK 2023*, (Jakarta: LPSK, 2023), hlm. 40–43.

¹¹ Rena Yulia, Kelemahan Pengaturan Whistleblower dalam Undang-Undang Perlindungan Saksi dan Korban, *Jurnal Hukum IUS QUIA IUSTUM*, Vol. 28 No. 1 (2021): 124–126.

¹² European Commission, *Directive (EU) 2019/1937 on the Protection of Persons Who Report Breaches of Union Law: Legal Framework and Developments*, 2024, p. 3–5.

addressing regulatory gaps in Indonesia, particularly concerning the absence of explicit legal definitions, fragmented protection mechanisms, and the lack of a comprehensive whistleblower protection model.¹³ By focusing on the comparison of legal norms and regulatory structures rather than on their implementation, this study aims to develop a conceptual and normative framework that can contribute to the reformulation of whistleblower protection within the Indonesian legal system in combating corruption and money laundering.¹⁴ First, reporting mechanisms have not been effectively integrated¹⁵ across law enforcement agencies, such as the Corruption Eradication Commission (KPK), the Police, and the Prosecutor's Office. Second, the protection provided is often limited to physical aspects,¹⁶ without being balanced by legal protection against potential counter-criminalisation. Third, low public awareness of the importance of whistleblowing and a weak legal culture¹⁷ hinder public participation in preventing corruption and money laundering.

Given these conditions, a normative study of the implementation of witness and victim protection for whistleblowers is relevant and important. This research is expected to provide theoretical and practical contributions to the development of a legal system capable of effectively¹⁸ protecting whistleblowers and strengthening strategies for preventing and disclosing corruption and money laundering in Indonesia.

Methods

This research employs a normative juridical method, namely legal research that analyses legal principles, norms, doctrines, and applicable statutory regulations. This method was selected because the study examines the conceptual and normative implementation of legal protection for whistleblowers who disclose corruption and money-laundering crimes. As normative legal research with a doctrinal approach, this study does not investigate empirical facts in the field; instead, it analyses written legal materials, including primary, secondary, and tertiary sources. The approaches used in this research include the statutory, conceptual, and comparative approaches. The statute approach examines relevant regulations, including Law Number 31 of 1999, Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes, and Law Number 31 of 2014 concerning the Protection of Witnesses and Victims. The conceptual approach analyses the concepts of whistleblowers, legal protection, and the

¹³ OECD, *Whistleblower Protection Frameworks: Legal Standards and Policy Developments*, 2023, p. 12–15.

¹⁴ U.S. Securities and Exchange Commission (SEC), *Whistleblower Program: Legal Framework Overview*, 2024, p. 2–4.

¹⁵ Dwi Putri Lestari & Zudan Arif Fakrulloh, *Koordinasi Antar Lembaga Penegak Hukum dalam Perlindungan Whistleblower*, *Jurnal Konstitusi*, Vol. 18 No. 2 (2021): 365–367.

¹⁶ Riza Alifianto Kurniawan, *Perlindungan Hukum terhadap Whistleblower dari Risiko Kriminalisasi Balik*, *Jurnal Penelitian Hukum De Jure*, Vol. 22 No. 1 (2022): 55–57.

¹⁷ Lawrence M. Friedman, *Law and Society: An Introduction, Second Edition*, (New York: Oxford University Press, 2021), hlm. 19–20.

¹⁸ Satjipto Rahardjo, *Ilmu Hukum Progresif: Sebuah Sintesis, Cetakan Ulang*, (Yogyakarta: Genta Publishing, 2020), hlm. 67.

rights of witnesses and victims within legal doctrine. In contrast, the comparative approach examines whistleblower protection mechanisms in other jurisdictions, particularly the United States and the European Union, to identify effective protection models.

The legal materials used in this research consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include statutory regulations on corruption, money laundering, and witness and victim protection, as well as regulations issued by the Witness and Victim Protection Agency (LPSK) concerning the protection of witnesses and whistleblowers. Secondary legal materials include books, journal articles, research findings, and expert opinions in criminal law and criminal procedural law. In contrast, tertiary legal materials include legal dictionaries, encyclopedias, and other supporting documents. The collection of legal materials was conducted through library research, including reviews of laws and regulations, legal literature, and prior studies related to whistleblowers, corruption, money laundering, and witness and victim protection. The collected materials were analysed qualitatively by examining, connecting, and interpreting relevant legal sources to answer the research questions. This analysis emphasises logical, systematic, and coherent legal reasoning to formulate normative conclusions regarding the legal protection of whistleblowers in preventing and disclosing corruption and money-laundering crimes.

Result And Discussion

Whistleblowers in the Combating of Corruption and Money Laundering

The role of whistleblowers in the context of corruption and money laundering is strategic. Whistleblowers are individuals who bravely report crimes they know about, despite often facing serious threats, whether physical, psychological, or social. In corruption cases, whistleblowers play a crucial role as a source of initial information that is often difficult to obtain through conventional legal instruments, such as formal investigations. Corruption in Indonesia is essentially an extraordinary crime,¹⁹ so its response cannot be achieved solely through conventional criminal law instruments. Public participation is needed, one of which is through the whistleblowing mechanism, facilitated by the Witness and Victim Protection Agency (LPSK) and by specific laws and regulations, such as Law No. 31 of 2014 concerning Witness and Victim Protection.

Furthermore, whistleblowers also play a significant role in money laundering, as money laundering is a follow-up crime to the proceeds of corruption.²⁰ Information provided by whistleblowers often uncovers a web of corrupt funds disguised through various financial instruments.²¹ Without

¹⁹ Sulistyowati Irianto, Partisipasi Publik dalam Pemberantasan Korupsi sebagai Extraordinary Crime, *Jurnal Hukum dan Pembangunan*, Vol. 50 No. 3 (2020): 570–573.

²⁰ Financial Action Task Force (FATF), *Best Practices on Whistleblower Protection and Anti-Money Laundering Measures* (Paris: FATF/OECD, 2021), hlm. 9–12.

²¹ David Lewis, Wim Vandekerckhove, dan Ismet Uysal, Whistleblowing and Anti-Corruption Enforcement: International Experiences, *International Journal of Law and Management*, Vol. 62 No. 3 (2020): 260–263.

whistleblowers, law enforcement often struggles to penetrate the layers of financial secrecy that protect perpetrators.²²

Normative and Theoretical Analysis of Whistleblower Protection in the Indonesian Legal System

This research acknowledges that corruption, money laundering, whistleblowing, and the protection of witnesses and victims constitute interrelated legal issues within the broader framework of criminal law enforcement. However, to avoid analytical overlap and ensure conceptual clarity, this study explicitly narrows its primary focus to the legal protection of whistleblowers as a central subject of analysis, particularly within corruption cases, while positioning money laundering as a derivative or follow-up offence closely linked to corruption. Such delimitation is essential, given that corruption often generates illicit financial flows that are subsequently concealed through money-laundering mechanisms, thereby underscoring the urgency of internal reporting systems through whistleblowers.²³

Furthermore, this study situates whistleblower protection within the broader regime of witness and victim protection, emphasising its normative limitations under existing legal frameworks. While previous studies tend to examine these issues separately or descriptively, this research adopts a more focused, normative approach by analysing the legal status, protection mechanisms, and regulatory gaps affecting whistleblowers within the Indonesian legal system.²⁴ By narrowing the analytical scope, this study aims to provide a more systematic and in-depth examination of the legal construction of whistleblower protection, thereby contributing to the development of a coherent and comprehensive normative framework.²⁵

Although the existence of whistleblowers is recognised normatively, the protection provided in practice is not yet fully optimal.²⁶ Article 10 of Law No. 13 of 2006, in conjunction with Law No. 31 of 2014, guarantees physical, legal, and psychosocial protection for witnesses and informants.

The absence of a clear legal definition and protection framework for whistleblowers demonstrates a gap in the normative alignment between existing regulations and the principles of legal certainty (*rechtssicherheit*). According to Satjipto Rahardjo, law should not merely function as a rigid set of rules but must serve as a tool for achieving substantive justice. However, the current regulatory framework, particularly under Law No. 31 of 2014 on Witness and Victim Protection, has not yet fully accommodated

²² Terry Morehead Dworkin and Elletta Sangrey Callahan, Whistleblowers and the Detection of Financial Crime, *American Business Law Journal*, Vol. 58 No. 4 (2021): 785–788.

²³ OECD, *Illicit Financial Flows and Corruption: Conceptual and Legal Linkages*, OECD Publishing, 2023, p. 21–23.

²⁴ Transparency International, *Best Practices in Whistleblower Protection Laws*, 2023, p. 9–11.

²⁵ UNODC, *Handbook on Whistleblower Protection in Anti-Corruption Frameworks*, United Nations, 2024, p. 14–18.

²⁶ Mahrus Ali, Problematika Perlindungan Whistleblower dalam Sistem Hukum Pidana Indonesia, *Jurnal RechtsVinding: Media Pembinaan Hukum Nasional*, Vol. 10 No. 3 (2021): 495–498.

whistleblowers' unique position, leaving them vulnerable to retaliation and counter-criminalisation.²⁷

The findings of this study indicate that the legal protection of whistleblowers in Indonesia remains fragmented and normatively inadequate, particularly due to the absence of an explicit legal status and comprehensive protection mechanisms. From a theoretical perspective, this condition reflects the weakness of the legal system as conceptualised by Lawrence M. Friedman, which emphasises that the effectiveness of law depends on the interaction between legal structure, legal substance, and legal culture. In the Indonesian context, although the legal substance in the form of statutory regulations exists, its normative construction is incomplete, especially regarding whistleblower-specific provisions, thereby weakening its functional role within the legal system.²⁸

In some cases, whistleblowers face the risk of retaliation, for example, when the informant is also deemed to be involved. This phenomenon demonstrates the weakness of the protection implementation mechanism. This is exacerbated by the still weak legal culture,²⁹ that encourages the public to report corruption and money laundering. In addition, when compared to international legal frameworks, the Indonesian system demonstrates a lack of normative comprehensiveness. The United States, through its statutory framework, explicitly recognises whistleblowers as legal subjects entitled to protection and incentives. At the same time, the European Union establishes minimum legal standards to ensure protection against retaliation. This comparative perspective highlights that Indonesia's regulatory model remains underdeveloped, particularly in integrating legal guarantees and institutional mechanisms into a coherent system.³⁰

Moreover, previous studies have consistently emphasised the importance of whistleblowers in uncovering corruption and financial crimes; however, most remain descriptive and do not sufficiently address structural weaknesses in the legal framework. This study advances the discourse by providing a normative analysis that not only identifies regulatory gaps but also proposes a more integrated legal protection model. In this regard, the findings of this research reinforce the argument that effective whistleblower protection requires not only formal recognition but also a systematic and coherent legal construction that aligns with principles of justice, legal certainty, and legal utility.³¹ The Corruption Eradication Commission (KPK) and the Witness and Victim Protection Agency (LPSK) have collaborated to protect whistleblowers, but cross-agency coordination is often ineffective. Bureaucratic obstacles and budget constraints also weaken Indonesia's whistleblower protection system.

²⁷ UNODC, Handbook on Whistleblower Protection in Anti-Corruption Frameworks, United Nations, 2024, p. 18–20.

²⁸ OECD, Strengthening Legal Systems and Institutional Effectiveness, OECD Publishing, 2023, p. 33–35.

²⁹ Eddy O.S. Hiariej, *Prinsip-Prinsip Hukum Pidana, Cetakan Terbaru* (Yogyakarta: Cahaya Atma Pustaka, 2020), hlm. 214–216.

³⁰ European Commission, Directive (EU) 2019/1937: Legal Standards and Developments, 2024, p. 6–8.

³¹ Transparency International, Whistleblower Protection and Anti-Corruption Enforcement, 2023, p. 12–14.

Comparison with the International Legal System

International practice, particularly in the United States through the Dodd-Frank Act and the Whistleblower Protection Act, provides more detailed protections for whistleblowers, including financial incentives.³² Unlike Indonesia, this international system views whistleblowers not simply as informants, but as an integral part of the law enforcement system.³³

The limited regulations in Indonesia underscore the need for legal reform to further emphasise whistleblowers' status as parties entitled to comprehensive protection.³⁴ This is urgent, given the transnational nature of corruption and money laundering crimes, which tend to involve extensive networks.³⁵ The comparative analysis of whistleblower protection highlights significant differences in the normative construction of legal frameworks between Indonesia and other jurisdictions, particularly the United States and the European Union. In the United States, whistleblower protection is explicitly regulated under the Whistleblower Protection Act and further strengthened by the Dodd-Frank Wall Street Reform and Consumer Protection Act. These legal instruments normatively recognise whistleblowers as independent legal subjects entitled to protection, confidentiality guarantees, and financial incentives. Notably, the Dodd-Frank Act establishes a formal incentive mechanism that allows whistleblowers to receive monetary rewards ranging from 10% to 30% of the recovered sanctions, thereby reinforcing whistleblowers' legal position within the regulatory framework.³⁶

Normative Analysis of Regulatory Gaps

Based on the normative analysis, there are gaps between the provisions in the Witness and Victim Protection Law and the needs of law enforcement practices. These gaps are evident in:

- a. The absence of a clear definition of a whistleblower in national regulations.
- b. The absence of an incentive mechanism for whistleblowers is unlike that in other countries.³⁷
- c. Weaknesses in the implementation of protection due to suboptimal institutional coordination.

Therefore, regulatory revisions or updates are needed, either through amendments to the law or through the issuance of special regulations,³⁸ to

³² Richard E. Moberly, *Understanding Whistleblower Law, 2nd Edition* (Durham: Carolina Academic Press, 2020), hlm. 145–149.

³³ European Commission, *Op. Cit.*, hlm. 18–22.

³⁴ Sulistyowati Irianto, Harmonisasi Hukum Nasional dengan Standar Internasional dalam Pemberantasan Korupsi, *Jurnal Hukum dan Pembangunan*, Vol. 50 No. 3 (2020): 578–581.

³⁵ Mahrus Ali, Urgensi Reformulasi Perlindungan Whistleblower dalam Sistem Hukum Pidana Indonesia, *Jurnal RechtsVinding*, Vol. 11 No. 1 (2022): 97–100.

³⁶ U.S. Securities and Exchange Commission (SEC), *Whistleblower Program Annual Report to Congress 2024*, Washington D.C., 2024, p. 23–25.

³⁷ Sulistyowati Irianto, Analisis Normatif terhadap Kelemahan Regulasi dalam Penegakan Hukum Pidana, *Jurnal Hukum dan Pembangunan*, Vol. 50 No. 3 (2020): 582–585.

³⁸ Mahrus Ali dan Eddy O.S. Hiariej, *Pembaharuan Hukum Pidana Indonesia* (Jakarta: Kencana, 2020), hlm. 245–248.

strengthen whistleblowers' position in preventing and exposing corruption and money laundering.

Whistleblowers from a Human Rights Perspective

Protection for whistleblowers is not only related to the technical aspects of law enforcement but also to the fulfilment of human rights (HAM).³⁹ The right to a sense of security, freedom of expression, and protection from discrimination are fundamental rights guaranteed by Article 28G paragraph (1) of the 1945 Constitution. In this regard, the state has an obligation to ensure that whistleblowers are not made victims by their courage in exposing crimes.⁴⁰

In other words, whistleblowers are not only tools for law enforcement officials but also legal subjects whose rights must be guaranteed. Whistleblower protection reflects the implementation of a sound rule-of-law principle, in which the state guarantees public participation without fear of threats or criminalisation.

Challenges in Implementing Whistleblower Protection in Indonesia

In practice, there are several serious challenges in implementing whistleblower protection, including:⁴¹

- a. Retaliation: Reporters are often positioned as perpetrators of criminal acts if they are connected to the case.
- b. Culture of fear: The public tends to be reluctant to report due to the lack of security guarantees and high social risks.
- c. Limited budget and inter-agency coordination: The Witness and Victim Protection Agency (LPSK) often faces resource constraints in providing comprehensive protection.
- d. Lack of legal outreach: The public does not fully understand their rights as whistleblowers under the law.

These challenges indicate that normative legal protection has not been fully translated into practical implementation.

The Urgency of Regulatory Reform

Furthermore, to enable whistleblowers to play an optimal role, Indonesia needs to undertake regulatory reform by addressing several aspects:

- a. Clear legal definition: The Witness and Victim Protection Law should include an explicit definition of a whistleblower, including a distinction between whistleblowers and justice collaborators.

³⁹ Bagir Manan, *Hak Asasi Manusia dalam Perspektif Negara Hukum* (Bandung: Refika Aditama, 2020), hlm. 145–148.

⁴⁰ Jimly Asshiddiqie, *Hukum Tata Negara dan Pilar-Pilar Demokrasi, Edisi Terbaru* (Jakarta: Sinar Grafika, 2020), hlm. 213–216.

⁴¹ Sulistyowati Irianto, *Budaya Hukum, Rasa Takut, dan Partisipasi Publik dalam Pemberantasan Korupsi, Jurnal Hukum dan Pembangunan*, Vol. 50 No. 3 (2020): 590–593.

- b. Incentive schemes: Providing financial or other rewards (e.g., job security), as implemented in the United States and South Korea, can encourage more whistleblowers.
- c. Strict sanctions against intimidation: Specific regulations are needed to prohibit retaliation against whistleblowers, including by law enforcement officials themselves.
- d. Strengthening the LPSK (Lembaga Penitentiary Agency): Through increased budgets and authority, and coordination with the Corruption Eradication Commission (KPK), the National Police, and the Financial Transaction Reports and Analysis Centre (PPATK), to ensure comprehensive protection.⁴²

The Relevance of Whistleblowers to Prevention Efforts

In addition to their repressive function (disclosure of cases), whistleblowers also have a preventative function. With a strong whistleblowing mechanism in place,⁴³ perpetrators of criminal acts will be more cautious, given the potential for disclosure within their own circles. This aligns with the deterrence effect theory in criminal law, which states that the risk of being caught can reduce the intention to commit a crime. Therefore, strengthening whistleblowers is not only beneficial for prosecuting corruption and money-laundering cases that have already occurred, but also a long-term prevention strategy.⁴⁴

Conclusion

Based on the normative analysis, this study concludes that whistleblowers constitute a vital instrument in preventing and exposing corruption and money laundering. Their ability to access internal information can open investigative pathways that are often difficult to access through ordinary legal procedures, particularly for tracing illicit financial flows, identifying hidden assets, and revealing money-laundering schemes connected to corruption.

However, legal protection for whistleblowers in Indonesia remains suboptimal. Although Law No. 31 of 2014 concerning Witness and Victim Protection provides a general legal basis, it has not yet established a clear definition, specific protection mechanism, or adequate incentive system for whistleblowers. Consequently, whistleblowers remain vulnerable to threats, intimidation, retaliation, and counter-criminalisation, which may discourage public participation in reporting corruption and money-laundering crimes.

Therefore, legal reform is urgently needed to strengthen whistleblower protection in Indonesia. Comparative experience, such as the United States

⁴² Jimly Asshiddiqie, *Penguatan Prinsip Negara Hukum dalam Reformasi Regulasi* (Jakarta: Sinar Grafika, 2020), hlm. 201–204.

⁴³ Transparency International, *International Principles for Whistleblower Legislation: Best Practices for Laws to Protect Whistleblowers and Support Whistleblowing in the Public Interest*, Transparency International, (Berlin, 2020), hlm. 9–12.

⁴⁴ David M. Kaplan & Yuval Feldman, Internal Reporting and Whistleblowing Deterrence, *Journal of Business Ethics*, Vol. 167, No. 2 (2020): 349–365.

through the Dodd-Frank Act, shows that comprehensive protection and incentive mechanisms can enhance the effectiveness of whistleblowing in law enforcement. Indonesia should adapt such practices within its national legal framework by strengthening regulations, improving inter-agency coordination, ensuring protection against criminalisation, and developing secure reporting mechanisms. Without these concrete measures, the role of whistleblowers as agents of change in law enforcement will remain symbolic rather than substantively effective.

Recommendation

The Government and the House of Representatives should strengthen the regulatory framework for whistleblower protection by revising Law Number 31 of 2014 concerning Witness and Victim Protection. The revision should explicitly define the legal status of whistleblowers and distinguish them from collaborators in justice. This distinction is important to ensure legal certainty and to prevent the criminalisation of whistleblowers who report corruption and money laundering offences in good faith.

In addition, the institutional capacity of the Witness and Victim Protection Agency (LPSK) should be strengthened through adequate budgetary support, expanded authority, and improved coordination with relevant institutions, including the Corruption Eradication Commission (KPK), the National Police, and the Financial Transaction Reports and Analysis Centre (PPATK). Strengthening institutional coordination is necessary to ensure that whistleblowers receive comprehensive and continuous protection, from the initial reporting stage to post-adjudication.

Furthermore, the State must establish a strict anti-retaliation mechanism supported by effective sanctions against intimidation, threats, and counter-criminalisation, including when law enforcement officials commit such acts. Whistleblowers should not only be viewed as instruments for uncovering crimes but also as an essential component of crime prevention. Therefore, a secure reporting culture grounded on human rights, legal certainty, and the rule of law must be developed to optimise their role in combating corruption and money laundering.

References

- A.J. Brown et al., *International Handbook on Whistleblowing Research*, (Cheltenham: Edward Elgar Publishing, 2021).
- Andi Hamzah, *Kamus Hukum, Edisi Terbaru* (Jakarta: Ghalia Indonesia, 2020).
- Bagir Manan, *Hak Asasi Manusia dalam Perspektif Negara Hukum* (Bandung: Refika Aditama, 2020).
- Bambang Sunggono, *Metodologi Penelitian Hukum* (Jakarta: Rajawali Pers, 2020).
- Barda Nawawi Arief, *Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan Korupsi*, (Jakarta: Kencana, 2020).

- Black's Law Dictionary, *11th Edition* (St. Paul: Thomson Reuters, 2020).
- David Lewis, Wim Vandekerckhove, and Ismet Uysal, Whistleblowing and Anti-Corruption Enforcement: International Experiences, *International Journal of Law and Management*, Vol. 62 No. 3 (2020).
- Whistleblowing, Its Importance and the State of the Research, *International Journal of Law and Management*, Vol. 62 No. 3 (2020).
- David M. Kaplan & Yuval Feldman, Internal Reporting and Whistleblowing Deterrence, *Journal of Business Ethics*, Vol. 167, No. 2 (2020).
- Dyah Ochtorina Susanti dan A'an Efendi, *Penelitian Hukum (Legal Research)* (Jakarta: Sinar Grafika, 2022).
- Dwi Putri Lestari & Zudan Arif Fakrulloh, Koordinasi Antarlembaga Penegak Hukum dalam Perlindungan Whistleblower, *Jurnal Konstitusi*, Vol. 18 No. 2 (2021).
- European Commission, Directive (EU) 2019/1937 on the Protection of Persons Who Report Breaches of Union Law: Legal Framework and Developments, 2024.
- *Strengthening the Protection of Whistleblowers at EU Level* (Brussels: European Union, 2020).
- Eddy O.S. Hiariej, *Prinsip-Prinsip Hukum Pidana, Cetakan Terbaru* (Yogyakarta: Cahaya Atma Pustaka, 2020).
- FATF, *Best Practices on Managing the Risk of Retaliation Against Whistleblowers*, (Paris: FATF Secretariat, 2020).
- Financial Action Task Force (FATF), *Best Practices on Whistleblower Protection and Anti-Money Laundering Measures* (Paris: FATF/OECD, 2021).
- Jimly Asshiddiqie, *Hukum Tata Negara dan Pilar-Pilar Demokrasi, Edisi Terbaru* (Jakarta: Sinar Grafika, 2020).
- *Penguatan Prinsip Negara Hukum dalam Reformasi Regulasi* (Jakarta: Sinar Grafika, 2020).
- Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif, Cetakan ke-5* (Malang: Bayumedia Publishing, 2020).
- Lawrence M. Friedman, *Law and Society: An Introduction, Second Edition* (New York: Oxford University Press, 2021).
- Lembaga Perlindungan Saksi dan Korban (LPSK), *Perlindungan Whistleblower dan Justice Collaborator dalam Sistem Peradilan Pidana* (Jakarta: LPSK, 2020).
- Lembaga Perlindungan Saksi dan Korban (LPSK), *Laporan Tahunan LPSK 2023* (Jakarta: LPSK, 2023).
- Mahrus Ali, Kedudukan dan Peran Whistleblower dalam Pengungkapan Tindak Pidana Korupsi, *Jurnal RechtsVinding: Media Pembinaan Hukum Nasional*, Vol. 10 No. 3 (2021).
- *Urgensi Reformulasi Perlindungan Whistleblower dalam Sistem Hukum Pidana Indonesia*, *Jurnal RechtsVinding*, Vol. 11 No. 1 (2022).

- . Problematika Perlindungan Whistleblower dalam Sistem Hukum Pidana Indonesia, *Jurnal RechtsVinding: Media Pembinaan Hukum Nasional*, Vol. 10 No. 3 (2021).
- . Konsep Perlindungan Hukum terhadap Whistleblower dalam Sistem Hukum Pidana Indonesia, *Jurnal RechtsVinding: Media Pembinaan Hukum Nasional*, Vol. 10 No. 3 (2021).
- . Dan Eddy O.S. Hiariej, *Pembaharuan Hukum Pidana Indonesia* (Jakarta: Kencana, 2020).
- Muhammad Ridwan Lubis, Korupsi dan Dampaknya terhadap Kepercayaan Publik terhadap Negara, *Jurnal RechtsVinding*, Vol. 9 No. 2 (2020).
- Ni Putu Eka Yustisia Utami, Pendekatan Perundang-Undangan dalam Penelitian Hukum Normatif, *Jurnal Kertha Patrika*, Vol. 42 No. 2 (2020).
- OECD, *Illicit Financial Flows and Corruption: Conceptual and Legal Linkages* (Paris: OECD Publishing, 2023).
- . *Committing to Effective Whistleblower Protection*, (Paris: OECD Publishing, 2020).
- Peter Mahmud Marzuki, *Pengantar Ilmu Hukum* (Jakarta: Kencana, 2020).
- Richard E. Moberly, *Understanding Whistleblower Law, 2nd Edition* (Durham: Carolina Academic Press, 2020).
- Riza Alifianto Kurniawan, Perlindungan Hukum terhadap Whistleblower dari Risiko Kriminalisasi Balik, *Jurnal Penelitian Hukum De Jure*, Vol. 22 No. 1 (2022).
- Satjipto Rahardjo, *Ilmu Hukum, Cetakan Terbaru* (Bandung: Citra Aditya Bakti, 2020).
- Satjipto Rahardjo, *Ilmu Hukum Progresif: Sebuah Sintesis, Cetakan Ulang*, (Yogyakarta: Genta Publishing, 2020).
- Sulistiyowati Irianto, Partisipasi Publik dalam Pemberantasan Korupsi sebagai Extraordinary Crime, *Jurnal Hukum dan Pembangunan*, Vol. 50 No. 3 (2020).
- . Budaya Hukum, Rasa Takut, dan Partisipasi Publik dalam Pemberantasan Korupsi, *Jurnal Hukum dan Pembangunan*, Vol. 50 No. 3 (2020).
- . Harmonisasi Hukum Nasional dengan Standar Internasional dalam Pemberantasan Korupsi, *Jurnal Hukum dan Pembangunan*, Vol. 50 No. 3 (2020).
- . Analisis Normatif terhadap Kelemahan Regulasi dalam Penegakan Hukum Pidana, *Jurnal Hukum dan Pembangunan*, Vol. 50 No. 3 (2020).
- . Metode Penelitian Hukum Normatif dalam Perspektif Ilmu Hukum Kontemporer, *Jurnal Hukum dan Pembangunan*, Vol. 50 No. 3 (2020).
- Sutan Remy Sjahdeini, *Pencucian Uang: Pengertian, Sejarah, Faktor Penyebab, dan Dampaknya, Edisi Revisi*, (Jakarta: Pustaka Utama Grafiti, 2021).

Terry Morehead Dworkin and Elletta Sangrey Callahan, Whistleblowers and the Detection of Financial Crime, *American Business Law Journal*, Vol. 58 No. 4 (2021).

----- Whistleblower
Protections in the United States and Europe: A Comparative Analysis, *American Business Law Journal*, Vol. 58 No. 4 (2021).

Transparency International, *Best Practices in Whistleblower Protection Laws*, (Berlin: 2023).

----- *International Principles for Whistleblower Legislation: Best Practices for Laws to Protect Whistleblowers and Support Whistleblowing in the Public Interest*, Transparency International, (Berlin, 2020).

----- *International Best Practices for Whistleblower Protection*, *Global Corruption Report*, (Berlin: TI, 2020).

United Nations Office on Drugs and Crime (UNODC), *World Drug Report – Criminal Justice and Financial Crimes*, (Vienna: United Nations, 2021).

Undang-Undang Nomor 31 Tahun 2014 tentang Perlindungan Saksi dan Korban.

UNODC, *Handbook on Whistleblower Protection in Anti-Corruption Frameworks* (United Nations, 2024).

U.S. Securities and Exchange Commission (SEC), *Whistleblower Program Annual Report to Congress 2024*, Washington, D.C., 2024.

Wahyu Nugroho, Urgensi Perlindungan Whistleblower dalam Pemberantasan Tindak Pidana Korupsi, *Jurnal Legislasi Indonesia*, Vol. 17 No. 3 (2020).

Widodo Ekatjahjana, *Hukum Perlindungan Saksi dan Korban* (Jakarta: Sinar Grafika, 2021).

Zainal Asikin dan Amiruddin, *Pengantar Metode Penelitian Hukum*, Cetakan ke-10 (Depok: Rajawali Pers, 2021)