

Navigating Regulatory Uncertainty in the Legal Protection of Justice Collaborators in Corruption Cases as an Extraordinary Crime in Indonesia

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Abstract: Justice Collaborators (JC) play a vital role in exposing corruption as an extraordinary crime. However, JCs in Indonesia still face various normative and practical constraints regarding legal guarantees and procedural certainty. This study aims to analyse JCs' legal protections and obligations in corruption cases and identify weaknesses in the current regulatory framework. Using a normative legal research method with a statutory approach, this study examines Law No. 31 of 2014 on the Protection of Witnesses and Victims and Supreme Court Circular (SEMA) No. 04 of 2011. The findings show that Indonesian positive law provides four forms of protection for JC: physical/psychological protection, special treatment, legal-status protection, and rewards. Nevertheless, a critical ambiguity lies in Article 10 of Law No. 31 of 2014, which defers legal proceedings rather than granting full immunity, and in the non-binding nature of LPSK recommendations for judges. Furthermore, JCs carry specific duties, including confessing their involvement, remaining cooperative, providing truthful testimony, and maintaining confidentiality. This paper recommends explicitly integrating justice collaborator norms, criteria, and procedural safeguards into the revision of the Criminal Procedure Code (KUHP) to establish binding legal certainty across all law enforcement agencies.

Keywords: Justice Collaborator, Corruption, LPSK, KUHP Revision.

1. Introduction

The United Nations (UN), in its convention, states that organised crime is a structured crime consisting of three or more persons, planned over a certain period of time, and carried out jointly to commit serious crimes or offences established in this convention. These crimes are committed solely to obtain financial or other material benefits.¹

¹Badan Pengawasan Keuangan dan Pembangunan, "Undang-Undang Republik Indonesia Nomor 19 Tahun 2009" (Jakarta: Bpkp.gp.id, 2009).

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One type of organised crime is corruption. Corruption can lead to serious problems and threats because it can disrupt a state's stability and security. In addition, this criminal act indirectly violates the community's social and economic rights. Corruption is often described as a chronic cancer because it is difficult to cure and eliminate.² In Indonesia, this often becomes the subject of lengthy discussion and debate, especially on how to overcome it, given that cases of this criminal act continue to increase year after year.³ This notion is indeed true. In the first semester of 2022 alone, ICW recorded at least 252 corruption cases, 612 of which resulted in named suspects, with potential state losses of Rp33.6 trillion. Based on these characteristics, corruption offences cannot be regarded as ordinary crimes but fall into the category of extraordinary crimes.⁴⁵

As extraordinary crimes, they require extraordinary mechanisms for handling.⁶ One of these is the handling of key witnesses who can prove that a criminal act occurred. Under Article 184 paragraph (1) of the Criminal Procedure Code, witness testimony is valid evidence. Therefore, witnesses are an important indicator that is inseparable from legal considerations, both in terms of quality and quantity. On that basis, protection for witnesses and whistleblowers in corruption offences is very necessary.⁷⁸

² Siti Fatimah et al., "Restricting Public Officials' Authority to Combat Corruption: The Role of Term Limits and Political Sanctions in Indonesia," *Journal of Indonesian Legal Studies* 10, no. 2 (December 11, 2025): 955–94, <https://doi.org/10.15294/jils.v10i2.32525>. Anna Oriolo, "The Contribution of the European Court of Human Rights to the Construction of a Corruption-Free Society," *International Criminal Law Review* 25, no. 2–3 (July 3, 2024): 442–69, <https://doi.org/10.1163/15718123-bja10196>.

³ Slamet Haryadi et al., "The Analysis Of Economic Motives In Corruption Within The Investigation Of Corruption Crimes," *Malaysian Journal of Syariah and Law* 14, no. 2 (July 20, 2026): 345–59, <https://doi.org/10.33102/mjssl.vol14no2.1561>.

⁴ Indonesian Corruption Watch, "Tren Penindakan Kasus Korupsi Semester 1 Tahun 2022," Indonesian Corruption Watch, n.d.

⁵ Adami Chazawi, *Hukum Pidana Materiil Dan Formil Korupsi Di Indonesia* (Malang: Bayu Media, 2005).

⁶ Steven William Kayuni and Edister Jamu, "Failing Witnesses in Serious and Organised Crimes: Policy Perspectives for Witness Protective Measures in Malawi," *Commonwealth Law Bulletin* 41, no. 3 (July 3, 2015): 422–38, <https://doi.org/10.1080/03050718.2015.1074086>.

⁷ Adami Chazawi, *Hukum Pembuktian Tindak Pidana Korupsi*. (Bandung: PT Alumni Bandung, 2008).

⁸ Nadya Octaviani Putri, Dona Raisa Monica, and Erna Dewi, "Perlindungan Hukum Terhadap Pelapor Tindak Pidana Korupsi," *Jurnal Poenale* 07, no. 01 (2019): 13.

Article 28I paragraph (4) of the Constitution of the Republic of Indonesia provides the constitutional basis for this protection, stating: "The protection, advancement, enforcement, and fulfilment of human rights are the responsibility of the state, especially the government." Legal protection here means safeguarding the human rights of a person harmed by another party. This protection is provided to the public so that they can enjoy the rights guaranteed by law. This indicates that legal protection is a legitimate effort by law enforcers to create a sense of security from violence, both mental and physical, as well as various threats from any party.⁹

The benchmark for law enforcement is closely tied to how its services can create a sense of security from the government itself. Because it is an extraordinary crime, the government should focus on eradication, even though it is complicated.¹⁰ Uncovering corruption cases requires great courage, especially from witnesses who experienced the events directly or indirectly. Threats are not uncommon, especially against witnesses who were also perpetrators, their families, and even those closest to them, so many are reluctant to testify in such corruption cases. On the other hand, eradicating corruption offences depends heavily on their willingness to reveal the truth as justice collaborators.¹¹¹²

According to Desmond J. Mahesa, a Justice Collaborator is a basic concept involving a joint effort to seek the truth and deliver justice to the public. In this context, a Justice Collaborator involves two opposing parties: law enforcers and law violators.¹³ From the law violator's side, a Justice

⁹Siswanto Sumarsono, *Viktimologi Perlindungan Saksi Dan Korban* (Jakarta: Sinar Grafika, 2012).

¹⁰ Ina Purnaningati Saputro et al., "The Effects of Deradicalization Standardized Policy in Advancing Human Security," *Journal of Human Rights, Culture and Legal System* 6, no. 1 (April 4, 2026): 147–81, <https://doi.org/10.53955/jhcls.v6i1.906>.

¹¹Sharistha Nathalia Tuage, "Perlindungan Hukum Terhadap Saksi Dan Korban Oleh Lembaga Perlindungan Saksi Dan Korban (LPSK)," *Lex Crimen* 02, no. 02 (2012): 64, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/1541>.

¹² Ifrani Ifrani, "Tindak Pidana Korupsi Sebagai Kejahatan Luar Biasa," *Al-Adl: Jurnal Hukum* 9, no. 3 (January 30, 2018): 319, <https://doi.org/10.31602/al-adl.v9i3.1047>.

¹³ Hanif Hartadi Bambang Sugiri, Nurini Aprilianda, "The Position of Convict as Justice Collaborator in Revealing Organized Crime," *PADJADJARAN Journal of Law* 8, no. 2 (2021): 2, <https://doi.org/https://doi.org/10.22304/pjih.v8n2.a5>.

Collaborator is a perpetrator of a criminal act, but not the main perpetrator.¹⁴ He cooperates in uncovering the criminal act he committed. The Justice Collaborator concept has developed in line with international regulation, namely Article 37(2) of the United Nations Convention Against Corruption (UNCAC) 2003. In Indonesia, this international agreement has been ratified through Law Number 7 of 2006 concerning the Ratification of the United Nations Convention Against Corruption (United Nations Convention Against Corruption 2003).¹⁵¹⁶

At least, three legal instruments underpin the implementation of the Justice Collaborator concept in Indonesia, namely: 1) the Criminal Procedure Code (KUHP), 2) Law No. 13 of 2006 concerning the Protection of Witnesses and Victims (Law No. 13/2006) in conjunction with Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 (Law No. 31/2014). 3) Supreme Court Circular Letter No. 04 of 2011 concerning the Treatment of Criminal Act Reporters (Whistleblowers) and Cooperating Perpetrator Witnesses (Justice Collaborators) in Certain Criminal Cases (SEMA No. 04/2011). In practice, these regulations seem nonexistent. For example, the KTP-el procurement corruption case involving Irman and Sugiharto, which caused state losses of Rp2.3 trillion. In handling the case, both agreed to cooperate with the justice system. In 2017, the District Court sentenced them to 7 and 5 years' imprisonment, respectively. However, at the cassation level, the Supreme Court actually increased both sentences to 15 years' imprisonment. In addition, Irman was required to pay a fine of Rp1 billion, while Sugiharto was required to pay Rp460 million. The difference in rulings between the District Court and the Supreme Court shows that,

¹⁴ Yeni Widowaty et al., "Reconstruction of Legal Protection of Justice Collaborators in Narcotic Criminal Cases," ed. D. Mutiarin et al., *E3S Web of Conferences* 440 (November 1, 2023): 04017, <https://doi.org/10.1051/e3sconf/202344004017>.

¹⁵Desmond J. Mahesa, "Unraveling Several Issues of Justice Collaborators in Law Enforcement in Indonesia," Akurat, 2019.Desmond J. Mahesa, "Mengurai Beberapa Masalah Justice Collaborator Dalam Penegakan Hukum Di Indonesia," Akurat, 2019.

¹⁶Lilik Mulyadi, Whistleblower and Justice Collaborator in Efforts to Combat Organized Crime (Bandung: PT Alumni, 2015).Lilik Mulyadi, *Whistleblower Dan Justice Collaborator Dalam Upaya Penanggulangan Organized Crime* (Bandung: PT Alumni, 2015).

instead of receiving reduced sentences as justice collaborators, both received heavier sentences than the prosecutor's demands.¹⁷

This research builds on several previous studies, including research by Bambang Sugiri, Nurini Aprilianda, and Hanif Hartadi, entitled “The Position of Convicts as Justice Collaborators in Revealing Organised Crime”. The main topic in the discussion of this research is the position of convicts who become Justice Collaborators in organised crime, in this case, narcotics offences. Furthermore, research conducted by Dwi Oktafia Ariyanti and Nita Ariyani entitled¹⁸ “Model Perlindungan Hukum Terhadap Justice Collaborator Tindak Pidana Korupsi di Indonesia.” The main topic of that research is the factors that cause a person to be reluctant to become a justice collaborator as well as the formulation of appropriate protection for justice collaborators in corruption offenses. Both studies serve as the foundation for this research by sharpening understanding of protection for Justice Collaborators through the lens of Law No. 31/2014, given that a Justice Collaborator's obligations are very heavy.¹⁹

Based on the introductory description above, the objectives of this study are, first, to determine the obligations of a person as a Justice Collaborator, and second, to obtain an overview of how these obligations are balanced with adequate protection, not only aimed at ensuring the safety of the witness, family, and closest associates, but also to ensure the implementation of corruption eradication in Indonesia.

¹⁷ Maya Ayu Puspitasari, “E-KTP Trial: Markus Nari Mentioned in Sentencing Hearing,” *Tempo English*, 2017, <https://en.tempo.co/read/893079/e-ktp-trial-markus-nari-mentioned-in-sentencing-hearing>.

¹⁸ Dwi Oktafia Ariyanti and Nita Ariyani, “Model Perlindungan Hukum Terhadap Justice Collaborator Tindak Pidana Korupsi Di Indonesia,” *Jurnal Hukum Ius Quia Iustum* 27, no. 2 (May 1, 2020): 328–44, <https://doi.org/10.20885/iustum.vol27.iss2.art6>.

¹⁹ Bambang Sugiri, Nurini Aprilianda, and Hanif Hartadi, “The Position of Convict as Justice Collaborator in Revealing Organized Crime,” *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 8, no. 2 (2021): 255–74, <https://doi.org/10.22304/pjih.v8n2.a5>.

2. Methods

This research uses a normative juridical method²⁰ by examining various laws and regulations on Justice Collaborators in Indonesia, particularly in corruption offences as organised crime.²¹ The primary legal materials include Law Number 31 of 2014 amending Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, as well as Supreme Court Circular Letter Number 04 of 2011 concerning the Treatment of Criminal Offence Reporters (Whistleblowers) and Cooperating Perpetrator Witnesses (Justice Collaborators). In addition, the secondary legal materials used include theses, dissertations, journals, and relevant legal articles. As tertiary legal materials, the study used legal dictionaries, the Kamus Besar Bahasa Indonesia, and encyclopedias. The study collected legal materials through library research and analysed them qualitatively and prescriptively, using legal interpretation methods and deductive reasoning (syllogism) to produce objective legal arguments and recommendations.

3. Results and Discussion

3.1. Legal Obligations of Justice Collaborators in Uncovering Corruption Offences as Extraordinary Crimes

A Justice Collaborator bears heavy legal obligations. In general, Article 30 of Law No. 31/2014 regulates a witness's obligations. However, specifically in the context of uncovering corruption cases, the technical obligations of a Justice Collaborator are derived from the formulation of Point 9, letters (a) and (b), of SEMA No. 04 of 2011. Under these provisions, a person must fulfil five main obligations to maintain their status as a Justice Collaborator:²² first, honestly admit the corruption crime they committed

²⁰ Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi* (Jakarta: Kencana Prenada Media Group, 2014).

²¹ Ema Mar'ati Sholecha et al., "Justice Collaborator's Position and Function on Witness Protection's Rights as a Suspect from the Perspective of Criminal Law in Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 6, no. 1 (June 30, 2023): 131–43, <https://doi.org/10.24090/volksgeist.v6i1.7246>.

²² Khrisna Lintang Satrio Nugroho, "Criminal Law Policy of Justice Collaborator in Corruption Crime Case," *LAW REFORM* 17, no. 1 (March 31, 2021): 24–35, <https://doi.org/10.14710/lr.v17i1.37550>.

and that they are not the main perpetrator. Second, to cooperate and actively work with investigators and public prosecutors at all stages of the case investigation. Third, to provide significant testimony and statements at trial to expose the role of the main perpetrator, the existence of evidence, and the flow of funds from the proceeds of corruption. Fourth, to maintain the confidentiality of all protection schemes and frameworks received from LPSK to avoid leaking security procedures. Finally, to comply with all legal provisions and judicial rules of conduct applicable while undergoing the protection and examination process.

The fulfilment of these five obligations serves as the main touchstone for the Public Prosecutor and LPSK before issuing a recommendation letter for sentence reduction to the panel of judges. The failure or dishonesty of a Justice Collaborator in fulfilling these obligations may result in the revocation of protection status and the cancellation of the sentence reduction proposal.²³

3.2. Protection Scheme for Justice Collaborators in Indonesian National Law

Protection of justice collaborators in corruption cases in Indonesia remains problematic.²⁴ On the one hand, enthusiasm for protecting witnesses and victims is considerable; on the other, legal provisions to protect cooperating perpetrator witnesses remain inadequate. Legal protection for Justice Collaborators must be comprehensively applied at all stages of the legal process, from reporting, investigation, inquiry, prosecution, to trial. Furthermore, this protection must also continue after the judicial process is completed. This protection matters because, in several corruption cases, intimidation and danger to each Justice Collaborator may continue after the criminal justice process concludes. Law No. 31/2014 provides protection and

²³ Alfitra Alfitra et al., "Criminal Acts of Corruption by State Officials in Procurement of Goods and Services: Study of the Role of Justice Collaborators and Whistleblowers in the Age of Technology," *Journal of Indonesian Legal Studies* 10, no. 2 (December 2, 2025): 855–86, <https://doi.org/10.15294/jils.v10i2.8341>.

²⁴ Sholecha et al., "Justice Collaborator's Position and Function on Witness Protection's Rights as a Suspect from the Perspective of Criminal Law in Indonesia."

assistance to witnesses and victims, including measures such as escorts, protection, and security for individuals in need, so they can feel safe from threats.

Law No. 31/2014 Article 5 explains the rights of a Justice Collaborator, namely the right to protection of personal safety and security, family, and property, as well as freedom from all forms of threats related to testimony that will be, is being, or has been given. Furthermore, they have the right to participate in selecting and determining the model of protection and safeguarding of safety or security. They also have the right to share or provide information without pressure from any party, and also have the right to obtain an interpreter. In addition, they must be free from all forms of entrapment questions and must be able to obtain news about case developments, court decisions, and the release of convicted persons. In this regard, the identity of a Justice Collaborator must also be kept confidential, and they need to obtain a new identity. They then have the right to obtain temporary residence and, furthermore, new residence, as well as reimbursement for transportation costs as needed, and legal counsel and assistance. They also have the right to receive temporary living cost assistance until the protection period ends.

This Witness and Victim Protection Law does not clearly distinguish between the rights attached to witnesses in criminal cases in general and the rights of witnesses facing danger or intimidation. The Witness and Victim Protection Agency (LPSK) is primarily responsible for implementing the law and determining which witnesses truly require protection and which do not. If these rights are granted only to witnesses facing threats or intimidation, witnesses who do not face threats will not receive the same rights. This is certainly not in line with the original spirit of the law's establishment.

Basically, the law provides four models of protection for a Justice Collaborator: protection of physical integrity and mental well-being, special

handling, legal protection, and rewards. The details of each form of protection can be elaborated in the following explanation:²⁵

First, protection of physical integrity and mental well-being is a necessity because each individual who becomes a Justice Collaborator will face various threats of danger, intimidation, terror, and the worst possibility is violence against themselves as well as their soul, mental health, property, and even their family. Deciding to become a Justice Collaborator is a very difficult step in one's life. All the peace and tranquillity of oneself and one's family can be disturbed. Moreover, if the criminal act they reveal is corruption, where perpetrators generally have great influence and followers and occupy strategic positions in government, then threats come not only from the perpetrators, but can also come from the perpetrators' families and individuals who do not accept the exposure of the actual events.

To appreciate the dedication of Justice Collaborators, a logical consequence is the need for a protection policy that ensures their safety. Furthermore, disclosing actual events can be an effective tool for law enforcement in addressing corruption crimes. Therefore, law enforcement's obligation to protect Justice Collaborators can affect the effectiveness and efficiency of resolving criminal cases.

Protection of physical integrity and mental health is regulated in a joint regulation, namely the "Joint Regulation of the Minister of Law and Human Rights, the Attorney General, the Chief of the Indonesian National Police, the Corruption Eradication Commission, and the Chairperson of the Witness and Victim Protection Agency concerning Protection for Reporters, Reporting Witnesses, and Cooperating Perpetrator Witnesses of 2011." Article 8 paragraph (1) of the joint regulation stipulates that

"... Applications for physical and mental protection for cooperating perpetrator witnesses (Justice Collaborators)—as referred to in Article 6 paragraph (1) letter a—must be submitted by Law Enforcement Officials

²⁵Lilik Mulyadi, *Perlindungan Hukum Whistle Blower & Justice Collaborator Dalam Upaya Penanggulangan Organized Crime* (Bandung: PT Alumni Bandung, 2015).

(APH) according to the stage of case handling, namely investigators, public prosecutors, or judges to LPSK."

Furthermore, Article 8 paragraph (2) stipulates that "the determination of physical and mental protection is carried out by LPSK based on the proposal or recommendation of the relevant APH." If the recommendation is accepted, in accordance with Article 8 paragraph (3), "LPSK is obliged to provide protection whose implementation coordination is carried out together with APH and other relevant agencies."

Second, as an addition to the accommodation of protection for bodily integrity and mental well-being that has been previously described, in order to encourage efforts to provide protection and a sense of security to Justice Collaborators who have sacrificed by giving their testimony in court, the person concerned is given special handling in accordance with Article 10A paragraph (2) of Law 31/2014. Such special handling includes separating detention places for perpetrator witnesses, suspects, defendants, and convicts whose criminal acts are revealed, as well as separating their case files during the investigation and prosecution of the corruption crimes they revealed. In this case, the person giving testimony does not come face-to-face with the defendant whose criminal act is being revealed.

Third, protection of "legal status" under Government Regulation Number 71 of 2000 concerning Procedures for the Implementation of Public Participation and the Granting of Awards in the Prevention and Eradication of Corruption Crimes. One form of protection of legal status here, technically, is to postpone the process of filing a defamation report by a corruption suspect against the reporting witness until the legal process related to the corruption case is completed. Therefore, the legal process of the corruption case must be prioritised over the suspect's defamation claim against the corruption reporting witness. However, this protection of "legal status" will be revoked if, based on the results of investigation and inquiry, sufficient evidence is found to substantiate the reporting witness's participation in the corruption crime that was reported and witnessed. In such cases, the reporting witness will receive safety protection only during the criminal justice examination process related to the corruption case.

This provision is in line with the regulation in Article 10 (1) and (2) of Law 31/2014, which states that "...those who act as witnesses, victims, perpetrator witnesses, or reporters in this case cannot be legally prosecuted, either criminally or civilly, for their testimony or report that will be, is being, or has been given, except when the giving of their testimony and report is not based on good faith." Then, the trial must be postponed until the court decides on the matter they reported or testified about, and that decision produces a permanent legal effect.²⁶

Implementing the concept of protection for cooperating persons, as regulated in said article, constitutes an appropriate criminal law policy, especially in cases of criminal acts committed in an organised and systematic manner. In this regard, public prosecutors and the police bear a very heavy burden when they must prove a criminal act whose evidence is difficult to gather through witnesses who saw, heard, or directly experienced the corruption offence, particularly when the perpetrators carry out their actions in an organised and detailed manner. Furthermore, "counterattacks" from the main perpetrators of corruption are frequently encountered when they are reported as Justice Collaborators, namely, through criminal defamation or unpleasant conduct offences, and, worse still, may even extend to criminal and civil legal proceedings. To address this, Article 10(1) of Law 31/2014 should strongly encourage Justice Collaborators to focus on uncovering the true corruption incident without being burdened by legal cases filed by the reported party.

Meanwhile, reality does not match these expectations, because this article's provision only suspends legal proceedings. In the provision of Article 10(2) of Law 31/2014, there appears to be ambiguity and a lack of firmness in the norms regarding the position of a witness who is also a suspect, as well as the situation in which a witness acting as a reporter can change status to become a suspect. This lack of clarity invites multiple interpretations and creates legal uncertainty. In addition, this article creates a loophole for investigators

²⁶Dewan Perwakilan Rakyat, "Undang-Undang Republik Indonesia Nomor 31 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 13 Tahun 2006 Tentang Perlindungan Saksi Dan Korban," *Journal of Chemical Information and Modeling* (Jakarta: Dewan Perwakilan Rakyat, 2019).

to override the authority of the witness and victim protection agency, since investigators can determine or arrest a suspect without considering the jurisdiction of the government agency tasked with protecting witnesses. Thus, the current formulation of Article 10(2) does not yet fulfil the principle of comprehensive protection of individuals, given that such individuals may still be sentenced if proven to be involved in the related crime, so it has not provided adequate legal certainty.

Fourth, namely the granting of appreciation or awards to Justice Collaborators. These awards aim to recognise their contribution to law enforcement efforts and encourage the wider public to be bolder in reporting criminal acts to law enforcers. The regulation concerning awards can be found in Article 10A(3), among others: "the provision of legal assistance in criminal law in the form of parole, additional release, and other convict rights based on prevailing laws and regulations if the witness who committed the offence has the status of a convict."

The granting of remission as a form of respect and as an effort to encourage the presence of cooperative witnesses has been previously regulated in Article 10 paragraph (2), which states that "... the judge may also consider the testimony of a witness who is also a suspect in a crime to reduce the sentence." In this regard, the judge has full authority to grant leniency or relief from punishment at his discretion. Furthermore, under point 9, letter b, of Supreme Court Circular Letter (SEMA) No. 04 of 2011, the judge may consider whether a person deserves a sentence reduction based on the public prosecutor's record.

In essence, granting rewards for Justice Collaborators is a legal policy within the executive sphere that does not fully bind the judiciary's independence. Therefore, Article 10A of Law 31/2014 and SEMA No. 04/2011 explicitly regulate the scheme for granting rewards to Justice Collaborators. Under Article 10A paragraph (3), LPSK provides a written recommendation to the Public Prosecutor to include in the indictment submitted to the panel of judges to obtain a reduction in sentencing. In addition, LPSK also provides written recommendations to the minister responsible for government affairs in the field of law regarding requests for conditional release, additional

remission, and other prisoner rights. If the request for status determination and the granting of rewards is approved by the Attorney General or the Leadership of the Corruption Eradication Commission (KPK), the Public Prosecutor is obliged to explain in the indictment the matters and contributions made by the Justice Collaborator in supporting the law enforcement process, so that they may be considered by the judge in rendering a verdict.

Success in the examination stage of a criminal case will affect the success of the examination process in court in the future. Law enforcers must work hard to handle criminal acts and determine whether a person can become a justice collaborator. However, weaknesses in the application and determination procedures for justice collaborators can hinder the judicial process. For example, if the Corruption Eradication Commission (KPK) detains a suspect, the question is whether the application is submitted to the KPK, the LPSK, or both. There are answers that can address this issue, namely: 1) The application to become a Justice Collaborator is submitted to the KPK. 2) The assessment of a person's eligibility as a Justice Collaborator, as well as the decision regarding the granting of special treatment, remains delegated to the institution that previously handled the case or the relevant institution. However, a recommendation letter from LPSK as a special witness protection institution for granting special treatment and sentence reduction does not bind the judge in imposing a sentence in court.²⁷²⁸

In light of the several issues above, it is appropriate that regulations concerning Justice Collaborators also be included in the revision of the Criminal Procedure Code (KUHP), given that the KUHP is the formal criminal law regulation governing case examination procedures within the Criminal Justice System (SPP), whereas LPSK is not part of that system.

²⁷ Yahya Harahap, *Pembahasan, Permasalahan Dan Penerapan KUHAP, Penyidikan Dan Penuntutan, Edisi Kedua* (Jakarta: Sinar Grafika, 2012).

²⁸ Muhammad Iqbal Lubis, "Pelindungan Hukum Terhadap Justice Collaborator Dalam Hukum Pidana Di Indonesia : Analisis Putusan Mahkamah Agung No. 2223K/Pid.Sus/2012," *USU Law Journal* 07, no. 03 (2019): 61.

Under these conditions, law enforcement has two options: to consider or not to consider such recommendations in their rulings.²⁹

Furthermore, the KUHAP revision should include protections for Justice Collaborators because many institutions have authority over their acceptance and handling. Therefore, the KUHAP revision should clarify each institution's authority, functions, and duties in handling and protecting Justice Collaborators. If this is realised, it would become a clear and robust regulation or guideline that serves as a reference for law enforcement in protecting Justice Collaborators, given that KUHAP is a formal legal guideline that binds law enforcement. Accordingly, this legal protection can ultimately create legal certainty for Justice Collaborators to give testimony objectively and without fear of danger that may befall them. This legal protection also provides recognition through sentence reductions, remissions, and parole as appreciation for their contribution to uncovering corruption cases.³⁰

4. Conclusion

Based on the analysis and discussion, Indonesian positive law provides four forms of protection for Justice Collaborators in corruption cases: physical and psychological protection, special handling, legal status protection, and recognition in the form of sentence reductions. Nevertheless, the current normative framework remains marked by legal uncertainty, particularly because Article 10 of Law No. 31/2014 merely suspends prosecution, application procedures are dual, and LPSK recommendations are not binding on the panel of judges. In contrast, a justice collaborator must fulfil five technical obligations, including admitting the act, cooperating, providing significant testimony, and maintaining confidentiality. As a solution-oriented measure, this research recommends explicitly integrating

²⁹Ahmad Yunus, "Penetapan Pelaku Tindak Pidana Korupsi Sebagai Justice Collaborator Dalam Praktik," *Simbur Cahaya* 24, no. 02 (2017): 4.

³⁰Antonius Yoseph Bou, I Nyoman Sujana, and I Ketut Sukadana, "Perlindungan Hukum Terhadap Saksi Pelaku Yang Bekerjasama (Justice Collaborator) Dalam Perkara Tindak Pidana Korupsi," *Jurnal Analogi Hukum* 2, no. 2 (2020): 6, <https://doi.org/10.22225/ah.2.2.1886.142-147>.

norms and procedures for protecting justice collaborators into the KUHAP revision to guarantee legal certainty binding on all law enforcement officials.

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