

Legal Protection for Justice Collaborators in Disclosing Criminal Acts of Corruption

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Abstract. *Justice Collaborator is a witness of the perpetrator who cooperates. This means that he is one of the perpetrators of the crime of corruption, but not the main perpetrator. The purpose of this study is to examine and understand the position of justice collaborators in efforts to eradicate corruption. Justice Collaborators are witnesses of the perpetrator who are willing to cooperate with law enforcement to uncover a crime. What is the position of justice collaborators in efforts to eradicate corruption and what problems occur to a Justice Collaborator. The method used in this study is the Normative Juridical approach method, the specifications in this study are descriptive analytical, the data used is secondary data, using data collection with literature studies, qualitative data analysis, problems are analyzed with theory, Legal Protection and Justice Theory. The results of this study are the position of Justice Collaborator as an actor who is used as a witness who is willing to cooperate with law enforcement and the guidelines for its use are regulated in the Circular Letter of the Supreme Court Number 04 of 2011. The position of Justice Collaborator is to place Justice Collaborator as a key witness in new laws and regulations or include it in the law on efforts to eradicate corruption that already exist and place Justice Collaborator as a witness who can be asked for information outside the trial, so that investigators can more freely obtain information and information to uncover other perpetrators in corruption cases. The existence of Justice Collaborator still faces many problems, often LPSK is not involved in providing recommendations for witnesses who are worthy of being determined as perpetrator witnesses (Justice Collaborator).*

Keywords: Collaborator; Justice; Position.

1. Introduction

In the Constitution of the Republic of Indonesia it is stated that the State of Indonesia is a State of law.¹ which has the aim of creating legal order and legal certainty for the running of government organizations in Indonesia, and a State of law is a State based on law. Indonesia is a state of law that stands and is firmly guided by the Pancasila and also the 1945 Constitution of the Unitary State of the Republic of Indonesia. In Article 1 paragraph (3) of the 1945 Constitution it is clearly stated and stated that Indonesia is a state of law. That article is the basis that Indonesia is a state of law. Indonesia is a state that requires its citizens to obey the law, just like the nature of legal norms themselves which are binding and coercive.

One of the current criminal acts that is very phenomenal and very detrimental to the country is the problem of corruption. The problem of corruption in various parts of the world, always get more attention compared to other crimes. Moreover, the state of corruption in Indonesia is very concerning, even corruption in Indonesia is at the level of political crime. Corruption is a complex problem that has penetrated all aspects of life and occurs systematically without recognizing class, thus destroying all orders and disrupting the course of development.

Based on the findings of the Witness and Victim Protection Agency (LPSK) until November 24, 2021, the number of prisoners who became justice collaborators for corruption cases was 209 people. The institution that gave the most justice collaborator status to corruption prisoners was the prosecutor's office, namely 173 people. The institution that gave the second most justice collaborator status was the Corruption Eradication Commission (KPK), namely to 22 people. Meanwhile, the police institution gave the status to 14 people. The number of justice collaborators in corruption cases is also much smaller than in narcotics cases. From information collected by LPSK, the number of justice collaborator statuses issued by law enforcement related to narcotics crimes has reached 27,124 people, as of November 24, 2021.

The role of Justice Collaborator is as a suspect but not the main perpetrator and can expose the people involved above him. In this case, even though he has been corrupt, he also gets leniency because he has helped in a process of exposing facts and justice. Meanwhile, corruption in Indonesia from the perspective of Islamic law can be classified into the categories of khiyānah or ghulūl (treason), al-ghasy (fraud), and risywah (bribery). Researchers see the strategic role of cooperating witnesses (justice collaborators) who can provide very important information in revealing a crime and experience threats that are very dangerous to the witness's life, therefore it is necessary to fulfill the rights and guarantees of legal protection for cooperating witnesses, therefore researchers assume that adequate legal instruments are needed, so that cooperating witnesses (justice collaborators) can provide information used by law enforcement in court.

Based on the background description, the author is interested in researching and studying legal relief for Justice Collaborators in disclosing corruption cases, for this reason the author will take the title of the thesis, namely "LEGAL PROTECTION FOR JUSTICE COLLABORATORS IN DISCLOSING CORRUPTION CRIMINAL ACTS".

2. Research Methods

As for the part of the research method used in this research, the author uses the type of normative legal research (normative legal research method). The normative legal research method is a library legal research conducted by examining library materials or secondary data alone. The legal research approach used in this writing uses a statutory approach.

This study uses a normative legal research type (normative legal approach). The normative legal approach is an approach carried out by examining the rules or norms or regulations related to the problem to be discussed (Soerjono Soekanto, 2007). So the data used is secondary data by collecting sources in the form of explanations obtained from all publications on law. The data collection method used by the author in this study is using a literature study. While the data analysis method used by the author is a qualitative approach. The data obtained through further research is analyzed using qualitative analysis, namely by describing the data and facts produced by describing the data with detailed, systematic, and analytical sentences, so that conclusions can be drawn to determine a result.

3. Results And Discussion

3.1. Position of Justice Collaborator in relation to Corruption Crimes

The existence of Justice Collaborator is one of the legal breakthroughs in the effort to eradicate corruption considering that the case is a serious crime and scandal crime. The widespread scale and sophisticated mode of these cases require new methods and effective tools, because conventional methods are considered difficult and less effective in resolving these cases.² However, existing laws and regulations such as the Corruption Eradication Law, the Corruption Eradication Commission Law, and several laws related to efforts to eradicate corruption actually cause legal problems and clashes of institutional authority regarding the understanding of the concept or its implementation. Of course, the direction of the formulation of legal policies regarding changes to the applicable laws cannot be avoided, in order to achieve the desired harmony.

Justice collaborators themselves in Indonesian law are still not regulated clearly and in detail, the statutory regulations that implicitly cover justice collaborators can be seen in Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption which has been updated by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 which regulates the

granting of awards or rewards to parties who cooperate or provide assistance in eradicating criminal acts of corruption as contained in Article 42 paragraph (1).

The key roles of a Justice Collaborator include uncovering crimes that have occurred or will occur so that state assets remain safe, providing important information to law enforcement, and providing testimony in the judicial process.

The position of Justice Collaborator is to place Justice Collaborator as a key witness in new legislation or include it in existing laws on efforts to eradicate criminal acts of corruption and place Justice Collaborator as a witness who can be asked for information outside of court hearings, so that investigators can more freely obtain information and statements to uncover other perpetrators in corruption cases.

The position of a Justice Collaborator in efforts to eradicate criminal acts of corruption is as a perpetrator who is made a witness who is willing to cooperate.

with law enforcers to provide important evidence and information needed to uncover and eradicate corruption and its usage guidelines have been regulated in the Supreme Court Circular Letter Number 04 of 2011. However, in reality there are still differences among law enforcers in determining someone to be a Justice Collaborator. So that it results in legal protection and reward not being obtained and in the end the perpetrators will think twice about cooperating with law enforcers.

Meanwhile, to reposition the position of Justice Collaborator in efforts to eradicate corruption is to place Justice Collaborator as a key witness in new laws and regulations or include it in the existing law on efforts to eradicate corruption and place Justice Collaborator as a witness who can be asked for information outside of court hearings, so that investigators can more freely obtain information and statements to uncover other perpetrators in corruption cases.

3.2. Problems that arise in legal protection *Justice Collaborator* On Disclosure of Corruption Crimes

Problematics, according to the Big Indonesian Dictionary (KBBI) problematics is something that still causes debate, still causes a problem that must be solved. A cooperating witness (Justice Collaborator), is one of the suspects in a crime who is not the main perpetrator and can work together to uncover a crime and the people involved. Fadli Rajab Sanjani is of the opinion that a Justice Collaborator is a perpetrator of a crime who has the status of a reporter, informant or witness who provides assistance to law enforcement officers.

Justice collaborators can be defined as individuals who report crimes they have participated in. As parties involved in a crime, justice collaborators can provide important evidence about who was involved in the crime, what the roles of each perpetrator were, how the crime was committed, and where other evidence can be found. In an effort to persuade insiders to cooperate in the investigation and prosecution of other perpetrators in the crime, prosecutors in various countries

use several types of legal instruments.

The benefits of Justice Collaborators are closely related to the existence of new suspects and evidence in corruption crimes that have not been found by law enforcement in Indonesia with various efforts. One of them is by digging up information from suspects who are willing to cooperate with law enforcement officers.⁶ The requirement to become a justice collaborator is that the perpetrator is not the main perpetrator, because if the main perpetrator is made a justice collaborator to arrest the perpetrators below him, the main perpetrator can escape the clutches of the law and become undeterred from repeating his actions.

People who get the status of perpetrator witness can get an award for the cooperation they give in the form of reduced sentences and fulfillment of prisoners' rights, such as parole, additional remission, and other prisoners' rights. However, in the application of this perpetrator witness (Justice Collaborator) there are several problems from law enforcement as well as the problems that the perpetrator will receive if they are determined as a perpetrator witness (Justice Collaborator).

LPSK (Witness and Victim Protection Agency) is an independent agency whose duties and authorities provide protection and rights to witnesses and victims based on legal duties and authorities. The following is the LPSK Protection Program.

The determination of justice collaborators (JC) for suspects and defendants who cooperate with law enforcement officers in uncovering criminal acts in court has not yet been...

have a common view in law enforcement. In fact, since Law No. 13 of 2006 was updated to Law No. 31 of 2014 Regarding the LPSK being implemented, at least ten years of practice have still found crucial problems in providing rewards to justice collaborators in court.

4. Conclusion

Justice Collaborator positioned as a witness to the perpetrator. The position of a justice collaborator as a witness in disclosing corruption crimes is as a cooperating witness to the perpetrator. The perpetrator witness is protected according to Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims. The Joint Regulation also regulates the rights of the perpetrator witness. A Cooperating Witness to the Perpetrator has the right to receive physical and psychological protection; legal protection; special handling; and awards. The existence of Justice Collaborator still faces many problems. Where the term Justice Collaborator is not found in the Criminal Procedure Code (KUHAP), where the KUHAP only regulates victim witnesses, a de charge witnesses (who mitigate the defendant), a charge witnesses (who incriminate the defendant), and de auditu witnesses (who only hear from others). Although there are many regulations outside the

KUHAP that regulate Justice Collaborators, there are still many investigators who reject the status of perpetrator witnesses (Justice, Collaborator) on the grounds that the status is not included in the KUHAP. Because it cannot be denied that there are still many law enforcement officers who experience several obstacles related to Justice Collaborators so that there needs to be a common view in the mechanism for determining Justice Collaborators between law enforcers. Another obstacle is that if the perpetrator witness (Justice Collaborator) is determined by the Judge and not proposed by the Public Prosecutor, the Public Prosecutor is often reluctant to state it in the minutes given to the correctional institution. Another problem is that LPSK is often not involved in providing recommendations for witnesses who are worthy of being designated as perpetrator witnesses (Justice Collaborators).

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