



Reconstruction of legal protection for justice collaborators within the criminal justice system as an effort to uncover general criminal offences in Indonesia

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Abstract

Perpetrators of general criminal offences who are willing to cooperate with law enforcement are often referred to as justice collaborators. These individuals serve as valuable sources of information for law enforcement to uncover criminal activities involving complex crime networks. A justice collaborator provides testimony, leads, and even assists in obtaining strong evidence to strengthen the case being handled by the authorities. The aim of this research is to examine the reconstruction of legal protection for justice collaborators within the criminal justice system as an effort to uncover general criminal offences in Indonesia. This research employs normative legal research with a statute approach. The author uses primary, secondary, and tertiary legal materials to analyse the issue under investigation as a means of problem-solving. Furthermore, qualitative data has been chosen, focusing on the quality of legal products, which will be analysed from that perspective. Thus, the data collection technique applied in this research involves qualitative analysis. The findings and discussion in this study address two key issues: the requirements for granting justice collaborator status in general criminal offences and the reconstruction of general criminal offences as acts that can be addressed by justice collaborators.

Keywords: Criminal offence, justice collaborator, law enforcement, research

Introduction

The criminal justice system is a crucial pillar in maintaining public safety and order, as well as upholding law and justice within a country. In Indonesia, the criminal justice system aims to punish offenders to ensure they are held accountable for their actions. However, in practice, there are criminal cases involving more than one perpetrator, where one is willing to cooperate with the authorities and provide key information that can help expose broader criminal activities. These perpetrators, who are willing to cooperate, are often referred to as "justice collaborators." They play a crucial role as valuable sources of information for law enforcement in uncovering general criminal offences, especially those involving complex crime networks. A justice collaborator provides testimony, leads, and may even engage in undercover operations to gather strong evidence that can reinforce the criminal case at hand.

Although these individuals offer significant contributions in revealing criminal activities, concerns and issues related to the legal protection of justice collaborators remain. In some cases, after providing information and assistance, collaborators often face serious threats to their own safety and that of their families. Moreover, they may encounter legal obstacles and social stigma that can hinder the course of justice and affect the integrity of the criminal justice system. This reflects a shift from a system solely based on retributive justice towards restorative justice, where the focus has expanded from mere justice and certainty to include a calculated consideration of utility in each case. This paradigm shift appears to have taken root within Indonesia's criminal justice system, driven by the acceleration of human rights values in the international arena, which have increasingly become a dominant influence shaping the culture, structure, and substance of legal relationships (rechtsbetrekkingen) ^[1].

The resolution of the concept and legal memorandum culminated in the enactment of Law No. 13 of 2006 on the

Protection of Witnesses and Victims (UU PSK 2006), as amended by Law No. 31 of 2014 on Amendments to Law No. 13 of 2006 on the Protection of Witnesses and Victims (UU PSK 2014). This development is seen as a productive step in restoring the post-crime situation, substantively integrating the Witness and Victim Protection Agency (LPSK) into the criminal justice system in Indonesia. The basic concept of a justice collaborator is that they are a secondary offender, not the main perpetrator, but cooperate with law enforcement to apprehend the principal offender, thus exposing organised criminal activities. Therefore, a key requirement for becoming a justice collaborator is that the individual is not the main perpetrator. If the main perpetrator were allowed to act as a justice collaborator to capture lower-ranking offenders, they could evade justice and potentially continue committing crimes without fear of deterrence.

In addition to the provisions in UU PSK 2006 and UU PSK 2014 regarding whistleblowers and justice collaborators, further regulations are found in Supreme Court Circular No. 4 of 2011 concerning the Treatment of Whistleblowers and Justice Collaborators in Certain Criminal Cases (SEMA No. 4 of 2011). In an interview with Abdul Haris Semendawai, who served as the head of LPSK from 2013 to 2018, he noted that there are still many differing opinions regarding who qualifies as a justice collaborator, due to the multitude of regulations leading to varied applications. The revocation of justice collaborator status for an offender carries significant consequences for individuals who have previously cooperated with the authorities to uncover criminal activities. These consequences can affect various aspects of the individual's life, both legally and socially. Some of these consequences include the following ^[2]:

First, the loss of legal benefits: In some cases, individuals who cooperate as justice collaborators can receive legal advantages such as sentence reductions, parole, or other special treatment. However, with the revocation of justice

collaborator status, the individual loses these legal benefits. This means that the offender may face a heavier sentence, in line with the prevailing criminal justice policies.

Second, the potential for a harsher sentence: The revocation of justice collaborator status could result in the offender who had previously cooperated facing a more severe punishment. This is because the court may have relied on the information provided by the justice collaborator during the trial process, and once the status is revoked, the information may no longer be considered as significant or usable to reduce the sentence.

Third: increased safety risks: As a justice collaborator, the individual may have provided crucial information about a crime network or related individuals. The revocation of their status may heighten the safety risks, as the individual could become a target for retaliation from members of the crime network who are unhappy with their involvement in exposing the crime. Ensuring protection for the individual after their status is revoked becomes crucial to safeguard their security and well-being.

Fourth, social stigma: The revocation of justice collaborator status can also lead to social stigma for the individual. Society may view them with suspicion or negativity due to their previous role in the crime, even though they have helped in uncovering criminal activity. This stigma can affect their social reintegration and limit their opportunities to start a productive life after going through the criminal justice process.

The above precedents could hypothetically discourage other potential justice collaborators, as they might see it as a new threat to what they intend to testify in court. This could create an obstacle to efforts to restore stability following serious or organised crimes. Additionally, it demonstrates the lack of legal certainty for individuals who cooperate as justice collaborators. A comprehensive analysis reveals that the regulations and the designation of justice collaborators in Indonesia do not yet meet the standard seen in the United States, the country that originated the concept of the justice collaborator. In the initial stages of designating a justice collaborator, a plea bargain agreement is established between the prosecutor, the judge involved in the case, and the suspect who is to become the justice collaborator, thereby creating consistency and legal certainty for all parties.

From the discussion above, it is clear that the regulation of justice collaborators in Indonesia's criminal justice system is relatively new compared to earlier legal practices. This is because neither the Indonesian Criminal Procedure Code (KUHAP) nor other regulations explicitly address the concept of justice collaborators in criminal trials. Based on Supreme Court Circular No. 4 of 2011, a justice collaborator is a perpetrator who admits their crime but is not the main offender and is willing to testify as a witness in court. Thus, the above situation requires critical study and evaluation.

Based on the background above, the problem statements in this research are as follows: What are the requirements for granting justice collaborator status in general criminal offences? How is the reconstruction of general criminal offences as actions that can be addressed by a justice collaborator?

Research method

In this research, the author employs normative legal research using a statute approach. This aligns with Irwansyah's view that normative legal research, which utilises the type of synchronisation testing of laws and regulations, aims to assess the consistency of the substance found within one regulation with other related regulations^[3]. In analysing the issues under investigation, the author utilises primary, secondary, and tertiary legal materials as parameters for problem-solving. First, primary legal materials, which consist of legislation, jurisprudence, and other related sources. Second, secondary legal materials, which include books and publications on law, such as legal journals and other research relevant to this study. Third, tertiary legal materials, including legal dictionaries and the Kamus Besar Bahasa Indonesia (Indonesian Dictionary). Accordingly, the author chooses to use qualitative data in this research, focusing on analysing the quality of legal products. Mukti Fajar and Yulianto Achmad state that the data collection technique in normative legal research involves a literature review of primary, secondary, and tertiary legal materials^[4]. Thus, this literature review is the data collection method used by the author in this study, applying qualitative analysis.

Result and discussion

Requirements for granting justice collaborator status in general criminal offences

In the regulation of SEMA No. 4 of 2011, a justice collaborator is defined as a witness who is a perpetrator (but not the intellectual actor) of organised, systematic crimes, which are classified as extraordinary crimes. This individual cooperatively admits to the crimes committed and is willing to provide testimony and information during the investigation, inquiry, and trial process, significantly aiding in the uncovering of criminal acts with the intent of identifying other perpetrators with larger roles and recovering assets or proceeds from the crime.

SEMA No. 4 of 2011 is an official instruction issued by the Supreme Court of the Republic of Indonesia. It was provided to judges and court members to offer guidance and direction regarding the procedures and protocols for handling cases in court. The establishment of SEMA No. 4 of 2011 was driven by various factors and needs within the judicial system in Indonesia. Furthermore, the existence of SEMA No. 4 of 2011 aims to interpret the provisions related to justice collaborators in Law No. 13 of 2006 concerning Witness and Victim Protection (UU PSK 2006) as amended by Law No. 31 of 2014 (UU PSK 2014), which has been perceived as having multiple interpretations in its application. This ambiguity stems from the definition related to witnesses who are suspects, where their testimony can be considered by judges to mitigate the sentence, yet is still seen as unclear in practice, as outlined in Article 10, paragraph (2) (before amendment) of UU PSK 2006, which states:

“A witness who is also a suspect in the same case cannot be exempted from criminal charges if it is proven legally and convincingly guilty, but their testimony may be taken into account by the judge in mitigating the sentence to be imposed.”

The clarity regarding the terminology of justice collaborator within criminal procedural law can be concretely and specifically articulated in Law No. 13 of 2014 concerning

Witness and Victim Protection (UU PSK 2014), which provides a definition of a witness perpetrator (justice collaborator) along with protections and other special rights for such witnesses, as outlined in Article 1, number 2 of UU PSK 2014, which states: "A witness perpetrator is a suspect, defendant, or convicted person who collaborates with law enforcement to reveal a criminal act in the same case." Additionally, Article 10, paragraph (1) of UU PSK 2014 stipulates: "Witness perpetrators may be given special handling during the examination process and recognition for the testimony provided." Furthermore, in Article 4, paragraph (1) of the Regulation of the Chair of the Witness and Victim Protection Agency No. 6 of 2010 concerning Procedures for Providing Protection for Witnesses and Victims (Peraturan Ketua LPSK No. 6 Tahun 2010), it states: "Witnesses and/or victims must submit a written request to the Chair of the LPSK to obtain protection." This provision correlates with Article 4, paragraph (3) of Peraturan Ketua LPSK No. 6 Tahun 2010, which states: "The written request referred to in paragraph (1) may be submitted by:

- a. The applicant who comes personally or through their family;
- b. Through an authorised official, including:
 1. law enforcement officers who have the authority to conduct investigations;
 2. agencies granted authority under the law to provide protection for witnesses and/or victims; and
 3. Institutions or commissions that have the authority to protect witnesses and/or victims.
- c. Through their legal counsel by presenting a power of attorney from the applicant and/or victim;
- d. Through letters and/or electronic documents."

The existence of various legal instruments serves to position justice collaborators as a vital component within the evidentiary system for extraordinary crimes under the umbrella of the criminal justice system. Given the current role of justice collaborators, it is deemed highly influential in uncovering material facts in court proceedings. This narrative is supported by Romli Atmasasmita, who notes that some pieces of evidence (such as indications, letters, and electronic documents) possess binding evidential strength (*beweis lag*) if the judge is convinced that other evidence aligns with the testimonies of the witness and the defendant. Consequently, the complexity of segmented regulations, both in internal law enforcement regulations and Joint Decrees (SKB) concerning the handling of justice collaborators, is highly susceptible to limitations and violations of the human rights of witness perpetrators in law enforcement, given that witness perpetrators have both rights and obligations inherent to their status. On one hand, they serve as witnesses, but on the other hand, they are defendants; thus, while they may have committed wrongs, they are also entitled to recognition.

From the perspective of the principle of legality as the main pillar of substantive criminal law and formal criminal procedure, as articulated in Article 3 of the Criminal Procedure Code (KUHAP), which states: "Judicial proceedings shall be conducted according to the procedures established in this law." This provision underscores the principle of legality and distinguishes it from the provisions of substantive criminal law, where the differentiation

between the two can be seen in legal products such as laws that manifest it. In the Criminal Code (KUHP), criminal offenses can be articulated in regulations, as asserted in Article 15, paragraph (1) of Law No. 12 of 2011 concerning the Establishment of Legislation (UU P3); however, the concept of formal criminal law regulation can only be included in statutory law (*strafvordering heeft alleen plaats op de wijze bij de wet voorzien*). This aligns with the systematic and historical interpretation as mandated by Article 28J, paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945).

Examining the relationship between justice collaborators and investigative agencies is based on the concept of mutualistic symbiosis, where justice collaborators act as colleagues to investigators and law enforcement officers in unveiling extraordinary crimes, all of which are integrated within an integrated criminal justice system in efforts to disclose such crimes^[5]. On the other hand, the shortcomings in the utilisation of justice collaborators are evident in the parameters for determining whether an individual is a mastermind (principal actor) or not, which can be biased due to the regulations on this matter not being fully enshrined in the law. Thus, if each perpetrator holds a role equivalent to the others, it becomes exceedingly difficult to ascertain who the mastermind is among them.

Thus, from a cognitive perspective, the author attempts to align Gustav Radbruch's views on the significance of legal certainty for the regulation of justice collaborators, which is crucial to the doctrine of *rechtsidee*. As expressed in his writing on statutory lawlessness and supra-statutory law, "legal certainty takes a curious middle place between the other two values, purposiveness and justice, because it is required not only for the public benefit but also for justice." Furthermore, Radbruch posits that legal certainty is a prerequisite for the achievement of justice, stating that "the law be certain and sure, that it not be interpreted and applied one way here and now, another way elsewhere and tomorrow, is also a requirement of justice^[6]." In Criminal Procedure Law, the primary focus, which serves as a universal principle in its application, is due process of law—ensuring the continuity of law founded on the preservation of individuals' rights, whereby the law empowers people to become subjects rather than objects.

The terminology of due process of law is defined by Black's Law Dictionary as "the conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case." Additionally, Daniel Webster articulated the concept of due process of law in the case of "Dartmouth College v. Woodward" as "a law which hears before it condemns; which proceeds upon inquiry and renders judgment only after trial."

From a compilation of definitions regarding due process of law, it can be concluded that due process of law represents the execution of legal processes in accordance with regulations and principles aimed at upholding fair and appropriate personal rights, while also encompassing values that guarantee fundamental rights within a criminal justice system. The enforcement and implementation of the concept and essence of due process of law can be assured when the principle adheres to recognition, respect, and protection of rights within a criminal justice system.

The existence of due process of law within the criminal justice system is reflected in several underlying principles, including ^[7]:

1. **Presumption of Innocence:** This principle asserts that every individual suspected, arrested, detained, or prosecuted must be presumed innocent until proven guilty by a final and binding judgment (in kracht van gewijsde). Thus, the professionalism in addressing a problem is not subjectively oriented.
2. **Double Jeopardy/Nebis in Idem:** This principle states that no one shall be punished for the same offense twice.
3. **Protection of Human Rights:** This principle emphasizes that during investigations, inquiries, and prosecutions in court, the suspect or defendant, as well as witnesses, must be treated in accordance with human dignity, rather than being regarded as objects or commodities under scrutiny (inquisitor).

The point of convergence for the embodiment of these principles is the existence of a harmonious, linear, and inseparable representation within the criminal justice system. These principles fundamentally reflect the protection of individual rights that must be upheld within the implementation of the criminal justice system. On the other hand, the primary objective of the criminal justice system is to support criminal law, which requires procedural law to conduct penal processes aimed at discovering and establishing material truth ^[8]. In line with this, the approach of the criminal justice system has evolved from its original retributive justice, which focused solely on punishment, to restorative justice, which seeks to restore the rights and reparations for victims, offenders, and society affected by crime ^[9].

The restorative justice approach is manifested through the institutions within the criminal procedural law that support the restoration of rights and reparations for victims, offenders, and society affected by crime, allowing various types of offenses to be directly addressed. This is evident in the concept of protection for witnesses and victims, as both victims and offenders require rehabilitation and assurance of their rights. This responsibility falls under the authority of a new institution, the Witness and Victim Protection Agency (LPSK), alongside components such as the Police, Prosecutors, Courts, and Correctional Institutions.

LPSK, which is a product of restorative justice, has a significant impact on the recovery from various incidents arising from criminal acts, including the restoration of victims' rights and the recovery of state assets through the involvement of justice collaborators.

In the regulation of justice collaborators, the concept of protection concerning the clarity of reward provision for justice collaborators is also addressed. Countries that have implemented reward systems include the Netherlands. The reward program for justice collaborators is regulated under the Dutch Code of Criminal Procedure, known as the *Wetboek van Strafvordering*. In this context, the provisions regarding rewards are recognized through a witness agreement between the Public Prosecutor and the witness, aimed at gathering testimonies regarding organized crime. If the crime is uncovered, the justice collaborator is entitled to the promised reward from the Public Prosecutor.

The regulation of justice collaborators within Indonesian criminal law is outlined as follows: First, the regulation of justice collaborators in positive law highlights their crucial role in assisting in the disclosure and resolution of cases categorized as organized crime. In practice, law enforcement often encounters various legal and non-legal challenges in fully uncovering and clarifying criminal acts, particularly in presenting key witnesses throughout the legal process from investigation to trial. Currently, the issue faced in Indonesia is that justice collaborators are not explicitly regulated under the Criminal Procedure Code (KUHAP). The provisions in KUHAP only address the rights of offenders within the criminal justice process. As of now, the explicit regulation concerning justice collaborators is primarily found in Supreme Court Regulation No. 4 of 2011.

Additionally, the current criminal law policies, both from international and national documents, that provide regulations related to justice collaborators include: 1) the United Nations Convention Against Corruption (Law No. 7 of 2006 on the UN Anti-Corruption Convention); 2) the United Nations Convention Against Transnational Organized Crime (Law No. 5 of 2009 on the UN Convention Against Transnational Organized Crime); 3) Law No. 6 of 2006 in conjunction with Law No. 12 of 2022; and 4) Supreme Court Regulation No. 4 of 2011, as well as the Joint Regulation of Law Enforcement Officials and LPSK regarding the Protection of Reporters, Witnesses, and Collaborating Offenders.

Before the enactment of the 2014 Witness Protection Law (UU PSK 2014), the handling of the existence of justice collaborators was initially articulated in Supreme Court Regulation No. 4 of 2011 (SEMA No. 4/2011). This regulation defines a justice collaborator as a participant in certain criminal acts who acknowledges their involvement but is not the primary perpetrator, and who provides testimony as a witness in legal proceedings. SEMA No. 4/2011 serves as a guideline for both first-instance and appellate courts in implementing protection for whistleblowers and justice collaborators. Although the existence of SEMA No. 4/2011 is not binding like a law, it is used as a reference for lower courts. However, since SEMA No. 4/2011 is limited to court levels, other law enforcement agencies still lack operational regulations regarding the protection of justice collaborators. This creates a need for a unified understanding among law enforcement officials to prevent overlaps and inconsistencies in the application of the law.

Secondly, the legal protection for justice collaborators within positive law should comprehensively apply at all stages of the judicial process, from reporting, investigation, prosecution, to examination in court, and even after the trial has concluded. This is important because, in certain circumstances involving specific crimes, threats and intimidation against justice collaborators may continue after the criminal proceedings have ended. Additionally, the emergence of resentment from defendants or convicted individuals whose crimes have been reported could create discomfort and pose dangers to the lives of justice collaborators.

Furthermore, legal protection should not only extend to justice collaborators but should also encompass their families, as the safety and comfort of their family members directly impact the tranquility and security of the justice

collaborator in carrying out their role as fact witnesses. Based on this explanation, there are generally four forms of protection for justice collaborators, which include:

1. **Physical and Psychological Protection:** Ensuring the safety of justice collaborators from physical harm and psychological distress.
2. **Special Handling:** Providing tailored measures to address the unique circumstances faced by justice collaborators.
3. **Legal Protection:** Offering legal safeguards to ensure that justice collaborators are treated fairly and justly within the legal system.
4. **Recognition and Appreciation:** Acknowledging the contributions of justice collaborators to the justice system and providing them with appropriate recognition.

This comprehensive approach to protection is essential for maintaining the integrity of the judicial process and encouraging cooperation from individuals who may otherwise hesitate to provide critical information in the pursuit of justice.

Reconstruction of common crimes as actions eligible for justice collaborators

The shift in the criminal law paradigm from a retributive justice approach to a restorative justice framework has introduced a new perspective on the formal formulation of criminal law, specifically through procedural regulations aimed at restoring the situation to its pre-crime state ^[10]. This effort is manifested in the concept of protection for witnesses and victims who cooperate in restoring conditions as they were prior to the offense, following the submission of a written notification to the Public Prosecutor regarding the results of their examination. Once the witness's appointment is deemed valid, they are obligated to provide testimony during the trial process. After the witness cooperatively provides their statement, they are entitled to a reward in the form of a reduced sentence. This includes justice collaborators (witnesses who are also perpetrators) who actively cooperate with law enforcement to uncover organized, systematic, and deeply rooted crimes that often employ evolving methods of operation ^[11].

From the perspective of criminal law politics, the formulation of concepts related to the protection of witnesses and victims is substantially open for development within criminal procedural law. The norms for the protection of witnesses and victims as outlined in Law No. 7 of 2006 and Law No. 5 of 2014 substantively detail the rights to protection for both witnesses and victims, as well as the authorities responsible for safeguarding them, which should uphold the fundamental value of legal certainty in ensuring the rights of every witness and victim. Therefore, as a product of this research, the author seeks to provide a formulation regarding the Witness and Victim Protection Agency (LPSK) within the framework of witness and victim protection as a contribution to criminal procedural law, encompassing aspects of legal certainty and the concept of rewards.

Legal certainty is a fundamental principle in the legal system that ensures that laws must be clear, consistent, and

understandable by all parties involved. In the context of justice collaborators, legal certainty becomes crucial for protecting the rights of individuals who are willing to cooperate with authorities in uncovering criminal acts and ensuring fair treatment towards them ^[12]. A justice collaborator is an individual who plays an essential role in assisting law enforcement by providing information or assistance to authorities. In judicial proceedings, justice collaborators contribute by obtaining evidence, giving testimony, or even engaging in undercover operations to gather information that aids in law enforcement.

Thus, a justice collaborator can be defined as an individual who reports crimes they have participated in. As someone involved in a crime, a justice collaborator can provide crucial evidence regarding who participated in the crime, the role of each actor, how the crime was committed, and where further evidence might be located. To encourage collaboration during investigations and prosecutions of other offenders involved in the criminal act, prosecutors in various countries utilize several legal instruments. A primary principle in the concept of justice collaboration is that the label of "justice collaborator" cannot be assigned to the main perpetrator. Not all witness-offenders qualify as justice collaborators; only those who are not the principal offenders, who are willing to confess and return the proceeds of their crime in writing, who cooperate with law enforcement, who are not fugitives, and whose disclosed information is relevant may be classified as such.

Moreover, legal certainty for justice collaborators is a vital aspect that protects their rights. This includes guarantees that justice collaborators will receive protection and security after assisting the authorities. Legal certainty also involves establishing clear rules regarding the rights and obligations of justice collaborators, as well as protection against abuse of power or retaliatory actions from parties involved in the crimes revealed. Additionally, legal certainty ensures that justice collaborators receive fair treatment in judicial processes. This encompasses rights such as access to legal counsel, identity protection, safeguarding against threats or intimidation, and assurance of rewards or legal benefits received in exchange for their cooperation.

However, to ensure legal certainty for justice collaborators, a clear and comprehensive legal framework is necessary. Laws and regulations governing the roles and protections of justice collaborators need to be established and consistently applied throughout the criminal justice system. This will provide clear guidelines for judges, prosecutors, and other authorities involved in handling cases that include justice collaborators.

The culmination of the differences in the framework for implementing regulations related to justice collaborators is based on the regulatory establishment of justice collaborators, which is only governed by internal regulations that rank below the law. This situation is considered counterproductive to the principle of legality, particularly in criminal law, which directly touches upon individual rights. Typically, such matters should be regulated by laws, not by subordinate regulations. This aligns with the content of the Constitutional Court Decision Number: 5/PUU/VIII/2010, which states that regulations and protections that practically impact human rights must be governed by law rather than subordinate regulations, as this constitutes a limitation on human rights. The restriction of human rights by law complies with the provisions of Article

28J paragraph (2) of the 1945 Constitution of the Republic of Indonesia.

Chairul Huda argues that regulations of a procedural nature in criminal law, which directly relate to individual rights, cannot be delegated to subordinate legislative regulations. This is because, in criminal procedural law, there is a process of limiting individual rights during the procedure for protecting individuals, which is carried out by criminal justice officials. Therefore, the requirements for such regulations are much stricter than those for the establishment of offenses. In the criminal justice system, justice collaborators play a vital role in uncovering criminal acts, especially extraordinary crimes. This crucial role is manifested in the testimony of a justice collaborator, which has proven key in exposing various crime syndicates and restoring the situation to what it was before the crime occurred.

The issues presented above prompt the author to formulate a new construction regarding rewards for justice collaborators moving forward. The procedure for granting rewards to a justice collaborator begins with negotiations involving three components: the justice collaborator, the Witness and Victim Protection Agency (LPSK), and law enforcement authorities. They jointly establish the reward to be given to the justice collaborator and document it in a written agreement. This procedure is carried out under supervision and coordination through a forum involving law enforcement, LPSK, and the justice collaborator to discuss appropriate rewards, which may include sentence reductions or conditional releases. The provision of rewards aims to create values of certainty manifested in the agreement.

The formulation proposed by the author seeks to create a consistent condition between law enforcement and a justice collaborator, thereby ensuring that the equivalent theory or equal value theory provides balanced or equivalent achievements. This new contract is designed to ensure legal certainty, protecting the rights of the justice collaborator in accordance with the principle of **pacta sunt servanda**.

Conclusion

Based on the discussion presented, several conclusions can be drawn regarding the provision of justice collaborators in cases of general criminal offenses and the legal framework surrounding them. The regulation of justice collaborators within Indonesian criminal law encompasses four main areas of protection: physical and psychological protection, special handling, legal protection, and rewards. Legal certainty is essential for justice collaborators, especially considering the differing frameworks among law enforcement agencies such as the Corruption Eradication Commission (KPK), the National Narcotics Agency (BNN), the National Counter-Terrorism Agency (BNPT), and the Public Prosecutor's Office in designating individuals as justice collaborators. This relationship is typically viewed as a mutualistic partnership, where justice collaborators contribute to investigations, inquiries, and prosecutions in exchange for benefits like reduced sentences and legal protections.

Furthermore, the establishment of regulations regarding justice collaborators within subordinate legislative frameworks poses risks of potential abuse of power, particularly by agencies like the KPK, which operates as a superbody with exclusive authority over investigations and prosecutions. Justice collaborators play a crucial role in

exposing organized crime, especially extraordinary crimes, with their testimonies serving as key evidence in unveiling criminal syndicates and restoring situations to their pre-offense states. The procedure for granting rewards to justice collaborators involves negotiations among the justice collaborator, the Witness and Victim Protection Agency (LPSK), and law enforcement agencies, culminating in a written agreement that outlines the rewards, which may include sentence reductions or conditional releases.

In summary, to ensure the effectiveness and integrity of the justice collaborator system, the author recommends that the regulations regarding their establishment and the granting of rewards be clarified in a dedicated law. Additionally, the LPSK should ideally function as the examining body for justice collaborators to promote transparency and consistency in the implementation of these protections. This framework would not only safeguard the rights of justice collaborators but also enhance the overall effectiveness of the criminal justice system in Indonesia.

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