

Dynamics and Inconsistency of Justice Collaborators in Corruption Cases in Indonesia

Sri Endah Indriawati
dosen00936@unpam.ac.id

Faculty of Law, Universitas Pamulang, Indonesia

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Abstract

This study aims to analyze the dynamics and inconsistency of the treatment of Justice Collaborators (JCs) in corruption cases in Indonesia. Justice Collaborators play a crucial role in uncovering corruption cases; however, the regulations governing their protection and rewards remain unclear, creating legal uncertainty. Against this background, the study focuses on the legal issues related to the protection and rewards for JCs, as well as the challenges encountered in their application, particularly in organized corruption cases. This research employs a normative legal approach, examining existing laws, regulations, and relevant literature to analyze the inconsistencies and disparities in the treatment of JCs. The findings indicate that the lack of clarity regarding the definition of "main perpetrators" and the absence of harmonization between legal frameworks hinder the effective protection of JCs. Furthermore, the inconsistency in judicial decisions leads to uncertainty about the rights and rewards for those cooperating with law enforcement. The study suggests the need for clearer regulations and greater harmonization among law enforcement agencies to ensure optimal protection for JCs in uncovering corruption cases.

1. Introduction

Indonesian national law, as a reflection of a dynamic rule of law, is required to play an adaptive and progressive role. This means that the law must be able to absorb the changing desires of society, adjust to the times, and lead to progress. The function of law here is as a protector and protector of society, as well as an instrument to realise justice.

While development aims to improve welfare, the resulting social changes often have negative impacts. An increase in crime, especially corruption, is a serious problem that harms state finances and people's rights (Hartanti, 2000).

Compared to other criminal offences, corruption receives special attention in many countries, which is reflected in the existence of special criminal laws. These laws differ from general criminal laws due to deviations in their rules. These deviations are important to distinguish them, and the principle of *lex specialis derogat lex generalis* indicates that special criminal laws are more specific and favoured. Therefore, special criminal laws are outside the Criminal Code (Ali, 2011).

The study of special criminal laws covers the criminal offence of corruption, which in Indonesia has been an intractable problem. Despite the existence of special laws, corruption, as an extraordinary crime, continues to cause harm. Addressing this problem requires understanding its negative impact, as stipulated in Law No. 31/1999 and its amendment, Law No. 20/2001. Corruption is categorised as an extraordinary, transnational and borderless crime. The problem of corruption has now become a global problem, not just a domestic one. The preamble to the 2003 UNCAC Convention confirms that corruption is a transnational phenomenon that affects all societies and economies, so international co-operation is essential to tackle it (Burhanudin, 2013).

The ineffective law enforcement in corruption cases in Indonesia reflects the presence of social pathology. This condition indicates a dysfunction within society that allows corruption to persist. Corruption is a social problem that destroys the foundations of government and hinders the progress of the nation. As an extraordinary crime, its law enforcement involves numerous state institutions, unlike ordinary crimes. Corruption has a great destructive power and is always associated with issues concerning the state, officials, and individuals in both the government and society (Kartono, 2005).

In criminal law enforcement, three main factors (regulations, apparatus, and awareness) influence each other. These factors reflect the three components of the legal system: legal substance (regulations), legal structure (apparatus), and legal culture/awareness (Mochammad Abdul Wachid, 2011). According to Moeljatno, a criminal act is an unlawful act that is punishable by law. Pompey further adds that a

criminal act is a violation of norms that requires punishment to maintain legal order and safeguard legal interests (Ali, 2001).

The value of losses from uncovered corruption cases may be as significant as those that have been revealed. The lack of witnesses is one of the main causes. Testimony is crucial in uncovering criminal acts. In resolving corruption cases, many fail because witnesses are afraid to testify due to threats or intimidation from the perpetrators. In this situation, the police, prosecutors, and the Corruption Eradication Commission (KPK) face difficulties in uncovering the main perpetrators of corruption. These obstacles include the significant power held by the suspects, the lack of sufficient evidence and information, as well as the reluctance of already apprehended perpetrators to provide information that could aid in the investigation's development (Diyan Pratama & Budiarsih, 2023).

In an effort to follow up on the work of the Corruption Eradication Commission (KPK) and combat corruption, the Supreme Court (MA) issued SEMA No. 4/2011, which provides incentives for justice collaborators, individuals who assist law enforcement by providing testimony and aid. These incentives may include probation, remission, parole, lighter sentences, or other special treatment.

In recent developments, justice collaborators have become very important because they play a key role in uncovering the hidden aspects of criminal acts that are difficult for law enforcement to reveal. Some of the key roles they play include:

- a. Uncovering criminal acts and facilitating the recovery of state assets.
- b. Providing information for law enforcement.
- c. Testifying in court

National legal regulations regarding Justice Collaborators are outlined in Law No. 13/2006, Law No. 31/2014, SEMA No. 4/2011, and the Joint Regulation of the Minister of Law and Human Rights, Attorney General, National Police Chief, KPK, and LPSK. However, these regulations are not proportional, leading to varied responses from law enforcement towards Justice Collaborators. For example, SEMA No. 4/2011 was created for serious cases such as terrorism, corruption, and narcotics, which require special treatment for whistleblowers and witnesses.)

SEMA provides guidelines for judges in determining sentences for Justice Collaborators with the following criteria: (1) the offender is involved in a specific criminal act, acknowledges the crime, is not the main perpetrator, and provides testimony in the case, and (2) the public prosecutor states in the indictment that the Justice Collaborator has provided significant information and evidence that uncovers the criminal act.

Although SEMA has become a guideline for judges in courts throughout Indonesia, it is not binding for prosecutors or investigators. This regulation is an internal rule

within the judicial environment, and therefore lacks strong authority to ensure that Justice Collaborators receive special treatment.

The issue is that SEMA is not sufficient to establish a legal foundation for Justice Collaborators, as the implementation of Justice Collaborators begins at the investigation, prosecution, and trial stages. However, SEMA only regulates Justice Collaborators who have entered the trial stage, while it does not address the stages prior to trial. This situation can lead to inadequate legal protection for Justice Collaborators, as SEMA has limited scope, which results in its non-binding nature. Therefore, its application depends on law enforcement officials and whether they follow the provisions outlined in SEMA or choose not to apply them.

As outlined in Article 10A, paragraph (1) of Law Number 31 of 2014 concerning the Witness and Victim Protection Agency, the provision contains the phrase “may”. The phrase “may” implies discretion for the judge to decide whether or not to implement the treatment of a Justice Collaborator in the course of proceedings.

The issue, as mentioned earlier, is that judges still face difficulties in aligning perspectives with the investigators, prosecutors, and the Witness and Victim Protection Agency (LPSK) when granting Justice Collaborator status to suspects in corruption cases. Even though the suspect has acted cooperatively and is considered to have helped the investigators in uncovering the crime, they still do not receive a reduction in their sentence as a form of reward for their cooperation. In other words, there is still reluctance to participate in criminal proceedings through the role of Justice Collaborators. Although some may view Justice Collaborators as merely a negotiation tool for prisoners or evidence of the KPK's inability, we must recognize their benefits. JC is a legal breakthrough in the fight against criminal acts, particularly special crimes. They play a crucial role because, as “insiders”, their testimony helps uncover the truth.

With the rise of organized crime in Indonesia, Justice Collaborators are essential. They help resolve cases of organized crime that are difficult to prove. This difficulty in proving such crimes encourages the application of Justice Collaborators in the criminal justice system. Given the importance of Justice Collaborators in uncovering crimes, especially corruption, any differences in understanding that disadvantage Justice Collaborators must be addressed immediately to ensure that they are not reluctant to cooperate.

2. Research Method

This research uses a methodology that includes the research type, approach, types and sources of legal materials, techniques for gathering legal materials, and techniques for analyzing legal materials. The research type chosen is normative legal research, with an approach focused on laws and case studies. The data used in this study is secondary data, which is obtained from literature, legal regulations, and

relevant norms. This secondary data consists of primary, secondary, and tertiary legal materials. The collection of legal materials is carried out using the library research method, which involves studying books, magazines, newspapers, and applicable regulations. Subsequently, the legal materials are analyzed using qualitative analysis techniques, aiming to process and analyze the collected data into structured, systematic, and meaningful information.

3. Results and Discussion

The Dynamics of Justice Collaborators in Corruption Crimes

The status of a Justice Collaborator or sanctions for the perpetrator often raises controversy, not only at the theoretical level but especially in terms of its legal enforcement. Several defendants in corruption cases have received the status of Justice Collaborator in their indictments, yet this does not always result in a lighter sentence as a form of reward for their cooperation.

The protection regulations for whistleblowers and Justice Collaborators are closely related, yet distinct from one another. According to Article 10 of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, it is stated that a whistleblower cannot be prosecuted legally, either criminally or civilly, for reports or testimony that they have given or are about to give. On the other hand, a Justice Collaborator or a perpetrator-witness in the same case cannot be exempt from criminal charges if they are proven, through a legal process, to be guilty. However, their testimony may be considered by the judge in determining their sentence (Diyan Pratama & Budiarsih, 2023).

The concept of a Justice Collaborator is essentially the same as the concept of participation in the provisions of Articles 55 and 56 of the Indonesian Penal Code (KUHP), where an individual's involvement in a criminal act and their role in reporting the case to law enforcement authorities is acknowledged. This can occur in several scenarios, including as a person who participates alongside others in committing a crime, as someone who commits a crime on the orders of another person, or as someone who assists others in committing a crime.

The provisions regarding Justice Collaborators are not yet explicitly and clearly regulated in the existing legal framework. This issue becomes one of the weaknesses in ensuring legal certainty for Justice Collaborators. In national law, Justice Collaborators are addressed in several regulations, including Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 on the Protection of Witnesses and Victims; the Supreme Court Circular No. 4 of 2011 concerning the Treatment of Crime Reporters (Whistleblowers) and Perpetrator Witnesses Who Cooperate (Justice Collaborators) in Certain Criminal Cases; and Joint Regulations from the Ministry of Law and Human Rights, Attorney General, Chief of Police, Corruption Eradication Commission, and the Witness and Victim Protection Agency (LPSK) under various numbers, including M.HH-11.HM.03.02.2011, PEIR-045/A/JA/12/2011, 1/2011, KELPB-02/01-55/12/2011, and 4/2011, regarding the Protection for Reporters,

Whistleblowers, and Perpetrator Witnesses Who Cooperate.

Corruption is classified as a crime within the category of organized crime. Perpetrators of corruption typically come from entities that hold power and control strategic positions in various sectors, such as the executive, legislative, and judiciary. Based on this, it is unquestionable that corruption is considered a white-collar crime, and its modus operandi is highly complex, making it extremely difficult to prove through procedural legal means. The challenge of uncovering facts within the modus operandi of corruption crimes forces law enforcement to adopt innovative approaches. One of these innovations is the use of information from Justice Collaborators (Kanti Pertiwi, 2020).

Justice Collaborators (JC) are not clearly regulated in the Indonesian Criminal Procedure Code (KUHP) or other legal regulations. However, the use of Justice Collaborators has been implemented by law enforcement in solving larger cases. The legal framework for Justice Collaborators in corruption cases has not been specifically addressed. While the concept of Justice Collaborators can be referenced through Law No. 31 of 2014, and it is briefly mentioned in Law No. 13 of 2006, there are still gaps in its coverage, unclear requirements, and unresolved issues regarding rewards. Furthermore, protection for Justice Collaborators is not optimal, and there is no clear mechanism for determining the rewards for their cooperation. Additionally, several weaknesses in the laws, such as inadequate institutional support for the Witness and Victim Protection Agency (LPSK), and limited authority given by the laws, hinder optimal protection and support for perpetrator witnesses, particularly in coordinating inter-agency cooperation for effective protection and compensation.

Law No. 31 of 2014 has accommodated two criteria outlined in the Supreme Court Circular (SEMA) No. 4 of 2011 and harmonized them with Government Regulation (PP) No. 99 of 2012 regarding the status of a Justice Collaborator. The two criteria, as stated in Article 28, paragraph 2, letters c and d of Law No. 31 of 2014, are that the individual is not the main perpetrator of the crime and is willing to return the proceeds of the crime they committed.

The issue, as mentioned earlier, is that judges still often have differing views from investigators, public prosecutors, and the Witness and Victim Protection Agency (LPSK) in determining the status of a Justice Collaborator (JC) for defendants in corruption cases. Although the defendant has acted cooperatively and provided assistance in uncovering the crime, they still do not receive any leniency in their sentence as a form of reward for their cooperation. One example of differing views among law enforcement is the understanding of "Main Perpetrator." This is reflected in the considerations and criminal sanctions imposed by the panel of judges in the cases of Abdul Khoir and Kosali Abbas, who were sentenced more harshly than the demands of the Public Prosecutor (JPU) of the Corruption Eradication Commission (KPK). This difference in understanding may be caused by the lack of clarity in the definition of "Main Perpetrator" in existing regulations, such as in Article 28, paragraph 2, letter c of Law No. 31 of 2014. This lack of a clear definition is suspected to be the cause of the misunderstanding between law enforcement and the judiciary.

Furthermore, there is SEMA No. 4 of 2011, which deals with collaboration (justice collaborator) in certain criminal cases. In cases of corruption, the testimony provided by a justice collaborator is used to uncover the crime. In such cases, the honesty of the justice collaborator is crucial, as it is not easy for someone to cooperate, given the risks they face when disclosing a crime they committed with others. However, it is not uncommon for a justice collaborator to become a victim due to these risks. This could be due to their position, not having a good relationship with their superior who may still hold them accountable for their actions, or because of pressure or threats from those involved in the crime, urging them not to testify or reveal what occurred.

The subsequent joint regulation issued by the Ministry of Law and Human Rights, the Attorney General's Office, the National Police, the Corruption Eradication Commission (KPK), and the head of the Witness and Victim Protection Agency (LPSK) in 2011 aimed to create coordination among all law enforcement institutions related to justice collaborators. The goal was to ensure consistent implementation and effective collaboration in handling cases of organized crimes that are difficult to uncover. Additionally, it aimed to ensure that justice collaborators receive optimal protection from all national institutions so that their testimony and cooperation can be smoothly facilitated during criminal trials.

Based on the regulation concerning a justice collaborator, further proportional regulation is needed. The presence of a justice collaborator is viewed differently by law enforcement. A justice collaborator, who is a suspect or perpetrator of a crime, can be considered a key witness in the trial process. In criminal procedural law, a witness plays an important role in uncovering the substance of a case, starting from the investigation phase, through prosecution, and until the trial. In this context, a witness holds a position that helps uncover the truth of the case, and their testimony is treated as valuable evidence, as outlined in Article 184 of the Criminal Procedure Code (KUHP). The testimony of a witness can influence the credibility of the judge's decision, as the witness's honesty and reliability are crucial for ensuring that the truth is revealed in accordance with the principles of evidence. With the support of other witnesses and evidence, a justice collaborator can strengthen the credibility of the case, ultimately helping the judge make a well-founded decision. In this case, the justice collaborator provides accurate and factual information or details that contribute to the case's resolution.

Therefore, relevant parties such as the Police, the Prosecutor's Office, Judges, and the LPSK should sit together to agree on a clear definition of "Main Perpetrator", which is often an obstacle in protecting justice collaborators. The strength of a justice collaborator lies in the quality and accuracy of the information they provide regarding a certain crime, which is often accompanied by threats to their safety, their family, and those close to them. The current regulation surrounding the phrase "Main Perpetrator" is still inadequate, as it leads to inconsistent interpretations. For example, in the case of Kosasil Abbas, who was designated a justice collaborator by the KPK, received a sentence that was higher than the prosecutor's demand. This reflects the varying perspectives among law enforcement officials regarding the requirements and

standards outlined in the existing regulations, such as SEI No. 4 of 2011 regarding the Treatment of Crime Reporters and Justice Collaborators, Law No. 31 of 2006 and Law No. 31 of 2014, as well as the regulations from the Ministry of Law and Human Rights, Attorney General, Police Chief, KPK, and LPSK.

The differences in perspective among these institutions have contributed to the difficulty in obtaining rewards for justice collaborators. This issue also causes a lack of harmonization in the regulation of collaborators. For instance, Law No. 31 of 2014 does not include the requirement for a collaborator to be classified as a “main perpetrator”. Therefore, these requirements should be aligned through cooperation between various regulations and institutions, such as SEMA or inter-institutional agreements.

Furthermore, it should also be emphasized that the effectiveness of law enforcement, especially in corruption cases, is highly determined by an integrated and sustainable law enforcement system, which results from the continuous coordination and cooperation between law enforcement agencies and the professionalism of law enforcement officers. This can be explained through three aspects, which include (Syamsudin, 2011):

- a. Structural synchronization, which refers to the alignment in the relationship between law enforcement agencies.
- b. Substantial synchronization, which refers to alignment that is both vertical and horizontal in relation to positive law.
- c. Cultural synchronization, which refers to the alignment in understanding viewpoints, attitudes, and philosophies that collectively underpin the operation of the criminal justice system.

The phenomenon currently shows no evidence of a large, integrated law enforcement system that is implemented continuously and cohesively among law enforcement institutions. There is overlapping involvement and conflicting authority among law enforcement in handling corruption cases. Several institutions are involved in investigations, such as the police, the Attorney General's Office, and the Corruption Eradication Commission (KPK), each with its own investigative authority. This overlap occurs when investigators from different institutions are involved in the same corruption case. As a result, the most fundamental step taken by national policymakers is to implement an integrated legal system across all law enforcement bodies. Specifically, each law enforcement institution, from the police, the Attorney General's Office, the Supreme Court, KPK, to advocacy organizations, needs to have a shared understanding and perspective on the law enforcement system regarding the role of justice collaborators. Therefore, all law enforcement institutions, the Supreme Court, and the LPSK (Witness and Victim Protection Agency) need to build a joint agreement regarding the status of justice collaborators. This agreement can be outlined in the form of a Memorandum of Understanding (MoU) between institutions or encourage revisions to Law No. 31 of 2014 to accommodate the role of justice collaborators in uncovering organized crime. This way, a shared understanding of the position of justice collaborators can be established.

The Inconsistency of Justice Collaborators in Corruption Cases

Legal protection for witnesses can be interpreted as a form of protection regulated by law to ensure legal certainty. According to Sudikno Mertokusumo, legal certainty is a guarantee that the law must be enforced properly. This means that legal certainty expects the regulation of law within legislation that is created comprehensively (Asikin, 2012). Therefore, these regulations include juridical aspects that guarantee the law functions as a rule that must be obeyed.

Legal protection for witnesses is applied comprehensively across all stages of the judicial process, from reporting, investigation, prosecution, and trial to post-trial procedures. The implementation of the concept of protection for cooperating individuals is regulated in Article 10, paragraph 1 of Law No. 31 of 2014, which is a criminal policy that is effective in proving corruption crimes committed with systematic and organized methods. Prosecutors or police officers often face challenges in gathering evidence from witnesses who have seen, heard, or experienced a corruption crime, especially when the perpetrators act quickly and systematically. Article 10, paragraph 1 of Law No. 31 of 2014 should offer clear protection for a justice collaborator to remain focused on revealing the facts of a corruption crime without being entangled in legal cases. However, issues arise because the law's provisions, such as in Article 10, paragraph 2 of the Law on Witness and Victim Protection, lack clarity regarding the roles of witnesses and suspects, leading to legal uncertainties.

The provisions in Article 10, paragraph 2 of the Witness and Victim Protection Law create an opportunity for prosecutors to intervene in the authority of witness protection institutions. This arises because a witness may be treated as a suspect, and detention can be carried out by the prosecutor without considering the protection agency's authority, which should protect the witness in a corruption crime case. This provision does not fully align with the principles of witness protection, as a witness who is involved in a corruption crime can still face penalties. Consequently, the law does not guarantee full protection for a justice collaborator, as they are not assured immunity from criminal charges or reduced sentences for their cooperation. As a result, the effectiveness of legal protection for witnesses in corruption cases remains insufficient, as there is no guarantee of exemption from charges or reduced penalties for cooperating witnesses.

Therefore, protection in the form of rewards for witnesses in corruption cases is crucial to create a conducive environment for uncovering corruption crimes within society. Proper recognition should be given as a way to acknowledge their contribution to law enforcement efforts in combating corruption, encouraging others in society to also come forward and expose corruption to law enforcement (Satria et al., 2022).

A justice collaborator plays a crucial and strategic role in assisting law enforcement authorities to uncover and expose crimes. This is because a justice collaborator is someone who has a role in the occurrence of a crime that is organized and committed together, such as in corruption cases. However, based on SEMA No. 4 of 2011, a justice

collaborator is not considered the primary perpetrator of the crime. They can serve as a source of information related to suspects and other evidence in a corruption case that law enforcement has not yet uncovered. justice collaborators are often used to expose dishonesty and misconduct by themselves and their accomplices in a criminal act. This is certainly not an easy task, as a justice collaborator must truthfully reveal what they have done with their accomplices in a well-organized crime, which can lead them to receive a reward for the information they provide. Given the important role of justice collaborators in expediting the uncovering of organized crimes, strong political will is needed, both from the government and the legislature, as well as from all relevant parties, to implement regulations governing justice collaborators, especially in corruption cases (Derek, 2017).

SEMA No. 4 of 2011 defines a justice collaborator as someone involved in a particular crime but not the main perpetrator, who admits their actions and serves as a witness in the trial process. To be considered a justice collaborator, the prosecutor must state in the indictment that the individual has provided essential information and evidence. In recognition of their cooperation, a justice collaborator may be granted compensation by the judge, such as probation or a reduced prison sentence compared to other defendants in the same case. SEMA No. 4 of 2011 also stresses that special treatment for justice collaborators must still take into account the sense of justice in society.

The issue currently faced by Indonesia regarding the regulation of justice collaborators is that it has not yet been regulated in the Criminal Procedure Code (KUHP). The provisions in KUHP only regulate the rights of perpetrators in the criminal trial process. At present, the regulation regarding justice collaborators is explicitly outlined only in SEMA Number 4 of 2011 concerning the treatment of informants and perpetrators who cooperate in criminal cases. SEMA Number 4 of 2011 functions solely as internal guidelines within the Supreme Court, providing explanations about the implementation of rules within its jurisdiction. Therefore, this SEMA is not yet sufficient as a legal basis for justice collaborators, as a justice collaborator should ideally be involved from the investigation, prosecution, and trial stages. This SEMA serves merely as a guideline that depends on whether other law enforcement agencies will follow it or not. Without a legal obligation for other law enforcement officers to implement these provisions, the status of justice collaborators will not be guaranteed in the legislation, which could lead to perpetrators who cooperate only appearing or being visible at the trial stage. This situation may result in some main perpetrators of crimes being difficult to expose, prosecute, and convict, and they may even escape legal consequences.

The term used in the Indonesian Criminal Procedure Code (KUHP) is different and does not include the term justice collaborator to refer to someone who assists law enforcement in uncovering an organized crime. In KUHP, the term used is Crown witness, which is a legal term in the Dutch KUHP. Although there are similarities between Crown witness and justice collaborator, as both are perpetrators in a criminal

act, the difference lies in their role in providing testimony or information regarding the crime.

For a Crown witness, the information provided comes from law enforcement, who face difficulties in uncovering a criminal act due to a lack of other evidence. Therefore, law enforcement selects one of the perpetrators to be used as a witness against the other perpetrators. On the other hand, a justice collaborator provides information from a perpetrator who acknowledges their wrongdoing and subsequently assists law enforcement by providing information related to the crime.

In Law No. 8 of 1981 concerning KUHAP, the term Crown witness is used to refer to a perpetrator who is made a witness by law enforcement, while justice collaborator refers to someone who assists law enforcement at a specific time and for future cases. In this regard, criminal law policy seeks to adjust to the changes that occur in order to formulate regulations that are in line with the expected objectives.

However, the SEMA does not provide further clarification on the specific criteria. This raises the issue of determining the requirements for someone to be considered a justice collaborator, including criteria for being considered a main perpetrator in a criminal act. The problem regarding main perpetrators leads to a lack of legal certainty. According to Sudikno Mertokusumo, legal certainty is a guarantee that the law must be implemented properly. In criminal law enforcement, legal certainty plays an important role in creating order and justice in society. The lack of legal certainty leads to confusion in society and can cause irregularities and violations of individual rights. In this context, the lack of legal certainty regarding *justice collaborators* can influence the law enforcement process. Therefore, legal disharmony can occur when there is a misalignment between one legal norm and another. Legal disharmony in this regulation cannot be justified by Indonesia's constitutional issues, which means that the understanding of these fundamental problems must first be addressed and clarified within the legal framework.

Although the concept of harmonization has been addressed in various regulations, such as Law No. 12 of 2011, Law No. 27 of 2009, and the Rules of Procedure of the DPR, several issues still arise in its implementation. According to Sidharta, when harmonization is carried out, several possibilities can cause disharmony in the legal system, including (Sidharta, 2005):

- a. Vertical inconsistency in the format of regulations, where lower-level regulations conflict with higher-level regulations.
- b. Vertical inconsistency over time, where some regulations are applied earlier than others.
- c. Horizontal inconsistency in the substance of regulations, where similar regulations have more general substance compared to others.
- d. Horizontal inconsistency within a single regulation.
- e. Inconsistency between different legal sources.

Legal protection for justice collaborators in tackling organized crime in Indonesia still requires further regulation. Although there are several protection models, such as procedural, direct, indirect, and sentence reduction-based protections, the lack of clarity in the provisions governing justice collaborators, such as those in Law No. 31 of 2014, creates legal uncertainty. Harmonization between regulations like SEMA and inter-agency agreements is needed to avoid inconsistency. Without legal certainty, justice collaborators may be reluctant to cooperate, making it difficult to uncover organized crimes, including corruption. Therefore, clear regulations and proper arrangements are essential to ensure effective legal protection for them.

The position of a justice collaborator is not clearly defined in the Indonesian Criminal Code (KUHP) and Criminal Code (KUHP), though it is explicitly regulated in various legal provisions, including those that provide protection for them. Inconsistencies in sentencing occur because judges often make decisions based on democratic principles rather than strictly following the law. While this approach may not always align with the law, it can be seen as part of a progressive legal process. The lack of synchronization in applying justice collaborator status in Indonesia is evident in several corruption cases. There needs to be alignment between legislation, jurisprudence, and inter-agency regulations to ensure legal certainty for defendants who collaborate with law enforcement, whether from the Prosecutor's Office, the KPK, or the LPSK.

4. Conclusion

The status and protection of Justice Collaborators in corruption cases often spark dynamic, particularly in its implementation. Some defendants in corruption cases have been granted the status of Justice Collaborator, but this does not always result in a lighter sentence as a reward for their cooperation. The protection of Justice Collaborators is regulated in various laws, yet there is no clear provision regarding their rights, obligations, and the mechanism for granting rewards. Although regulations such as Law No. 31 of 2014 and Supreme Court Circular No. 4 of 2011 exist, there is a lack of clarity in the understanding of the term “main perpetrator”, which often becomes an obstacle in the implementation of protection and rewards for Justice Collaborators. This leads to differing perspectives among law enforcement officials, such as judges, prosecutors, and LPSK, regarding the status and protection of Justice Collaborators, which ultimately hinders effective cooperation between law enforcement agencies in uncovering organized crimes, particularly corruption. Synchronization between legislation, jurisprudence, and inter-agency cooperation is needed to establish clarity and legal certainty regarding the treatment of Justice Collaborators in the Indonesian criminal justice system.

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