

The Legal Protection for Whistleblowers on Corruption Crimes in Indonesia

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Abstract. *The crime of corruption, which is also classified as an extraordinary crime or referred to as an extraordinary crime, has characteristics and characteristics related to the power of a person holding a position in a government system, from the village government system to the central government system. Efforts to reveal criminal acts of corruption require the role of witnesses regarding these crimes who can be reported by the reporter. This research used literature study with the doctrinal approach. In addition, this study also examines the ideal legal protection for whistleblowers for corruption. The results of the study show that legal protection for whistleblowers for criminal acts of corruption is not running well, as evidenced by the determination of the status of the suspect Nurhayati for Corruption Crimes in Cirebon Regency. This happens because there is no common perception of the position of the Whistleblower on Corruption Crimes as a subject protected by law between the police and the Prosecutor's Office. The ideal legal protection for whistleblowers for criminal acts of corruption is to build legal protection for whistleblowers that is integrated and obeyed by law enforcement officers. The provision of witness protection must of course start from law enforcement who is the spearhead of law enforcement, namely the police.*

Keywords: *Corruption; News; Protection; Reporting.*

1. Introduction

Corruption is an organized crime and is transnational in nature because the modus operandi of corruption has been integrated into the bureaucratic system.¹ The crime of corruption is also a violation of social rights and the economic rights of the

1 Bagaskara, Mirza. *Indeks Persepsi Korupsi Indonesia 2021 Peringkat 96 dari 180 Negara* <https://nasional.tempo.co/read/1553924/indeks-persepsi-korupsi-indonesia-2021-peringkat-96-dari-180-negara/full&view=ok>. accessed on 25 March 2022.

community, so that corruption can no longer be classified as an ordinary crime but has become an extraordinary crime.

Transparency International Indonesia has issued corruption perception index (GPA) on Tuesday, January 25, 2022. In this index, Indonesia's position is ranked 96th out of 180 countries. The GPA score released by TII also shows that the majority of countries in Southeast Asia are still below the global average. There are two Southeast Asian countries whose scores equal or exceed the global average, namely Singapore (85) and Malaysia (48).²

Revealing a criminal act of corruption is quite difficult because it has the nature and characteristics of extraordinary crimes. The crime of corruption, which is also classified as an extraordinary crime or referred to as an extraordinary crime, has characteristics and characteristics related to the power of a person holding a position in a government system, from the village government system to the central government system. Efforts to reveal criminal acts of corruption require the role of witnesses regarding these crimes who can be reported by the reporter. If the presence of witnesses and reporters is not protected by law, then these two parties cannot freely provide information and/or information in examining cases of corruption.³

The reality in law enforcement of criminal acts of corruption shows that, in order to obtain witness statements and information from reporters regarding corruption, law enforcers often find it difficult to present witnesses in the examination of criminal cases due to threats, both physical and psychological, by parties who are not involved witnesses and reporters to disclose the criminal acts that occurred. The presence of the perpetrator's witness here is positioned as an informant or insider in accordance with the guidelines for being a witness as well as an actor where he himself is also involved in it. Abdul Haris Semendawi stated that, in the concept of disclosing the existence of a cooperating perpetrator witness, it is very important in order to dismantle the crime network which has been well-closed and highly organized.⁴

The case of disclosure of corruption that occurred in Cirebon Regency is a reflection that law enforcers need witnesses in uncovering Corruption Crimes. Nurhayati is the

² Ibid.

³ Barapa, Meiggie P. *Perlindungan Hukum Terhadap Saksi Dan Pelapor Tindak Pidana Gratifikasi*. Lex et Societatis. Vol. 1/No.2/Apr-Jun/2013. p. 50

⁴ Bou, Antonius Yoseph. dkk. *Perlindungan Hukum Terhadap Saksi Pelaku Yang Bekerjasama (Justice Collaborator) dalam Perkara Tindak Pidana Korupsi*. Jurnal Analogi Hukum. 2 (2) (2020). p. 143

Head of Affairs or Citemu Village Finance Head, Cirebon, which has the status suspect corruption since late November 2021. Nurhayati reported the actions of his superior, former Village Head Citemu Supriyadi to the Chairman of the Village Consultative Body (BPD) Citemu Lukman Nurhakim, through a handwritten letter with stamp duty. The contents of the letter tell of complaints Nurhayati, during his tenure as a local village head, some village programs were not implemented, and the money that had been disbursed for the program actually went into the personal pocket of the village head.

Report Nurhayati through a letter to the Head of BPD Citemu, became the turning point for the discovery of the case village fund corruption which is detrimental to the state. However, after the case entered the realm of law, the person who had dismantled the case village fund corruption even set as suspect. Case Nurhayati has indeed become quite an interesting issue these past few days, both in the mass media and on social media, because the case was deemed odd. Even the Witness and Victim Protection Agency (LPSK) assessed the determination of suspect to Nurhayati who is reporting allegations village fund corruption is a bad precedent for law enforcement. Due to determination suspect to Nurhayati, it is feared that it will hinder efforts to eradicate corruption in the country, especially regarding the case of village funds.⁵

The problem is that if Nurhayati Justice Collaborator is a suspect who cooperates with law enforcement, then it doesn't matter if she becomes a suspect. However, the problem is that Nurhayati reports the actions of her superior, former Village Head Citemu Supriyadi to the Chairman of the Village Consultative Body (BPD) Citemu consciously, not when he was a suspect, but when he was still free. In addition, Nurhayati's position is only Citemu Village Finance Head, Cirebon, he could not go against the orders of his superiors. So that the case of the complainant who becomes a suspect actually reveals how much legal protection there is for rapporteurs on Corruption Crimes in Indonesia.

2. Research Methods

This research used literature study with the doctrinal approach. The *justice collaborator* in the context of witness and victim protection, it has actually been regulated in Act No. 13 of 2006 concerning the Protection of Witnesses and Victims. Justice collaborator is a suspect whose position is to provide information about the

⁵Alfarizi, Moh Khory. *LPSK Anggap Pelapor Kasus Korupsi Dijadikan Tersangka Preseden Buruk*. <https://nasional.tempo.co/read/1562796/lpsk-anggap-pelapor-kasus-korupsi-dijadikan-tersangka-preseden-buruk>. accessed on 25 March 2022.

crime or crime he has committed in order to reveal the main perpetrator of the crime. Article 10 paragraph (2) of Act No. 31 of 2014 concerning Amendments to Act No. 13 of 2006 concerning the Protection of Witnesses and Victims which provides a definition that a witness who is also a suspect in a similar case cannot be acquitted of criminal charges if proven legally and convincingly guilty, but his testimony can be used as a judge's consideration in mitigating the sentence to be imposed. The formulation of the article contains the meaning and understanding of the term justice collaborator.

3. Results and Discussion

3.1. Legal Protection for Whistleblowers on Corruption Crimes and Determination of the Status of Suspect Nurhayati for Corruption Crimes in Cirebon Regency

Legal protection is all forms of protection to guarantee the rights of a person as a citizen in relation to society where there is a guarantee from the State which is implemented through legal regulations or something that provides protection to legal subjects through applicable laws. Philipus Hadjon defines legal protection as follows:

Legal protection is the protection of the dignity, worth and recognition of human rights possessed by legal subjects in a state of law based on the legal provisions in force in that country in order to prevent arbitrariness. Legal protection is generally in the form of a written regulation, so that it is more binding and will result in sanctions that must be imposed on those who violate it.

Barda Nawawi Arief stated that the definition of protection can be seen from 2 meanings, namely:

- Can be interpreted as "legal protection from being a victim of a crime" (meaning protection of human rights or one's legal interests).
- Can be interpreted as "protection to obtain legal guarantees/compensation for the suffering/loss of people who have become victims of criminal acts" (so synonymous with "victim compensation"). The form of compensation can be in the form of restoration of good name (rehabilitation), restoration of inner balance (among others by forgiveness), providing compensation (restitution, compensation, social welfare insurance/compensation), and so on.

Philipus M. Hadjon, also distinguishes types of legal protection, namely:

- Preventive legal protection that aims to prevent problems or disputes from occurring.
- Repressive legal protection that aims to resolve problems or disputes that arise.

Protection is an obligation of the State as stated in the Constitution of the Republic of Indonesia. The protection of the public who are witnesses as well as perpetrators is a step that should be appreciated because of the important nature of the testimony of the witness in helping law enforcement resolve a corruption case that is difficult to disclose. Act No. 13 of 2006 concerning the Protection of Witnesses and Victims even states that the rights of witnesses are regulated in Article 5 Paragraph (1) which formulates:

- A witness and a victim have the right to:
 - Obtain protection for the safety of his personal, family, and property, and be free from threats related to the testimony that will be, is being, or has been given;
 - Participate in selecting and determining forms of security protection and support;
 - Provide information without pressure;
 - Get a translator;
 - Free from entangled questions;
 - Get information about the progress of the case;
 - Obtain information on the development of court decisions;
 - Knowing in case the defendant is acquitted;
 - Get a new identity;
 - Get a new place of residence;
 - Obtain reimbursement of transportation costs as needed;
 - Get legal advice, and/or;

- Obtain temporary living expenses assistance until the protection period ends.

A witness who reports an event that is reasonably suspected to be a criminal event will be the main witness regarding the case he reports. After receiving the report from the reporting witness, the investigator still has to complete it with additional information and evidence obtained from the reporter. The information and evidence obtained from the reporter must be stated in the form of an official report and must comply with the applicable legal provisions. For this reason, reports are very important in helping the police to eradicate organized crimes that are very disturbing to the public. Considering the position of the reporting witness which is very important in uncovering a criminal act, it is very important to have legal protection for the reporting witness.

The law provides protection for reporting witnesses, for example, based on Article 1 point 4 of Act No. 26 of 2000 concerning the Court of Human Rights, it can be seen that the definition of torture is:

Torture is any act that is done intentionally, causing great pain or suffering, both physical and spiritual, to a person in order to obtain a confession or information from someone or from a third person by punishing him for an act that has been committed or is suspected to have been committed by someone or a third person, or threaten or coerce a person or a third person, or for any reason based on any form of discrimination, if the pain or suffering is caused by, at the instigation of, with the consent of, or with the knowledge of, anyone and or a public official.

In corruption cases, the protection of reporting witnesses is guaranteed by Article 31 of Act No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, which formulates:

Paragraph (1): "In investigation and examination in court, witnesses and other persons concerned with a criminal act of corruption are prohibited from mentioning the name or address of the Reporting Party, or other matters that give the possibility of knowing the identity of the reporter"

Paragraph (2): "before the examination is carried out, the prohibition as referred to in paragraph (1) is notified to the witness and other people".

This is intended to provide a sense of security to witnesses in providing information during the criminal justice process. This form of protection is in the form of granting a number of rights to witnesses regarding the involvement and role of witnesses in

criminal justice so that when a person becomes a witness, his security and interests will not be disturbed.

The protection of the reporting witness is not only in the form of physical protection but also empowerment so that the reporting witness dares to testify. Not infrequently the reporting witness is not brave enough to testify, especially for large cases involving influential people or people who have a higher position than him.

By granting special rights to the reporting witness, it is hoped that it will provide a sense of security for the witness to give his/her testimony. This protection must involve the rights of witnesses to obtain or can be used at every stage of the examination of criminal cases, starting from the investigation to the trial court. Even after the trial, protection and empowerment must still be provided with a focus on the psychosocial needs of the reporting witness which will greatly help avoid trauma during the investigation and trial process.

In addition to the reporting witness, the witness's family also needs to be given rights, especially the right to receive protection against physical security. It is not uncommon for the accused or the perpetrators of a crime to prevent witnesses from giving their testimonies, not only threatening the safety of the witness but also the safety of the witness's family. Therefore, the witness's family is also an object of protection even though it is limited to physical protection. Considering the importance of the position of the reporting witness in uncovering an event that is reasonably suspected of being a criminal act, legal protection is very necessary for the reporting witness so that things do not happen that endanger the safety of his life or family.

Based on this, looking at Article 31 of Act No. 31 of 1999 concerning Eradication of Criminal Acts of Corruption and Act No. 13 of 2006 concerning Protection of Witnesses and Victims, law enforcement officers should be aware that Nurhayati's legal standing should be protected, but instead it was designated as suspect. In this case, the Head of Public Relations of the West Java Regional Police, Police Commissioner Ibrahim Tompo, said that Nurhayati, a suspect in the Citemu APBDes corruption case in Cirebon Regency, West Java, was not a reporter.⁶

The author sees that law enforcement is too rigid in implementing who the real reporter is. Whistleblower of course cannot be interpreted literally, people who come to the Police Station and report, but witnesses like Nurhayati who report to BPD are actually reporters who deserve legal protection. This is because of his

⁶ Op.cit.

position which requires courage to speak. This is not easy for a woman like Nurhayati to do, while the BPD is in fact her responsibility in supervising the village executive function if she finds out about a criminal act of corruption.

Nurhayati indeed, he did not report directly to the police regarding corruption cases committed by his superiors. But when there is no such courage as was done Nurhayati, then the case will not be revealed. On the other hand, if it is said that he is the village treasurer or the Village Finance Head in accordance with his main duties and functions, namely disbursing the village fund budget at the bank, and has received a recommendation from the sub-district head and the Village Community Empowerment Service (DPMD), then it is not complete in naming Supriyadi suspect if not assisted by Nurhayati.

A person is said to have committed a criminal act, if his act is proven to be a criminal act as regulated in the applicable criminal laws and regulations. However, someone who has been proven to have committed a criminal act cannot always be punished. This is because in criminal liability, it is not only seen from the actions, but also from the element of guilt.

In criminal liability there is a principle, namely not being punished if there is no mistake (*Geen straf zonder schuld; Actus non facit reum nisi mens sit rea*). According to Moeljatno, the requirements for accountability are:

- A person has committed a criminal act;
- Judging the ability to be responsible for someone who has committed a criminal act;
- There is a form of error, either intentional or negligent in a criminal act;
- There is no justification or excuse that eliminates criminal responsibility for the perpetrator of a criminal act.

In criminal liability, one of the other requirements is the element of the ability to be responsible for the perpetrators of criminal acts. In the Criminal Code, there are no provisions that define the ability to be responsible. Therefore, if a perpetrator of a criminal act commits a criminal act and is unable to determine his will according to an awareness of the good and bad of his actions, then the perpetrator is considered to have no fault. and cannot be held criminally accountable for justification and forgiving reasons.

R. Soesilo translates Article 51 paragraph (1) of the Criminal Code, "Anyone who commits an act to carry out an office order given by the power of attorney who has the right to it, should not be punished".⁷ In Article 51 paragraph (1) of the Criminal Code, a rationale for the abolition of a crime is formulated based on the execution of an office order (Bld.: *ambtelijk bevel*), especially a position order given by the competent authority/authority. For example, a member of the Indonesian National Police (Polri) is ordered by his superior, a Police Investigator, to issue an Arrest Warrant to arrest a person who has committed a crime. In essence, this police officer is depriving another person of independence, but because the arrest was carried out based on a valid order, the police concerned cannot be punished.

Article 51 paragraph (1) of the Criminal Code provides a stipulation that, "Whoever commits an act to carry out an order for a position given by the competent authority, is not punished".⁸ Moeljatno sees the reason for the abolition of the crime as an example of the justification (*rechtsvaardigingsgrond*). In reality, many defendants put forward the pretext that the actions they committed were the implementation of orders given by the authorities/authorized officials, or orders from superiors, so that they constituted an order of office within the meaning of Article 51 paragraph (1) of the Criminal Code.

Nurhayati is the village treasurer or the Village Finance Head according to the main duties and functions of a head of village financial affairs. She is responsible for the incoming and outgoing money of a village organization. Nurhayati's act of disbursing the village fund budget at the bank, and having received a recommendation from the sub-district head and the Village Community Empowerment Service (DPMD) is her authentic duty as the Village Head, so if it is said to be incomplete in determining Supriyadi's suspect if Nurhayati is not assisted, this is a wrong thing. The question is whether there is a flow of funds going to Nurhayati or not, this is the problem. However, there is an awareness in Nurhayati to thwart this continuously, of course, it should be considered, that there is still the courage of the community to speak up and eradicate corruption.

Legal protection for whistleblowers is basically an obligation of the State. The protection of the public who are witnesses as well as perpetrators is a step that should be appreciated because of the important nature of the testimony of the witness in helping law enforcement resolve a corruption case that is difficult to

⁷Soesilo, R. (1991). *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-komentarnya Lengkap Pasal Demi Pasal*. Politeia. Bogor, p. 67.

⁸Tim Penerjemah Badan Pembinaan Hukum Nasional (BPHN). (1983). *Kitab Undang-Undang Hukum Pidana*. Sinar Harapan. Jakarta. p. 33

disclose. Unfortunately pLegal protection for Whistleblowers for Corruption Crimes is not going well, as evidenced by the Determination of the Status of Suspect Nurhayati for Corruption Crimes in Cirebon Regency. This happens because there is no common perception of the position of the Whistleblower on the Crime of Corruption as a subject protected by law between the police and the Prosecutor's Office.

3.2. Ideal Legal Protection Against Whistleblowers for Corruption Crimes

A reporter who actually becomes a suspect raises a critique for the implementation of legal protection for the reporter for a criminal act of corruption. First, is how the law is, whether the legal basis for providing legal protection to witnesses is not clear, whether the provision of legal protection to witnesses is only the domain of LPSK and must be submitted to LPSK only, so that law enforcement officers act partially, rigidly and on the pretext of only completing the file.

Second, namely how the interpretation or perception of law enforcers on legal protection for whistleblowers. This is very important because the law is not only a written regulation, but also the rules of the game run by law enforcement officers. Regulations become law and have meaning, of course, because of the person who enforces them or the man behind the gun. The third thing that is no less important is the culture of witness protection in corruption.

The role of witnesses and reporters in criminal acts of corruption is very important, because witnesses and reporters can provide information and information to law enforcement regarding the occurrence of a criminal act of corruption according to things they have heard, seen, or experienced themselves, as well as reporters can help law enforcement to provide reports that can provide clarity on criminal acts committed by perpetrators of corruption.

Member of the Civil Society Coalition for Witness and Victim Protection, Sustira Dirga, said that the implementation of witness and victim protection is in accordance with Law no. 31 of 2014 concerning Amendments to Law No. 3 of 2006 concerning LPSK continues to develop. However, its implementation still contains weaknesses that must be improved. For example, regarding the unification of the victim assistance system and the protection of witnesses as a whole.⁹ Mamay Komariah stated that, the mechanism for providing protection for witnesses and

⁹Hidayat, Rofiq. *Berharap Ada Pembenahan Sistem Perlindungan di LPSK*. <https://www.hukumonline.com/berita/a/berharap-ada-pembenahan-sistem-perlindungan-di-lpsk-lt5bcdb1c3204be>. accessed on 25 March 2022.

victims is regulated in Articles 28-32 of Law no. 13 of 2006 which includes various procedures and requirements that must be met by witnesses and/or victims to be able to get protection from LPSK which is sometimes difficult for witnesses and/or victims to do. The weakness of the Law on the Protection of Witnesses and Victims, namely, witnesses and/or victims must submit an application to the LPSK so that they can get protection from the LPSK, besides they must also meet the requirements determined by the LPSK.

The substance relates to the product of the law itself. According to Friedman, as quoted by Soerjono Soekanto, the substance is composed of substantive rules and rules about how institutions should be have. So, what is meant by substance according to Friedman is the real rules, norms, and behavioral patterns of humans residing in the system. Legal regulation is a basis for guaranteeing legal certainty because without legal certainty it is impossible to achieve legal ideals, namely justice. With this arrangement for a witness as well as a perpetrator, it provides a corridor for their existence or existence in the criminal justice process.

The complexity of the formal mechanism regulated by LPSK in providing legal protection will create difficulties for people who need legal protection for whistleblowers. Moreover, there is a lack of information for the public, resulting in the lack of public knowledge of the presence of this LPSK despite the enactment of the Law on the Protection of Witnesses and Victims. This shows how natural it is for Nurhayati to report to the BPD that is close to her instead of reporting to the LPSK, let alone the Police Station.

The non-representation of LPSK in law enforcement, especially in the regions is also an interesting thing. Although many collaborations have been carried out by LPSK both with universities and other institutions, the community still does not know who LPSK is, where it should report and whether it will get something that is expected after reporting is certainly something that is still a question mark.

The relative answer that is usually asked is how someone should report to the police station, but ironically the hashtag [#percumalaporpholisi](#) has become a real thing in Indonesia. Distrust of the performance of law enforcement agencies is certainly a crucial problem. Moreover, with Nurhayati's report to the BPD, the BPD reported it to the Police, it was Nurhayati who was named a suspect.

This indicates that the protection of witnesses, especially the reporter, is still being underestimated. There is no regulation that guarantees that LPSK will go hand in hand with the Police, so that people are not worried about being a reporter because

the police have collaborated with LPSK to also provide witness protection. In addition to regulations, law enforcement organizations must also be observant in interpreting a regulation. The interpretation or perception of law enforcers on legal protection for whistleblowers affects how such protection is provided. Therefore, the problem of the quality of law enforcement becomes a crucial thing. According to Friedman quoted by Achmad Ali that, the structure of a system is its skeletal frame work; it is the permanent shape, the institutional body of the system the tough, rigid bones that keep the process flowing within bounds.¹⁰

Law enforcement of criminal acts of corruption carried out by the Police and the Prosecutor's Office should have good communication. The Head of the Public Relations Division of the National Police, Inspector General Dedi Prasetyo, stated that the Nurhayati case was a matter of different legal interpretations between Polri investigators and the Prosecutor's Office. As for the interpretation at the level of the Cirebon Police investigators, there are acts against the law, but only administrative violations.¹¹

Act No. 30 of 2014 concerning Government Administration Law enforcement officials (APH) can enter into handling after coordinating with the Government Internal Supervisory Apparatus (APIP) in handling cases of State Civil Apparatus. In addition, when viewed in terms of reports or public complaints, it is appropriate Article 385 of Act No. 23 of 2014 concerning Regional Government Law Enforcement Officials (hereinafter referred to as APH), there is an authority from APIP to examine complaints or public reports, as regulated in Article 385 of Act No. 23 of 2014 concerning Regional Government. This means that the Police cannot simply name a suspect without coordination with the APIP.

Based on these problems, it is not only a problem of legal interpretation that does not work, but communication and coordination between law enforcement officers even, by not involving coordination with APIP shows that there is still arrogance between law enforcement officers. Though since February 28 2018, done Cooperation Agreement between the Ministry of Home Affairs of the Republic of Indonesia, the Attorney General's Office of the Republic of Indonesia, and the State Police of the Republic of Indonesia regarding the Coordination of APIP with Law Enforcement Officials (APH) in handling reports or public complaints indicating criminal acts of corruption in the administration of regional government with

¹⁰Achmad Ali, 2002, *The Downfall of Law in Indonesia*, Ghalia Indonesia, Jakarta, p. 8

¹¹ Fury, Erlina. *Kasus Nurhayati Dihentikan. Polri Akui Ada Beda Tafsir dengan Kejaksaan*. <https://www.gatra.com/news-537137-Hukum-kasus-nurhayati-dihentikan-polri-akui-ada-beda-tafsir-dengan-kejaksaan.html>. accessed on 25 March 2022.

Number:119-49year 2018,Number: B-369/F/Fjp/02/2018, and
Number:B/9/II/2018.

The parties agree to hold periodic meetings at least 1 (one) time every 3 (three) months in the context of implementing the Cooperation Agreement, appointed by the parties alternately. The provincial government and district/city regional governments as well as regional elements of the prosecutor's office and the police are obliged to guide this Cooperation Agreement in the context of preparing Regional Cooperation Agreements.

Coordination within public organizations or government agencies is essentially to unite all efforts and harmonious actions to achieve common goals, so according to Handayani coordination in the management process can be measured through communication. In law enforcement of criminal acts of corruption, communication becomes an important thing. This is because law enforcement should not only run partially, especially corruption which really requires integrated coordination. Likewise, the provision of protection for witnesses or reporters of corruption.

The thought of Lawrence M Friedman states that, there is a close correlation between structure and substance. Substance and structure cannot move through other social forces. Lawrence M. Friedman mentions the last subsystem is legal culture or legal culture. Friedman as quoted by Soerjono Soekanto, states about culture that the legal culture, system-their beliefs, values, ideas, and expectations (legal culture is a human attitude towards the law, the legal system-beliefs, values, thoughts, and expectations). Legal culture refers, then, to those part of general culture-customs, opinions, ways of doing and thinking that bend social forces to ward or away from the law and in particular ways. (Legal culture is the mood of social thought and social forces that determine how law is used, avoided, or abused).

Legal protection for witnesses and reporters is rarely given to people who have contributed to providing such information. In America, witnesses are protected by the United States Federal Witness Protection Program (WPP). Witness Protection Program and Witness Security Program (WITSEC). This program, implemented by the United States Department of Justice and operated by the United States Marshals Service, is designed to protect threatened witnesses before, during, and after trial.

The witness protection program is provided by the state through a judicial institution, not an auxiliary state agency. Thus other law enforcers will comply with the existence of witness protection. Another thing actually happened in Indonesia,

namely the judge rejected the status of a Justice Collaborator witness. In the Panel of Judges of the Central Jakarta Corruption District Court rejected the defendant's application for justice collaborator status Fayakhun Andriadi. In 2021, the Panel of Judges at the Corruption Court (Tipikor) at the Central Jakarta District Court rejected the Justice Collaborator (JC) application submitted by the defendant Rohadi. This also happened to former Head of the Coordination and Supervision Bureau for PPNS Bareskrim Polri, Brigadier General Prasetijo Utomo.

Bambang Arjuno et al stated that, in its implementation (enforcement) it is not able to provide the maximum, this can be measured by the lack of the reporter who dares to reveal his testimony and the community's still strong wrong perception of the witness. For this reason, it is necessary to explore the problem in depth to find the right solution for the consideration of the formation of a new law.

The current legal protection for whistleblowers indicates a problem in law enforcement. in Bekasi, an officer from the Bekasi Metro Police asked a mother to arrest the perpetrator herself when she reported it.¹²At the Pulogadung Police, there was a public outcry after nagging a theft victim who tried to report it. Some of these cases describe how legal protection for whistleblowers does not work. When a reporter is asked to solve his own legal problems, the reporter is actually made a suspect or witness to a collaborating actor, even though his Justice Collaborator status is denied, of course it will produce one perspective, namely it is useless to be a reporter or a witness who cooperates, so it will be useless to help law enforcement in Indonesia.

This perspective is certainly a very undesirable perspective for all of us, therefore the presence of legal protection for the whistleblower is very urgent and very necessary. Thus, it is necessary to build legal protection for whistleblowers that is integrated and obeyed by law enforcement officers. The provision of witness protection must of course start from law enforcement who is the spearhead of law enforcement, namely the police. The need for a witness protection program at the reporting level in the SPKT is urgently needed. Thus, a reporter also becomes a witness who is protected by the state.

In addition to the existence of a program that guarantees the reporter as a witness in providing information. Just like America with United States Federal Witness Protection Program (WPP) The Witness Protection Program and the Witness

¹²Ihsanuddin. *Nasib Naas Korban saat Laporan Polisi: Diomeli hingga Disuruh Tangkap Sendiri.* <https://megapolitan.kompas.com/read/2021/12/27/12134571/nasib-naas-korban-saat-lapor-polisi-diomeli-hingga-disuruh-tangkap?page=all>. accessed on 25 March 2022.

Security Program (WITSEC) are managed by the United States Department of Justice and operated by the United States Marshals Service. Legal protection programs in Indonesia should also be managed by the Supreme Court.

Guarantees for the protection of witnesses and reporters have indeed been regulated in the Circular Letter of the Supreme Court (SEMA) Number 4 of 2011 concerning Treatment for Reporting Witnesses and Collaborating Perpetrators in certain criminal cases. The Supreme Court (MA), however, the reporting status is carried out at the end, namely the judge who finds the reporting witness or cooperating perpetrator witness, then applies special treatment in the form of leniency and/or other protection. The provision of legal protection for witnesses should be carried out early, so that a witness's fear of disclosing important information can be implemented as early as possible.

4. Conclusion

Legal Protection for Whistleblowers for Corruption Crimes is not going well, as evidenced by the Status of Suspect Nurhayati for Corruption Crimes in Cirebon Regency. This happens because there is no common perception of the position of the Whistleblower on Corruption Crimes as a subject protected by law between the police and the Prosecutor's Office. And the ideal legal protection for whistleblowers for criminal acts of corruption is to: building legal protection for whistleblowers that is integrated and obeyed by law enforcement officers. The provision of witness protection must of course start from law enforcement who is the spearhead of law enforcement, namely the police. The need for a witness protection program at the reporting level in the SPKT is urgently needed. Thus, a reporter also becomes a witness who is protected by the state. The provision of legal protection for witnesses should be carried out early, so that a witness's fear of disclosing important information can be implemented as early as possible.

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