Authority to Determine a Person to Become a Justice Collaborator in the Criminal Justice Process

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Abstract
The Investigation is the initial series of the criminal justice process. In practice, the examination process requires witness statements in finding a bright spot in the case. Justice collaborators are a means to facilitate investigators in uncovering cases. Technically, protection in the form of awards for justice collaborators is carried out in accordance with the provisions of the Joint Regulations. Applications are submitted by the perpetrators themselves to the Attorney General. Furthermore, in the event that the Attorney General grants the request for an award, the Public Prosecutor must state in his lawsuit the role played by the justice collaborator in assisting the law enforcement process so that it can be considered by the judge in making a decision. The purpose of this study resulted in the determination of investigators who have the authority to determine the Justice collaborator. Results of the study The presence of a justice collaborator in disclosing a case, especially one that is organized crime is urgently needed considering that its role is very central and urgent. The cooperation of justice collaborators with law enforcement officials can facilitate the task of disclosing a crime, especially those related to the public interest (openbare order) or the state. The logical consequence is that one of the instruments that can be used to encourage disclosure or reporting of a crime is by providing guarantees and protection to justice collaborators because without this role it is very difficult to disclose organized crime, usually these difficulties arise due to weak support. evidence/evidence obtained due to the limitations of law enforcement officials in obtaining evidence that is significant enough to reveal the crime. Problematic and overlapping aspects of who can determine a person to become a justice collaborator, whether the LPSK,

Investigator, Prosecutor, or Judge. In order to create legal certainty, the authority to determine someone to become a justice collaborator is the authority of the investigator as the first institution to carry out legal proceedings.

I. Introduction

Justice Collaborators or perpetrator witnesses who work together have the risk of getting threats or furthermore they can become victims of murder. This is because a Justice Collaborator can assist law enforcers in an effort to find out, find clarity and uncover criminal acts, including the main perpetrators of a crime. Before discussing the rights of a Justice Collaborator, it would be nice to first know the criteria for someone to be appointed as a Justice Collaborator[1]

The basic philosophy of the birth of the Law on Witness and Victim Protection mandates the birth of the Witness and Victim Protection Agency so that it has a supporting role in the criminal justice system in Indonesia. Nevertheless, its role is not included in the components of the criminal justice system, but its role in creating a sense of security for witnesses is urgently needed to help speed up the law enforcement process. As a further sociological basis, Law Number 13 of 2006 states that one of the valid pieces of evidence in the criminal justice process is the testimony of witnesses and/or victims who heard, saw, or experienced the occurrence of a crime committed by the perpetrator of the crime.

This is a condition sine qua non so that law enforcement for extra criminal acts also experiences extraordinary law enforcement. Abdul Haris Samendawai stated: "That law enforcement must be accompanied by various methods: streamlining the law enforcement process, for, example wiretapping to obtain electronic evidence.[2] However, the basis of this evidence is useless if there are no witnesses, or if the evidence is not very useful. Witnesses are the most important piece of evidence. in criminal procedural law. Until now, no one has ever been legally and convincingly declared guilty before a court of law without witnesses. That's why the presence of witnesses is very important, especially in cases of

[1] Amir Ilyas dan Jupri, *Justice Collaborator Strategi Mengungkap Tindak Pidana Korupsi*, Genta Publishing, Jakarta, 2017, hlm. 31

[2] Abdul Haris Semendawai, *Eksistensi Justice Collaborator dalam perkara korupsi catatan tentang urgensi dan implikasi yuridis atas penetapannya pada proses peradilan pidana*, Stadium General Fakultas Hukum Universitas Islam Indonesia Yogyakarta, 2014, hlm.3

serious (organized) criminal acts.[3] US Marshals in America The union said. One of the tools to uncover organized crime is the protection of witnesses." In practice, the service for receiving requests for protection is carried out by the LPSK Application Receiving Division which was formed based on the Decree of the chairman of the Witness and Victim Protection Agency Number KFT-037/1/1., PSK/1. 2/2009.[4]

As for the frequency of requests for Justice Collaborators received by LPSK in the time period, namely in 2010 there were 154 requests. In 2011 it increased to 340 applications. Then in 2021, there will be 655 requests. Meanwhile, until 2022 the number of applications received was 1,569.

LPSK, January 18, 2023, it was also noted that throughout 2022 the number of applications received by the Application Reception Division was 1074 registered applications. Then, out of a total of 1074 (four hundred and nineteen) requests registered throughout 2014, the Plenary Meeting on Protection Applications discussed 981 (nine hundred and eighty-one) requests, 685 requests for services were decided, and 296 requests were rejected.

Specifically for the protection service for Whistleblowers and Justice Collaborators in 2011, there was only 1 person, namely AC. In 2022 there will be 8 WB/JC people who are all corruption cases and during 2022 the Witness and Victim Protection Agency (LPSK) will provide protection services for witnesses with Whistleblower status as many as 9 people protected, while for witnesses with Justice Collaborator status as many as 14 people protected for all corruption cases. The distribution of Whistleblowers is 5 people for corruption cases, 3 people for environmental crimes, and 1 person for law mafia.

The structural factor that influences the provision of rights for Justice Collaborators is caused by the condition of the budget. The Witness and Victim Protection Agency, which actually has duties and authorities related to protection programs, provision of victim assistance programs, victim compensation and restitution, and the cooperation of related agencies, requires a lot of money. Meanwhile, until now the costs required for implementation have been borne by the State Revenue and Expenditure Budget, which are still relatively minimal. The availability of facilities is also the reason that the fulfillment of the rights of Justice Collaborators is not effective. As Soerjono Soekanto" stated that without certain means or facilities, it is impossible for law enforcement to take place smoothly.[5]

Protection in the form of awards for justice collaborators is very important for efforts to create a conducive climate for the disclosure of organized crime in the context of community involvement. An award is appropriate to be given as an affirmation that the person concerned has contributed to law enforcement

[3] Erasmus Napitupulu, *LPSK Peran dan pengalaman Penegakan hukum terkait perlindungan saksi korban untuk beberapa kasus*, Jurnal LPSK Edisi 4 Volume 1 tahun 2014, hlm. 154-155.
[4] Firman Wijaya, Whistle Blower dan Justice Collaborator dalam perspektif hukum, Penaku, Jakarta, 2012, hlm. 28
[5] Soerjono Soekanto, *Faktor Faktor yang mempengaruhi penegakan hukum,* Raja Grafindo, 2012, hlm.37

efforts, the implication is that if there is an appreciation for them, other members of the public can also dare to reveal a crime to law enforcers. For justice collaborators who are not involved as perpetrators, respect for them has been regulated in laws and regulations. One of them is PP No. 71 of 2000.

Meanwhile, protection in the form of awards for justice collaborators can be in the form of leniency, including demanding a suspended sentence, as well as granting additional remissions and other convict rights in accordance with applicable laws and regulations if the witness who cooperates is a convict.

Technically, protection in the form of awards for justice collaborators is carried out in accordance with the provisions of the Joint Regulations as follows: The request is submitted by the perpetrator himself to the Attorney General or KPK leadership; The LPSK can submit recommendations to witness witnesses who cooperate to then be considered by the Attorney General or KPK leaders; The application contains the identity of the perpetrator witness who cooperates, the reason and the expected form of award; The Attorney General or KPK leadership decides whether to give or reject awards in accordance with applicable regulations. Furthermore, in the event that the Attorney General or KPK leadership grants the award request, the Public Prosecutor must state in his lawsuit the role played by the justice collaborator in assisting the law enforcement process so that it can be considered by the judge in making a decision.[6] Then, in the event that the award is in the form of remission and/or parole, the application shall be submitted by the collaborating witness, the Attorney General, KPK, and/or LPSK leaders to the Minister of Law and Human Rights to then be processed in accordance with applicable laws and regulations.

2. Research Method

This study uses a positivistic paradigm. Law is conceptualized as norms (commands and prohibitions) which are products of law-forming institutions that are binding (law in books) or specifically laws that are positive norms in the national legislation system. In addition, in this study law is also interpreted as a judge's decision/determination, namely the determination of justice collaborators submitted by investigators. The object of this research is the implementation of justice collaborator regulations, especially those that apply at the stage of investigation and the developments that occur which are reflected in the agreement between the perpetrator or the perpetrator's family and the victim or victim's family, which is then analyzed regarding the contents of the agreement, whether those who agree to do justice collaborators or those who on the contrary.[7]

[6] Artantojati Sigit," *Perlindungan terhadap saksi pelaku yang bekerjasama (justice Collabiorator) oleh lembaga perlindungan saksi dan korban"*, Tesis, Universitas Indonesia, Depok, 2012, hlm.97
[7] Ibid.

3. Results and Discussion

Use of the term Justice Collaborator varies between countries. Some use the words Cooperative Whistleblower, Participant Whistleblower, Collaborator with Justice, or Pentiti (Italy). In Indonesia, based on the Supreme Court Circular Letter Number 4 of 201I concerning the Treatment of Whistleblowers and Witness Collaborators in Certain Criminal Cases, there is a difference between the terms Whistleblower and Justice Collaborator. Reporting witnesses are called Whistleblowers while perpetrator witnesses who work together are called Justice Collaborators.[8]

The term Whistleblower is a new term in Indonesian Criminal Procedure Code. However, in Indonesia, there is the term "crown witness" or crown witness, in which one of the perpetrators of a crime is invited as a key witness to expose other perpetrators with the promise of a reduced sentence.[9] Romli Atmasasmita distinguishes between Whistleblowers and Justice Collaborators. A whistleblower is any person, usually a victim, who then testifies to provide information to investigators about the ins and outs of a crime that he knows and hears about and even experiences himself. With that he is guaranteed protection for (physical) security under the supervision of the police by changing his identity, placing him in a certain location, and being under super tight supervision from police intelligence.. [10] Floriana C Roa mentions that A Whistleblower is someone in an organization who witnesses behavior by members that is either contrary to the mission of the organization or threatening to the public interest, and who decides to speak out publicly about it[11]

In addition to Article 10 and Article 10 A above, based on the decision of the LPSK in certain cases, the rights as referred to in Article 5 paragraph (1) can be given to witnesses. M. Syukri Akub and Baharuddin\ Badaru[12] stated that the components of the Criminal Justice System mainly consist of the police, prosecutors, courts, and Correctional Institutions, while according to Coffey it is still supplemented by a component of defenders or legal advisers. Partially each of these components can be separated clearly both in terms of institutional, apparatus, function, way of working, and objectives.Furthermore, M. Syukri Akub and Baharuddin Badatu argued that the criminal justice mechanism was carried out in several stages of the process. Each SPP has provisions that may be the same or different in terms of regulating the stages of the criminal justice process. However, in outline, these stages can at least be divided into three

[8] Firman Widjaya, 2012 *Whistleblowers dan Justice Collaborator dalam perspektif hukum* (Jakarta), hlm 11.12

[9] http://budisansblog.blogspot.com/2012/05/ *Justicc-Collaborator-mungkinkah*.html diakses tanggal 30 Januari 2023

[10] Romli Atmasasmita, *Sistem Peradilan Kontemporer*, Kencana, Jakarta, 2010, hlm. 35

[11] Floriana C Roa, Business Ethis and Social Responsibility, Philippine Copyright, First Edition, Manila 2007, hlm. 145

[12] M.Syukri Akub dan Baharuddin Badatu, *Wawasan Due Process of Law Daiwa Simon Peradilan Pidana,* (Jakarta: Rangkang Education), 2013, hlm 60-61

stages, namely the stage before the court hearing, the examination at the trial court, and the trial court stage being completed. At this stage, the court receives the complete investigation case file along with the indictment accompanied by a request for the case to be examined and tried.After the District Court (through the District Court Registrar) receives the prosecution process file, the case is given a case registration number and the Head of the District Court makes a stipulation regarding the Judge who is given the task of hearing the case. With this stipulation, the authority and full responsibility for resolving the case is no longer in the hands of the Chief Justice of the District Court but the appointed Judge.[13]

In connection with the discovery of the Justice Collaborator's rights in corruption cases at the adjudication stage, among others. First, is physical protection. Protection is provided by the LPSK if the witness will give testimony before the court. As a key witness who will reveal the circumstances of the other defendant's involvement in the corruption case being tried.In practice, judges are still free to impose lightweight sentences for someone who has been legally and convincingly proven to have committed a crime, including having the status of a Justice Collaborator. The reason is that there is no guarantee of the right to relief of criminal convictions for Justice Collaborators because awarding is optional. In both SEMA Number 4 of 2011 point 9 letters (c) and Article 10A paragraph (1) HU Number 31 of 2014, there is the phrase "may". The consequence of the phrase "can" means the judge can give or not award a sentence reduction award.In fact, by looking at the important role of witness witnesses in uncovering organized criminal acts, it is appropriate to obtain a criminal sentence relief. Therefore, in the future so that judges remain independent in deciding corruption cases, it is necessary to revise the anti-corruption law by including an article regarding guaranteed criminal convictions for witness perpetrators who cooperate.

Our legal system does not recognize plea bargaining, but the spirit is the same as Justice Collaborators, namely accelerating the disclosure of a criminal case and there are advantages for the perpetrators who cooperate. Controversy over the presence of a Justice Collaborator is still going on in various circles. Abdul Haris Semendawai put forward the pros and cons regarding the Justice Collaborator apart from getting support from various parties, but a number of parties are still resistant to this concept with the following arguments:[14]

a. A person who commits a crime must be given an appropriate law in accordance with the crime he has committed;

b. It is feared that it will be used as a practice or to reduce demands or penalties in exchange for money or other forms of bribery or gratuities, some even make a mistake with the term Justice Calculator;

c. It is feared that there will be discrimination against other criminal offenders with the same weight of the action as the one he has committed;

[13] Ibid. hlm.202
[14] Abdul Haris Semendawai, *Op. cit*, hlm.8

d. In addition, there are those who object to the use of the term Justice Collaborator.

The author strongly agrees with Eddy Hiariej's view that he sees the unclear and indecisive formulation of the positions of witnesses and suspects and the conditions under which a witness becomes a suspect while at the same time having the status of a reporter.[15] This formulation gives rise to multiple interpretations and even has the potential to lead to unconstitutional interpretations of legal uncertainty. The formulation of Article 10 paragraph (2) of the PSK Law opens opportunities for investigators to intervene in the authority of witness and victim protection agencies without the control of judicial power. This happens because the determination of a witness to become a suspect and then the defense can be carried out unilaterally by the investigator without considering the authority of other state institutions that have the obligation to provide protection for witnesses in criminal cases.

Based on the weaknesses in the provisions of Article 10 paragraph (2) of the PSK Law. There are six approaches or interpretations which simultaneously raise problems with regard to Justice Collaborators, namely:

First, based on a "historical" interpretation, namely the interpretation of the meaning of the law according to the process by which it occurred by examining the history of the formation of the law. Historical interpretation also includes legal history. Prontier states that the interpretation of legal history is the determination of the meaning of the formulation of a rule of law by seeking links to writers or in general to the societal context of the past. Historically, Justice Collaborator is closely related to mafia-style crime organizations as the oldest and largest criminal organization in Italy originating from Palermo, Sidlia, so it is often called the Sicilian Mafia or Cosa Nostra.Interpretation of "doctrinaire", strengthens the argument by referring to a particular doctrine, which in this case is the doctrine of whistle-blowers. There is a league of things related to why Justice Collaborators need attention, namely (1) the Justice Collaborator must act as soon as possible. given protection so that he is not killed by his accomplice; (2) information from the Justice Collaborator can be used as sufficient initial evidence to uncover the crime syndicate, and (3) if the Justice Collaborator provides information that can be used to dismantle the crime syndicate to its roots, then this can be used as an excuse for dropping charges criminally. The provisions of Article 10 paragraph 2 of the Law a quo do not fulfill the principle of protecting a Justice Collaborator because the person concerned will still be subject to criminal sanctions if involved in the crime concerned. This means, on the one hand, the article provides protection, but on the other hand, the Justice Collaborator does not get a guarantee to be released from criminal prosecution for the testimony given. Thus Article 10 paragraph (2) of the PSK Law does not provide legal certainty to Justice Collaborators.

[15] Eddy Hiariej, *Legal Opini Sidang Pleno Mahkamah Konstitusi Perihal Pengujian Pasal 10 Ayat 2 Undang-Undang No. 13 tahun 2006 tentang LPSK*

"Grammatical" interpretation, namely the meaning of the provisions of the law is interpreted by way of describing it according to common everyday language (Sudikno Mertokusumo, 2001). The provisions of Article 10 ayat (2) of the PSK Law are ambiguous, do not fulfill the principle of lex certa criminal law, and tend to be in contra lesson with the provisions of Article 10 paragraph (1). Article 10 paragraph (2) reads as below. When described grammatically, the "sentence" raises three confusions. The first confusion, a witness who is also a suspect in the same case will eliminate the defendant's exclusive rights, even though the defendant's exclusive rights are one of the elements of judicial objectivity. On the one hand, when the person is a witness in court, his statement is valid as evidence if it is said under oath, but on the other hand, when the person concerned is a defendant, the statement given is not under oath. The second ambiguity, the clause "... cannot be acquitted of criminal prosecution if it is proven legally and convincingly guilty" is ambiguous and raises the question: who will be tried first, whether the whistleblower or the perpetrator who is reported by the whistleblower or whether will be tried simultaneously. The third confusion, the provisions of Article 10 paragraph (2) are contra legem with the provisions of Article 10 paragraph (1) which essentially states that witnesses, victims, and reporters cannot be legally prosecuted either criminally or civilly for reports of testimony that will, is being, or he has given.

"Systematic" or "logical" interpretation, namely interpreting statutory provisions by relating them to all the articles in the law, legal regulations, or other laws, or to the entirely legal system. In the law discovery method, especially criminal law, there are at least seven principles. Two of the seven principles are the principle titulus est lex and rubric est lex. The principle of titulus est lex means the title of the legislation that determines, while the principle of rubric est lex is the rubric or part of the legislation that determines (Sudikno Mertokusumo). In case a quo, Article 10 paragraph (2) equivalent to rubrics est lex is in Chapter II of the Law Concerning the Protection and Rights of Witnesses and Victims, while the substance of the article does not guarantee protection for Justice Collaborators from lawsuits, especially criminal law. Likewise, in terms of titulus est lex, the title of the law is the protection of witnesses and victims. So, whatever the status, the witness must still be given protection. The provisions of Article 10 paragraph (2) of the Law a quo are regardless of the context of protection. Thus these provisions do not guarantee legal certainty and protection of human rights.

The provisions of Article 10 essentially adopt the position of a justice collaborator and a form of legal guarantee for witnesses who may be suspects/defendants who may be rewarded in the form of a judge's consideration in mitigating the sentence imposed on him if later proven legally and convincingly guilty. The politics of criminal law is to be built in the existence of legal certainty in the provision of reward and punishment for testimony that is very valuable or important for disclosing scandalous cases and serious cases, while testimony is owned by someone who is a suspect/defendant.

In Indonesia's positive law, it has not been regulated integrally regarding laws and regulations that regulate specific methods as guidelines for whistleblowers and justice collaborators in disclosing these facts whether they can be classified as disclosing facts that are prohibited, contradictory, against the law, exceeding authority and/or there is abuse authorities or actions that endanger the interests of the state or the public interest.The next obstacle from the perspective of legislation is that there are no regulations governing the protection of a whistleblower or justice collaborator against criminalization at risk and what needs to be disclosed. Globally the criminalization of this risk is said to be in the form of defamation, processing justice collaborators unfairly in the sense that they are processed first and the perpetrators who are reported, there may be more serious threats and fault-finding or other crimes that have been committed by whistleblowers and justice collaborators.The logical consequence of such an aspect is that when someone becomes a whistleblower or justice collaborator, they will be overcome by feelings of fear of revenge, the perception of a lack of trust in the ability of the institution that should be responsible for acting on reports submitted by a whistleblower or justice collaborator arises, so that this aspect is an obstacle. most importantly to support the existence of whistleblowing. Therefore it is very urgent to not only protect individuals so that they are willing to become whistleblowers and justice collaborators, but also to ensure adequate, professional, and independent follow-up and investigation of disclosure of reports.

Indeed, in the provisions of Article 10 paragraph (1) of Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 it is stipulated that "witnesses, victims, and reporters cannot be legally prosecuted either criminally or civilly for reports, testimonies that will be, are being, or have been he gave". However, this dimension also raises its own problems, such as whether the lawsuit is only limited to defamation or can also cover the case that was reported. In addition, this provision only regulates the form of awards which are limited specifically only to the commutation of sentences, are optional in nature, are not an obligation, and cannot be predicted early because the authority lies only with the judge.The contents of Article 10 paragraph (2) of Law Number 13 of 2006 in conjunction with Law Number 31 of 2014, where the words "witnesses who are also suspects" are formulations that cannot be understood consistently against witnesses who also have the status of reporting witnesses who then suddenly turned into a suspect. This can lead to multiple interpretations and cause legal uncertainty. The provisions of the context above also have implications for constraints on how to effectively and efficiently disclose cases against cases that are organized crime which is generally carried out by "high-class actors," especially against the main actors, criminal assets, modus operandi, and criminal networks. the existence of these provisions can become a stumbling block if you

want to apply the concept of the plea bargaining system, to a whistleblower or justice collaborator.[16]

Ideally, indeed from the perspective of regulatory constraints, regulations should be made that regulate whistleblowers and justice collaborators separately and are integral. A crucial and substantial issue and perspective of institutional constraints is the institution authorized to handle and provide protection for a whistleblower or justice collaborator. This dimension needs to receive important attention because it correlates with the process of handling reports so that they can be handled appropriately, quickly, and effectively on the other hand a whistleblower or justice collaborator gets protection and guarantees the security of the information they provide.Review laws and regulations, a whistleblower or justice collaborator can report to the LPSK, the Corruption Eradication Commission, the Judicial Commission, the Republic of Indonesia Ombudsman, PPATK, the National Police Commission, and the Prosecutor's Commission. There are separate problems in this context, namely the number of institutions that can receive reports from a justice collaborator is studied and the perspective of the criminal justice system is the most crucial institution to handle these reports which correlate with the criminal conviction of a justice collaborator later. Strictly speaking, in other words, it can be stated that can institutions as in the context above, outside the criminal justice system, be able to provide leniency for a justice collaborator, because it is based on the provisions of Article IOA paragraphs (4) and (5) of Law number 13 the Year 2006 in conjunction with Law Number 31 of 2014, LPSK provides written recommendations to public prosecutors to include in their demands to judges for awards in the form of leniency, and recommendations to ministers who administer government affairs in the field of law in the form of parole awards, conditional remissions and other rights of convicts.

Then from this institutional perspective, another problem that can surface is the problem of authority which is correlated with legal protection, which can intersect with the authority of law enforcement officials or other institutions. For example, the implementation of Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 related to the understanding of the functions, duties, and authorities of the LPSK in the context of providing protection for a justice collaborator whose implementation of this task has the potential to intersect with other law enforcement authorities (Police Prosecutors and KPK). particularly those related to the implementation of Article 10 of Law Number 13 of 2006 of Law Number 31 of 2014. The logical consequence is that it is necessary to affirm authority, functions, and duties as well as coordination between agencies that protect justice collaborators so that listening to this, it is hoped that inter-agency relations and coordination this is not an obstacle to implementing practices and

[16] Lilik Mulyadi, *Perlindungan Hukum Whistleblower & Justice Collaborator, Dalam Upaya Penanggulangan Organized Crime*, Alumni, Bandung, 2015, hlm. 120

reporting to a justice collaborator.Indeed, ideally from the perspective of institutional constraints, regulations should be made regarding special institutions that only regulate justice collaborators separately and are integral, such as in the United States with The U.S. Office of Special Counsel (OSC), in accordance with the criminal justice system that wants to build logical consequences of this dimension, it is necessary to have "the fruit of reform of the legal system in general and in particular the reform of the provisions of the criminal procedural law in accordance with the spirit, system, culture of Indonesian society which correlates with the Indonesian criminal justice system.

With benchmarks reviewed and laws and regulations, a justice collaborator can report to LPSK, the Corruption Eradication Commission, the Judicial Commission, the Ombudsman of the Republic of Indonesia, PPATK, the National Police Commission, and the Prosecutor's Commission, this dimension is also a separate issue. The logical consequence is that there are many institutions that regulate the receipt of reports and a justice collaborator with their respective authorities so there is relative potential for separate and overlapping problems in carrying out the process of handling reports. In addition, the relatively large number of these institutions will lead to different understandings or perceptions between law enforcement agencies and the inadequacy of the legal system, the information becomes sectoral and there is no coordination between these law enforcement agencies in a criminal justice system.

In the provisions of Indonesian laws and regulations, reports relating to corruption are protected by the KPK and the Police, and money laundering crimes are protected by PPATK and the Police. (drug trafficking), and so forth.Indeed, ideally, with so many institutions handling reporting to justice collaborators, cooperation and coordination between agencies are needed so that it becomes effective, efficient, and effective. In addition, it also requires the participation of the community and all legal apparatus and stakeholders by encouraging cooperation in the field of protection for justice collaborators. If this aspect is carried out, it is hoped that in practice in the field, it can cover all possibilities for problems and juridical issues that arise during the implementation stage. The success of an investigator, in addition, to being determined by being sufficiently reliable, is supported by adequate technical capabilities, facilities, and sufficient investigation costs. In examining suspects and witnesses, appropriate examination tactics and techniques are one of the absolute requirements of an investigator.[17]

Particularly in the regulation regarding the role of the Justice Collaborator in its implementation, there are still many weaknesses caused by the different interpretations of this article by the public and also by the law enforcers

[17]Dani Durahman et all, *Efforts To Build The Integrity Of Investigators To Realize Just Law Enforcement* Journal of Legal, Ethical and Regulatory Issues Volume 24, Special Issue 1, 2021, p.3

themselves.[18] Various steps can be taken to find the facts of a crime, for example in investigative actions, namely: receiving reports, seeking information and evidence, ordering the suspect to stop, and asking for and checking personal identification. While in an investigation, investigators can take the first action at the scene of the incident, summon and examine suspects and witnesses as well as make the necessary forced efforts.[19]

In Law on Protection of Witness and Victim, the rights of the cooperated witness (justice collaborator) are regulated to meet a sense of security as a standard service of authorized agencies in implementing various act of legal protection that has been pledged before, either by request itself or by another person or institution, in this case including the infrastructure, facilities, and institutions that will provide legal protection, and justice collaborator interests[20]. The Justice Collaborator is a witness involved in the crimes investigated[21]

4. Conclusion

Basically, the presence of a justice collaborator in disclosing a case, especially one that is organized crime is really needed considering that its role is very central and urgent. The cooperation of justice collaborators with law enforcement officials can facilitate the task of disclosing a crime, especially those related to the public interest (openbare order) or the state. The logical consequence is that one of the instruments that can be used to encourage disclosure or reporting of a crime is by providing guarantees and protection to justice collaborators because without this role it is very difficult to disclose organized crime, usually these difficulties arise due to weak support. evidence/evidence obtained due to the limitations of law enforcement officials in obtaining evidence that is significant enough to reveal the crime. Problematic and overlapping aspects of who can determine a person to become a justice collaborator, whether the LPSK, Investigator, Prosecutor, or Judge. In order to create legal certainty, the authority to determine someone to become a justice collaborator is the authority of the investigator as the first institution to carry out legal proceedings.

[18] Supriyadi Widodo Eddyono, "*Prospek Penggunaan Pelaku yang Bekerjasama di Indonesia*" Jurnal LPSKVolume ke 1, No. 1 Tahun 2011, hlm. 104-108

[19] Rusli Muhammad, *Pengaturan dan Urgensi Whistle Blower dan Justice Collaborator dalam Sistem Peradilan Pidana* Jurnal Hukum Ius Quia Iustum NO. 2 VOL. 22 APRIL 2015: 203 - 222

[20] Hambali Thalib, dkk. The Role Of Justice Collaborator In Uncovering Criminal Cases In Indonesia, Diponegoro Law Review, April 2017, Volume 02, Number 01

[21] Muhammad F.A., dkk, *The Reform Of Corrution In Indonesian: The Prismatic LawIn The Recent Context*, Jurnal Mimbar Hukum, Vol. 25, No.1, Feb.2013, hlm.189

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