

Research Article

**Policy Reformulation of Legal Protection for Cooperating Offender Witnesses
(Justice Collaborators): A Case Study of Richard Eliezer**

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ABSTRACT

Proving a criminal act is the most crucial aspect of criminal law enforcement. Reflecting on the case of the premeditated murder of Brigadier Nofriansyah Yosua Hutabarat, which the main perpetrator and other perpetrators tried to cover up, one of the perpetrators, Richard Eliezer, took the courage to volunteer to become a Justice Collaborator. The problem arose when the legal protection given to a justice collaborator was not also given to his family. Based on this issue, this study aims to discuss the issue of legal protection for justice collaborators and their families with a case study of Richard Eliezer and to examine the reformulation of legal protection for justice collaborators and their families in Indonesia. This study uses a normative juridical method. The results of the study show that, reflecting on the reality of legal protection for Richard Eliezer as a justice collaborator in case No. 798/Pid.B/2022/PN JKT.SEL, normatively, legal protection for the families of justice collaborators has not been clearly regulated, because the LPSK is passive in protecting the families of justice collaborators. The conclusion of this study is that the reformulation policy on protection for witnesses who cooperate (justice collaborators) in Indonesia, primarily consists of specific technical rules regarding the protection of justice collaborators and their families.

Keywords: Justice Collaborator; Legal Protection; Family.

A. INTRODUCTION

The existence of law in society plays an important role, because law serves as a guideline for behavior and protects the rights of all citizens or legal subjects so that they are not harmed by other citizens or legal subjects. The existence of law in social life is necessary to maintain social stability and security in society (Simanjuntak, 2019). In addition, the existence of law is intended to prevent arbitrariness from one legal subject to another in society due to differences in social status (Bo'a, 2018). Of course, the function of law will be realized if the laws and regulations are

implemented consistently by the entire community, especially by law enforcement officials. Consistent law enforcement based on legislation will realize the rule of law in Indonesia (Arief, 2018).

The rule of law in Indonesia is carried out, among other things, through and by an independent and autonomous judicial institution, in accordance with the provisions of Article 1 Paragraph (1) of LawNo. 49 of 2009 on Judicial Power, which stipulates that: "judicial power is the independent power of the state to administer justice in order to uphold law and justice based on

Pancasila and the 1945 Constitution of the Republic of Indonesia, for the sake of the implementation of the Indonesian Rule of Law.”

The title of a country governed by the rule of law, which Indonesia holds, has placed all legal subjects in an equal position before the law. Article 28D paragraph (1) stipulates that “every person shall have the right to recognition, security, protection, and certainty before the law, as well as equal treatment before the law.” The legal principle contained in this article is equality before the law, including in this case justice collaborators (Kusuma & Adhari, 2021).

The legal basis for the implementation of justice collaborators in Indonesia is Law Number 13 of 2006, amended by Law Number 31 of 2014 concerning the Protection of Witnesses and Victims. In addition, there is also Supreme Court Circular Letter (SEMA) Number 04 of 2011 concerning the Treatment of Criminal Offense Reporters (Whistleblowers) and Cooperating Witnesses (Justice Collaborators). In Certain Criminal Cases and Joint Regulations of the Minister of Law and Human Rights, the Attorney General, the National Police Chief, the Corruption Eradication Commission (KPK), and the National Commission on Human Rights (LPSK) concerning Protection for Reporters, Reporting Witnesses, and Cooperating Witnesses. Although the justice collaborator mechanism in Indonesia has a clear legal foundation, in practice, the legal protection afforded to witnesses who agree to cooperate in uncovering the truth of certain criminal acts

remains inadequate. This is particularly evident in the case of Richard Eliezer, who acted as a justice collaborator in the murder of Brigadier Nofriansyah Yosua Hutabarat in 2022, a case involving a high-ranking police general, his wife, and several of his aides.

The death of Brigadier Nofriansyah Yosua Hutabarat became a viral case because it caught the public's attention in Indonesia. The case, which involves Ferdy Sambo, a high-ranking police officer, is related to the premeditated murder of Brigadier Yosua Hutabarat, also known as Brigadier J. The case has captured public attention because Ferdy Sambo attempted to cover up the crime he committed together with his aides and driver. Various pieces of evidence were destroyed in an attempt to obscure the facts. In contrast, Richard Eliezer demonstrated integrity by courageously admitting his involvement and taking responsibility for his actions. His testimony corresponded with the evidence discovered by the police regarding the chronology of events, including the shooting incident that led to Brigadier Hutabarat's death. Eliezer displayed steadfast conviction when he revised his statement in the official police investigation records (Berita Acara Pemeriksaan) after being detained by the Criminal Investigation Department (Bareskrim) of the Indonesian National Police, in order to disclose the truth in the case. His actions constitute a tangible example of a justice collaborator in Indonesia (Tempo.co, 2023).

During the trial of Richard Eliezer, both as a defendant and as a justice collaborator, Richard Eliezer's family received threats from outside parties. Even during the trial, the status of justice collaborator given to Richard Eliezer was questioned and doubted by Ferdy Sambo's legal counsel and the public prosecutor (Wiryono & Rastika, 2023). Reflecting on this case, it is time for law enforcement in Indonesia to not only provide protection and a sense of security to justice collaborators in the form of physical and psychological protection, including protection for their personal safety from all kinds of threats, terror, violence, pressure, and disturbances to their person, soul, and property from any party, but also to extend this physical and psychological protection to include guarantees of physical and psychological protection for their families.

The legal norms forming the basis for the application of justice collaborator provisions in Indonesia have yet to explicitly and firmly regulate the extent of legal protection that should be afforded to justice collaborators and their families. A concrete example of this deficiency is evident in the Richard Eliezer case, where his family repeatedly received threats despite his formal status as a justice collaborator. This indicates the inadequacy of the existing legal protection mechanisms. Based on the description of the problem, this study will discuss issues in the legal protection of justice collaborators with a case study of Richard Eliezer and examine the

reformulation of legal protection for justice collaborators in Indonesia.

This study differs from previous studies such as those conducted by Bambang Sugiri, Nurini Aprilianda, and Hanif Hartadi, which discussed the legal position of a justice collaborator in uncovering organized crime (Sugiri, Aprilianda & Hartadi, 2021). That study focused on the role of a justice collaborator in uncovering organized crime, whereas this study focuses on reformulating legal protection for cooperating witnesses (justice collaborators), including their families. Another study discusses legal protection for justice collaborators, specifically focusing on justice collaborators in corruption cases (Satria, 2016). The difference with this study lies in the criminal acts that are the object of the research. That study focuses on corruption, while this study will discuss the reformulation of legal protection for justice collaborators using the case study of Richard Eliezer. Another study discusses the role of justice collaborators in the disclosure of criminal acts in Indonesia (Thalib, Rahman & Semendawai, 2017). The difference with this study is that the other study focuses on the role of a justice collaborator in disclosing a criminal act, whereas this study focuses on the reformulation of legal protection for cooperating witnesses (justice collaborators), including their families. Furthermore, research on the reconstruction of legal protection for justice collaborators in narcotics crimes specifically discusses legal

protection for justice collaborators in the disclosure of narcotics crime cases (Widowaty et al., 2023). This study focuses on legal protection for justice collaborators in uncovering narcotics crimes, in contrast to this study, which focuses on reformulating legal protection for cooperating witnesses (justice collaborators), including their families. Another study that can be compared to this study discusses the urgency of updating criminal law regarding the regulation of justice collaborators in Indonesia (Jardan & Khairani, 2024). This study focuses on updating the regulation of justice collaborators in Indonesia, in contrast to this study, which focuses on reformulating legal protection for cooperating witnesses (justice collaborators), including their families.

Based on a comparison with previous studies discussing justice collaborators, there has been no study that specifically discusses the issue of legal protection for justice collaborators with the case study of Richard Eliezer and examines the reformulation of legal protection for justice collaborators in Indonesia as discussed in this study. This study will specifically discuss two issues, namely, what is the reality of legal protection for justice collaborators and their families in Indonesia as reflected in decision number 798/Pid.B/2022/PN JKT.SEL? and how can legal protection for justice collaborators in Indonesia be reformulated?

B. RESEARCH METHODS

This study employs a normative juridical method (Ariawan, 2013), utilizing a statute approach and grounding its analysis on Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, Article 340 of the former Criminal Code (KUHP), Articles 294 to 299 of the New Criminal Code, as well as the Supreme Court Circular Letter Number 4 of 2011 regarding the Treatment of Whistleblowers and Justice Collaborators in Certain Criminal Cases, as the legal basis relevant to the issues examined in this research. In addition to the legislative approach, this study also uses a case study approach, namely criminal case No. 798/Pid.B/2022/PN JKT.SEL (Benuf & Azhar, 2018). The data used in this study is secondary data in the form of primary legal materials, namely legislation, supported by court decisions on the cases analyzed. The analytical approach used is descriptive analysis to answer the problems in this study (Barus, 2013).

C. RESULT AND DISCUSSION

1. The Reality of Legal Protection for Justice Collaborators and Their Families in Indonesia: A Reflection on Decision Number 798/Pid.B/2022/PN JKT.SEL

The discussion regarding the reality of legal protection for justice collaborators and their families in case number 798/Pid.B/2022/PN JKT.Sel is based on the theory of legal protection, which is essentially a concept that discusses systematic efforts to provide guarantees and

recognition of individual rights and the interests of legal subjects, both preventively and repressively, through legal mechanisms. This theory covers various aspects, ranging from the recognition of human rights, the provision of law enforcement mechanisms, to efforts to recover losses resulting from violations of the law. Legal protection is the right of all Indonesian citizens, and the state is obliged to provide legal protection for all its citizens (Harahap, 2016). The legal protection provided by the state to all its citizens is manifested in the form of legal instruments known as legislation, which must be oriented towards the legal protection of all citizens based on the objectives of the Republic of Indonesia, namely to protect the entire Indonesian nation and all Indonesian blood (Utami & Zulkarnaen, 2016). This legal protection must then be enforced by a legal structure, namely all state institutions directly related to law enforcement in Indonesia, such as the police, the prosecutor's office, and the judiciary. Furthermore, legal protection can be realized if all citizens are aware of the importance of obeying laws and regulations and respecting the rights of others (Ramadhan, 2018).

In practice, in the constitutional state of the Republic of Indonesia, all citizens have the same rights and status before the law. This is related to the legal principle of equality before the law (Saputra, 2015), which is then manifested in the provisions of Article 27 paragraph 1 of the Constitution of the Republic of Indonesia of 1945 (UUD NRI tahun 1945), which stipulates that

“all citizens have the same position in law and government and are obliged to uphold the law and government without exception”. The guarantee of equal status before the law has a broad meaning as stipulated in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which stipulates that “every person shall have the right to recognition, guarantee, protection, and certainty of fair law and equal treatment before the law.” Based on the above provisions, all citizens, including defendants and even convicts, have rights guaranteed by law, including the right to apply to be a justice collaborator. This is in line with the principle of “equality before the law”, which is then concretized in the 1945 Constitution of the Republic of Indonesia, regulated in Article 27 paragraph (1), which states that all persons have equal rights before the law and the government. All persons referred to in this provision include perpetrators who are willing to cooperate in revealing the facts about a criminal act they committed together with other perpetrators.

Historically, the concept of justice collaborator emerged in the 1970s in the United States. The emergence of this concept was due to the large number of crimes in which the perpetrators worked together to cover up their crimes and even witnesses who knew about the crimes chose to remain silent. Therefore, the concept of “justice collaborator” emerged, along with the importance of protecting witnesses who cooperate with the authorities (Mulyadi, 2014b). In

Indonesia, legal protection for justice collaborators was first codified in Law No. 13 of 2006, later amended by Law No. 31 of 2014 on the Protection of Witnesses and Victims. The implementing regulations for this regulation are Supreme Court Circular Letter (SEMA) Number 04 of 2011 and the joint regulation of the Minister of Law and Human Rights, the Attorney General, the National Police Chief, the Corruption Eradication Commission (KPK), and the Witness and Victim Protection Agency (LPSK) on Protection for Reporters, Reporting Witnesses, and Cooperating Witnesses. The Supreme Court of the Republic of Indonesia has explicitly defined a cooperating perpetrator witness as a perpetrator who is willing to admit to a criminal act committed together with other perpetrators, provided that the admission is given during the case examination process and the perpetrator is not the main perpetrator (Hikmawati, 2013).

A justice collaborator plays a key role in criminal law enforcement. The presence of a justice collaborator will provide real information about what they have done in relation to the criminal acts they are suspected of (Nugroho, 2021). The presence of a justice collaborator in the criminal investigation process involving them is as a witness and at the same time as a perpetrator who cooperates with law enforcement officials in uncovering certain criminal acts. Furthermore, based on the views and objectivity of the panel of judges, this can be used as a consideration for the judge in reducing the

sentence to be imposed (Palekahelu, Nasution, & Yudianto, 2020).

One example of the application of regulations related to justice collaborators in Indonesia is in case number 798/Pid.B/2022/PN JKT.SEL, in which Richard Eliezer acted as a justice collaborator. Richard Eliezer was previously a defendant, but later, through his legal counsel, he volunteered to become a justice collaborator. Richard Eliezer is known to have changed his statement in the Investigation Report (BAP), and the statement given by Richard Eliezer, both during the investigation after it was changed and in front of the court, became very important information needed by the panel of judges in examining and deciding the case.

During the trial of case No. 798/Pid.B/2022/PN JKT.SEL, Richard Eliezer was a justice collaborator. The status of justice collaborator given to Richard Eliezer was met with opposition from the other defendants and the public prosecutor in the case. The legal counsel for the other defendants questioned whether it was appropriate to grant Richard Eliezer the status of justice collaborator, given that he had lied during the examination of the case. The fact in question is that during the preparation of the Investigation Report (BAP), suspect Richard Eliezer was known to have changed his statement, which was originally in line with the construction that had been prepared together with Ferdi Sambo. However, due to his honesty, Richard Eliezer changed the BAP in accordance

with the facts he had experienced. However, the other defendants considered that Richard Eliezer had lied because of this and therefore considered him to be inconsistent in his testimony.

Then, the Public Prosecutor (JPU) opposed granting Richard Eliezer the status of justice collaborator because, according to the JPU, based on the provisions stipulated in Law No. 31 of 2014 concerning Witness and Victim Protection, there is no article in the provisions that can be used as a basis by the LPSK to grant justice collaborator status to defendants of premeditated murder such as Richard Eliezer. In the regulation on the protection of witnesses and victims, there is something that needs to be criticized because in the general explanation of the regulation, only certain criminal acts can recognize the existence of a justice collaborator, namely criminal acts of an organized crime nature that recognize the existence of a cooperating witness or justice collaborator. However, it is possible that in other criminal acts, the perpetrators may deliberately cooperate with each other to cover up or conceal the crimes they have committed, such as in the case of the death of Yosua Hutabarat, which is an example case in this study.

Based on the explanation from the Head of the Witness and Victim Protection Agency (LPSK), Hasto Atmojo, the status of "justice collaborator" given to Richard Eliezer has had an impact on the security threats against Richard Eliezer. The security threat to Richard Eliezer

arises because, in reality, the other perpetrators in the premeditated murder of Nofrian Yosua Hutabarat wield considerable power. Regarding the threat to Richard Eliezer's family, the head of the LPSK stated that, so far, the LPSK's authority is limited to receiving complaints from the family, so if there are no complaints from the family regarding threats received by the family in connection with the ongoing case, then according to the LPSK, it is considered that there are no threats experienced by the family of the justice collaborator (Wiryono & Asril, 2023).

Reflecting on the reality of the application of legal protection for Richard Eliezer as a justice collaborator in case No. 798/Pid.B/2022/PN JKT.SEL, and then linked to Law No. 13 of 2006 and amended by Law No. 31 of 2014 concerning Witness and Victim Protection, which stipulates that legal protection for a justice collaborator takes two forms, namely physical and psychological protection. Both forms of legal protection for cooperating witnesses must be fully realized in order to uncover criminal acts that are being processed by the law. This is also aimed at achieving substantive justice in the enforcement of criminal law in Indonesia. The LPSK plays a central role because, normatively, it is the authority responsible for providing both physical and psychological protection and can request assistance or collaborate with other relevant agencies. Normatively, legal protection for the families of justice collaborators has not yet been clearly regulated. Normatively, legal protection for

the families of justice collaborators has not yet been clearly regulated. Therefore, what was conveyed by the head of the LPSK regarding protection for the family of Richard Eliezer, who has the status of a justice collaborator, is that in this case, the LPSK is passive because it only waits for complaints from the family about whether there are threats or not. Therefore, considering the reality of the application of legal protection for Richard Eliezer as a justice collaborator in case No. 798/Pid.B/2022/PN JKT.SEL, the application of the theory of legal protection has not been implemented as it should be because there are still loopholes, particularly regarding protection for the families of justice collaborators, whose protection is currently still passive on the part of the LPSK.

2. Reformulation of Legal Protection for Justice Collaborators in Indonesia

Reflecting on the reality of legal protection for justice collaborators and their families in the Richard Eliezer case, as described in the first discussion, it is clear that the formulation related to legal protection for justice collaborators and their families in Indonesia is still not optimal, especially protection for the families of justice collaborators. In fact, the testimony of a justice collaborator is essential in order to uncover the facts of a legal case under investigation (Sutanti & Arief, 2013). The testimony of a justice collaborator is particularly necessary in criminal cases classified as organized crime in Indonesia (Gukguk & Jaya, 2019). Examples of criminal acts

that are classified as organized crime are corruption and money laundering, as well as other criminal acts that are carried out in an organized manner and involve perpetrators who have great power because they have great authority and influence in society due to their position or status, such as in the case of Richard Eliezer, which involved General Ferdie Sambo. These factors make it difficult for law enforcement officials, in this case investigators and prosecutors, to search for and find evidence.

Without maximum protection for justice collaborators and their families, it will be difficult to uncover criminal cases that fall under the category of organized crime in Indonesia. This is due to several reasons. First, the criminal acts committed by the perpetrators are highly organized. Second, the perpetrators all benefit from the crimes, making it unlikely that the victims will report them. Third, the crimes committed by the perpetrators involve those in power, whether they hold certain positions in the government, work as law enforcement officials, or have financial power. Fourth, the perpetrators have a high ability to conceal their crimes (Mulyadi, 2015). Based on these four factors, it is important to provide legal protection for justice collaborators and their families, because the testimony of justice collaborators is essential in uncovering the facts in organized crime cases in Indonesia.

The fundamental reason why the family of a justice collaborator must also be protected is in line with the principle of broader legal protection.

Protection of the family is not only a matter of humanity, but also a key factor in the successful uncovering of crimes. In cases of serious crimes such as corruption, terrorism, or other organized crimes, perpetrators do not hesitate to resort to intimidation (Harisnaeni & Cahyaningtyas, 2021). These threats are not only directed at the justice collaborator themselves, but also often involve their family members as a way to pressure or silence witnesses. Without protection, families can become easy targets for revenge or terror, which can ultimately discourage witnesses from cooperating (Prasetio et al., 2020).

A justice collaborator will feel more at ease and courageous to give honest and transparent testimony if he or she is confident that his or her family is safe. Protection for families is a form of guarantee from the state that psychologically provides peace of mind for witnesses, so that they can focus on their role in assisting law enforcement (Rachman, Hidayat & Wardhani, 2020). If their family is in danger, it is highly likely that they will withdraw their testimony for the safety of their loved ones. Protection for the families of justice collaborators has a strong legal basis in Indonesia. Regulations on the protection of witnesses and victims have explicitly stipulated that both witnesses and victims are entitled to legal protection in three areas, namely their personal safety, the safety of their families, and the safety of their property, as stipulated in Article 5 of the regulations on the protection of witnesses and victims.

This shows that family protection is a constitutional right and part of the state's commitment to upholding human rights, namely the right to live safely and free from threats. Providing comprehensive protection, including to families, will foster public trust in the legal system (Sihombing et al., 2024). This will encourage more people, including perpetrators of crimes who are not the main masterminds of justice collaborators, to dare to report or cooperate with law enforcement. Effective protection creates an environment conducive to the disclosure of complex and organized crimes. Thus, family protection is not merely an addition, but an integral part of the protection system for cooperating perpetrators, both legally and practically.

The testimony of a justice collaborator plays a very large role in the prosecution of a criminal case, given that the goal of a criminal prosecution is to establish material truth. Material truth means that the prosecution of a criminal case focuses more on witness testimony (Wijayanti & Sularto, 2013), as stipulated in Article 184 Paragraph (1) of the Criminal Procedure Code (KUHP), which states that witness testimony occupies the highest position in the hierarchy of criminal procedural evidence, followed by expert testimony, documentary evidence, circumstantial evidence, and finally the defendant's testimony (Erdianto & Soponyono, 2015). It should be emphasized that the testimony of a justice collaborator is different from the

testimony of a defendant as referred to in Article 184 paragraph 1 of the KUHAP. The fundamental difference is that the testimony of a defendant is given by a defendant in his own case and is given without being sworn in, while the testimony of a justice collaborator is given in court and under oath.

The defendant's testimony referred to in the provisions of Article 184 paragraph (1) of the Criminal Procedure Code is the testimony of a criminal offender given before the court, in which the defendant has the right to refuse to testify before the court, as stipulated in the provisions of Article 52 of the Criminal Procedure Code, which essentially determines that a defendant has the right not to admit to the criminal acts with which he or she is charged when giving testimony before the court (Sukadana, Amiruddin & Parman, 2018). In addition, the defendant's testimony is given before the court without taking an oath, so that the defendant's testimony has no legal consequences for the defendant if the defendant turns out to have given false or fabricated testimony before the court. Meanwhile, the testimony of a justice collaborator is testimony given by a perpetrator of a criminal act under oath and spoken before the court, so that the testimony has legal consequences for the justice collaborator if it is known and proven that they have given false or fabricated testimony before the court, then a justice collaborator can be charged under the provisions of Article 242 of the old Criminal Code, which is also regulated in

Article 27 of the new Criminal Code, with a maximum prison sentence of 7 (seven) years in the old Criminal Code and 6 (six) years in the new Criminal Code. Based on the above description, it can be argued that the testimony of a justice collaborator is different from the testimony of a defendant as stipulated in Article 184 paragraph (1) of the Criminal Procedure Code.

The testimony of a justice collaborator plays such a significant role in the prosecution of a criminal case that a justice collaborator must receive legal protection, not only for themselves but also for their family, so that there is no intervention or threats from other defendants who have great power and influence in society due to their position or status, as in the case of Richard Eliezer. Therefore, by providing legal protection to justice collaborators and their families, it is intended that justice collaborators can truthfully provide testimony that is nothing other than the truth before the court (Chi, Lan, & Ngan, 2023).

Based on the legal protection afforded to Richard Eliezer, who took legal steps to become a cooperating witness in uncovering criminal acts that were attempted to be obscured and even covered up by other perpetrators in the premeditated murder case of Nofriansyah Yosua Hutabarat. It is known that Law Number 13 of 2006, amended by Law Number 31 of 2014 concerning Witness and Victim Protection, stipulates that, in general, the form of legal protection for a justice collaborator is physical and psychological protection. Both forms of legal

protection for cooperating witnesses must be fully realized in order to uncover criminal acts and achieve substantive justice for both the perpetrators and the victims. Normatively, the institution authorized to provide both physical and psychological protection is the LPSK, which can request assistance or collaborate with other relevant agencies. Normatively, legal protection for the families of justice collaborators has not yet been clearly regulated. The LPSK is passive in nature, as it only waits for complaints from families regarding threats or otherwise.

Based on this, regarding the reformulation of the regulations on justice collaborators in Indonesia, the things that need to be reformulated from the existing regulations on justice collaborators in Indonesia are the focus on legal protection for cooperating perpetrator witnesses and their families. This is intended so that both the justice collaborator and their family feel safe in order to reveal facts that are being covered up by the defendant or other perpetrators (Dahwir, 2023). A cooperating witness in Indonesia needs to be reformulated in terms of legal protection for themselves and their family, namely in relation to the technicalities that determine in detail the protection of justice collaborators and their families. In addition, protection for justice collaborators and their families takes the form of protection by the police. A Justice Collaborator in detention must be separated from other suspects or defendants, and during the trial process, they must also be separated from other defendants. If

possible, a justice collaborator should be allowed to attend the trial online for each court session. The criminal sanctions imposed on a justice collaborator must be lighter than those imposed on other perpetrators and may be conditional in the case of ordinary criminal offenses.

Based on the above description, it can be argued that legal protection for cooperating witnesses is very important to be realized in a technical rule formulation that guarantees the rights of cooperating witnesses and their families to be protected from attempts by other defendants in the process of criminal disclosure that are attempted to be obscured or even covered up by other perpetrators or defendants. Institutionally, the authority responsible for realizing legal protection for cooperating witnesses is the LPSK, which can then collaborate with other agencies such as the police to provide security and protection for Justice Collaborators and their families (Mulyadi, 2014a). Providing maximum legal protection to Justice Collaborators and their families who are willing to cooperate with law enforcement officials in uncovering criminal cases that are being obscured or even covered up by other perpetrators is very important in the enforcement of criminal law in Indonesia.

D. CONCLUSION

Based on the discussion in this study, it is concluded that reflecting on the reality of legal protection for Richard Eliezer as a justice collaborator in case Number 798/Pid.B/2022/PN

JKT.SEL, and then linked to regulations regarding the protection of witnesses and victims, which are further emphasized in Supreme Court Circular Letter (SEMA) Number 04 of 2011 and the Joint Regulation of the Minister of Law and Human Rights, the Attorney General, the National Police Chief, the Corruption Eradication Commission (KPK), and the National Commission on Human Rights (LPSK) regarding Protection for Reporters, Reporting Witnesses, and Witnesses who cooperate. Normatively, legal protection for the families of justice collaborators has not yet been clearly regulated, because the LPSK is passive in protecting the families of justice collaborators, as it only waits for complaints from family members about whether or not there are threats.

Based on this, it is important to implement legal protection for justice collaborators and their families as stipulated in Government Regulation No. 24 of 2025, and it is also necessary to reformulate the regulations on justice collaborators in Indonesia. The things that need to be reformulated are the technical rules that determine in detail the protection of justice collaborators and their families. In addition, another form of protection for justice collaborators and their families is protection by the police. Justice collaborators in detention must be separated from other suspects or defendants, and during the trial process they must also be separated from other defendants. If possible, justice collaborators should be allowed to attend the trial online for each court session. Regarding

the imposition of criminal sanctions on a justice collaborator, they must be lighter than those imposed on other perpetrators and may be subject to conditional criminal penalties in the case of ordinary criminal offenses.

REFERENCES

JOURNALS

- Ariawan, I. G. K. (2013). Metode Penelitian Hukum Normatif. *Kerta Widya*, 1(1), 21-30.
<https://doi.org/10.37637/kw.v1i1.419>
- Barus, Z. (2013). Analisis Filosofis Tentang Peta Konseptual Penelitian Hukum Normatif Dan Penelitian Hukum Sosiologis. *Jurnal Dinamika Hukum*, 13(2), 307-318.
<https://dinamikahukum.fh.unsoed.ac.id/index.php/JDH/article/view/212>
- Benuf, K., & Azhar, M. (2018). Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer. *Gema Keadilan*, 7(1), 20-33.
<https://doi.org/10.14710/gk.2020.7504>.
- Bo'a, F. Y. (2018). Pancasila Sebagai Sumber Hukum dalam Sistem Hukum Nasional. *Jurnal Konstitusi*, 15(1), 21-49.
<https://doi.org/10.31078/jk1512>
- Chi, L. L., Lan, N. T., & Ngan, N. H. (2023). The Presence of the Defense Lawyer in Vietnam's Criminal Justice System: Substantive or Cosmetic?. *Hasanudin Law Review*, 9(1), 20-38.
<http://dx.doi.org/10.20956/halrev.v9i1.4121>

- Dahwir, A. (2023). Justice Collaborator Dalam Hukum Pidana Indonesia. *Solusi*, 21(3), 266-276.
<https://doi.org/10.36546/solusi.v21i3.1055>
- Erdianto, D., & Soponyono, E. (2015). Kebijakan Hukum Pidana Dalam Pemberian Keterangan Saksi Melalui Media Teleconference di Indonesia. *Law Reform*, 11(1), 65-73.
<https://doi.org/10.14710/lr.v11i1.15756>
- Guguk, R. G. R., & Jaya, N. S. P. (2019). Tindak Pidana Narkotika Sebagai Transnasional Organized Crime. *Jurnal Pembangunan Hukum Indonesia*, 1(3), 337-351.
<https://doi.org/10.14710/jphi.v1i3.337-351>
- Harahap, I. S. (2016). Perlindungan Hukum Terhadap Anak Korban Kejahatan Seksual dalam Perspektif Hukum Progresif. *Jurnal Media Hukum*, 23(1), 37-47.
<https://doi.org/10.18196/jmh.2015.0066.37-47>
- Harisnaeni, D. S., & Cahyaningtyas, I. (2021). Legal Protection for Children Victims of Postpartum Depression. *Law Reform*, 17(2), 157-167.
<https://doi.org/10.14710/lr.v17i2.41740>
- Hikmawati, P. (2013). Upaya Perlindungan Whistleblower dan Justice Collaborator dalam Tindak Pidana Korupsi. *Negara Hukum*, 4(1), 87-94.
DOI:10.22212/jnh.v4i1.197
- Jardan, G., & Khairani, K. (2024). Urgensi Pembaharuan Hukum Pidana Terhadap Pengaturan Justice Collaborator di Indonesia. *Unes Journal of Swara Justisia*, 8(1), 156-165.
<https://doi.org/10.31933/ujsj.v8i1.485>
- Kusuma, A. E. P., & Adhari, A. (2021). Kepastian Hukum Ketentuan Pelaku Utama Dalam Kriteria Justice Collaborator di Indonesia. *Indonesian Journal of Criminal Law*, 3(2), 262-271.
<https://journal.ilinstitute.com/index.php/IJoCL/article/view/1499>
- Mulyadi, L. (2014a). Menggagas Konsep dan Model Ideal Perlindungan Hukum Terhadap Whistleblower dan Justice Collaborator Dalam Upaya Penanggulangan Organized Crime di Indonesia Masa Mendatang. *Jurnal Hukum dan Peradilan*, 3(2), 101-116.
<https://doi.org/10.25216/jhp.3.2.2014.101-116>
- Mulyadi, L. (2014b). Perlindungan Hukum Whistleblower dan Justice Collaborator dalam Upaya Penanggulangan Organized Crime di Indonesia Masa Mendatang. *Padjajaran Journal of Law*, 1(3), 578-597.
<https://doi.org/10.22304/pjih.v1n3.a9>
- Nugroho, K. L. S. (2021). Criminal Law Policy of Justice Collaborator in Corruption Crime Case. *Law Reform*, 17(1), 24-35.
<https://doi.org/10.14710/lr.v17i1.37550>
- Palekahelu, J. D., Nasution, K., & Yudianto, O. (2020). Perlindungan Hukum Terhadap Saksi Pelaku Yang Bekerjasama Dalam

- Perkara Tindak Pidana Korupsi. *Jurnal Yustitia*, 21(1), 16-25.
DOI:10.53712/yustitia.v21i1.813
- Prasetio, P., Karjoko, L., Wardhani, L. T. A. L., Marwiyah, S., Handayani, I. G. A. K. R., Jaelani, A. K., Tahir, A., & Al-Fatih, S. (2020). Problems of democratic and dignified election in Indonesian simultaneously electoral era. *International Journal of Criminology and Sociology*, 9, 1701-1708. <https://doi.org/10.6000/1929-4409.2020.09.193>
- Rachman, I. N., Hidayat, A., & Wardhani, L. T. A. L. (2020). The politics of judicial law in the development of the national health law. *Medico-Legal Update*, 20(3), 342-346. <https://doi.org/10.37506/mlu.v20i3.1442>
- Ramadhan, K. (2018). The Irrelevance of the Application of the Principle of Opportunity by the Attorney General and the Principle of Equality before the Law. *Padjajaran Journal of Law*, 5(2), 268-296. <https://doi.org/10.22304/pjih.v5n2.a4>
- Saputra, D. E. (2015). Hubungan Antara *Equality Before The Law* Dalam Penegakan Hukum di Indonesia Dengan Harmonisasi Konflik Antar Lembaga Penegak Hukum. *Syariah: Jurnal Hukum dan Pemikiran*, 15(1), 17-27. <https://doi.org/10.18592/syariah.v15i1.540>
- Satria, H. (2016). Menakar Perlindungan *Justice Colaborator*. *Jurnal Konstitusi*, 13(2), 431-54. <https://doi.org/10.31078/jk1329>
- Sihombing, J. S. P., Saraswati, R., Yunanto, Y., & Turymshayeva, A. (2024). The Regulation of Legal Protection for Poor Communities Toward Justice in Indonesia and the Netherlands. *Journal of Human Rights, Culture and Legal System*, 4(2), 331-353. <https://doi.org/10.53955/jhcls.v4i2.274>
- Simanjuntak, E. (2019). Peran Yurisprudensi dalam Sistem Hukum di Indonesia. *Jurnal Konstitusi*, 16(1), 83-104. <https://doi.org/10.31078/jk1615>
- Sugiri, B., Aprilianda, N., & Hartadi, H. (2021). The Position of Convict as Justice Collaborator in Revealing Organized Crime. *Padjajaran Journal of Law*, 8(2), 255-274. <https://doi.org/10.22304/pjih.v8n2.a5>
- Sukadana, I M., Amiruddin, A., & Parman, L. (2018). Alat Bukti Keterangan Saksi Mahkota Dalam Perkara Pidana Pencurian. *Law Reform*, 14(2), 262-274. <https://doi.org/10.14710/lr.v14i2.20873>
- Sutanti, R. D., & Arief, Barda N. (2013). Kebijakan Formulasi Saksi Pelaku Yang Bekerjasama (*Justice Collaborator*) Sebagai Alasan Peringan Pidana Dalam Rangka Pembaharuan Hukum Pidana Nasional. *Law Reform*, 8(3), 146-165. <https://doi.org/10.14710/lr.v8i2.12429>
- Thalib, H., Rahman, S., & Semendawai, A. H. (2017). The Role of Justice Collaborator In Uncovering Criminal Cases In Indonesia. *Diponegoro Law Review*, 2(1), 27-39.

- <https://doi.org/10.14710/dilrev.2.1.2017.27-39>.
- Utami, T. K., & Zulkarnaen, A. H. (2016). Perlindungan Hukum terhadap Pekerja dalam Pelaksanaan Hubungan Industrial. *Padjajaran Journal of Law*, 3(2), 407-427. <https://doi.org/10.22304/pjih.v3n2.a10>
- Widowaty, Y., Purwanto, H., Savitri, N., & Setiawan, A. (2023). Reconstruction of Legal Protection of Justice Collaborators in Narcotic Criminal Cases. *E3S Web of Conferences*, 440(04017), 1-8. <https://doi.org/10.1051/e3sconf/202344004017>
- Wijayanti, A., & Sularto, RB. (2013). Tinjauan Yuridis Terhadap Perkembangan Alat Bukti Dalam Penanggulangan Tindak Pidana Pencucian Uang. *Law Reform*, 9(1), 12-26. <https://doi.org/10.14710/lr.v9i1.1243>
- kolom/justice-collaborator-richard-eliezer-827274
- Wiryono, S., & Rastika, I. (2023). Status "Justice Collaborator" Richard Eliezer yang Cetak Sejarah Baru Penegakan Hukum. Retrieved from https://nasional.kompas.com/read/2023/02/17/07525661/status-justice-collaborator-richard-eliezer-yang-cetak-sejarah-baru?page=all#google_vignette
- Wiryono, S., & Asril, S. (2023). LPSK Sebut Richard Eliezer Berpotensi Dapat Ancaman karena Pelaku Lain Punya Kekuatan Luar Biasa. Retrieved from <https://nasional.kompas.com/read/2023/02/18/10304771/lpsk-sebut-richard-eliezer-berpotensi-dapat-ancaman-karena-pelaku-lain-punya>

BOOKS

- Arief, B. N. (2018). *Masalah Penegakan Hukum dan Kebijakan Hukum Pidana Dalam Penanggulangan Kejahatan*. Jakarta: Kencana.
- Mulyadi, L. (2015). *Perlindungan Whistleblower & Justice Collaborator Dalam Upaya Penanggulangan Organized Crime*. Bandung: Alumni.

ONLINE SOURCES

- Tempo.co (2023). Lanskap Politik Vonis Eliezer. Retrieved from <https://www.tempo.co/>