

Certainty of Legal Protection for Justice Collaborators in Indonesia

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Abstract.

The justice collaborator system is a new system in criminal procedural law in Indonesia. The legal basis for justice collaborators is currently still regulated in Law No. Law of the Republic of Indonesia No. 31 of 2014 concerning amendments to Law of the Republic of Indonesia No. 13 of 2006 concerning Protection of Witnesses and Victims. The issues being analyzed are legal certainty and forms of legal protection. to justice collaborators. The research method used is normative legal research with statutory and conceptual approaches. The results of the study show that the legal sources of Justice collaborators are currently not regulated in the Criminal Procedure Code, but are still regulated in one law with reporting witnesses and victim witnesses. The form of protection given to perpetrator witnesses (justice collaborators) who have status as suspects or defendants is protection for personal security, family and property, free from threats, giving statements without pressure, getting translators, free from ensnaring questions, getting information about progress of the case, obtain information regarding court decisions, obtain information in terms of the convict being released, keep his identity confidential, obtain a new identity, obtain temporary residence, obtain a new residence, obtain reimbursement of transportation costs as needed, obtain legal advice, obtain temporary living expenses assistance until the Protection deadline expires; and/or receive assistance. Meanwhile, justice collaborators whose status as convicts are conditional release, additional remissions and the rights of other convicts

Keywords: Legal Protection, Justice Collaborator, and Indonesia

I. INTRODUCTION

In the process of enforcing criminal law, witnesses are one of the valid pieces of evidence based on the Criminal Procedure Code. A witness is a person who can provide information for the purposes of investigation, prosecution and trial of a criminal case. In the process of enforcing the law on corruption, the types of witnesses that are applied are in addition to witnesses in general, there are also reporting witnesses and perpetrator witnesses who cooperate with law enforcement officials (justice collaborators). The term justice collaborator is a new term in criminal procedural law outside the Criminal Procedure Code. The term Justice collaborator was first introduced in the United States in the 1970s and then expanded to other countries: Italy (1979), Portugal (1980), Spain (1981), France (1986), Germany (1989) [1] including Indonesia (2011) contained in the Supreme Court Circular Letter No. 4 of 2011 concerning Treatment for Whistleblowers and Witness Collaborators in Certain Crime Cases. The existence of a Justice Collaborator is urgently needed to uncover other actors involved in criminal cases. Becoming a justice collaborator carries serious risks, such as receiving threats and terror from other actors who don't like having their cases opened. It is for this purpose that the State must provide protection to justice collaborators by making laws and regulations. Reasons for making various regulations regarding justice collaborators originated from the United Nations Convention Against Corruption (UNCAC) in 2003 as ratified by Law No. 7 of 2006. Article 37 paragraph (2) UNCAC of 2003 stipulates that:

Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offense established in accordance with this Convention” appropriate cases, to commute the sentence of an accused who provided substantial cooperation in the investigation or prosecution of a specified crime. accordance with this Convention". [2] Witness testimony is the most important piece of evidence in a criminal case.

Protection for justice collaborators in Indonesia is part of criminal law enforcement. In order to provide legal protection and other rights to justice collaborators, it must be based on statutory regulations as a consequence of Indonesia as a legal country based on the 1945 Constitution. Regulations governing legal protection for Justice Collaborators are currently not specifically regulated in one statutory regulation. Regulations regarding the legal protection of Justice Collaborators are still contained in several laws and regulations such as in Law No. 31 of 2014 concerning amendments to Law No. 13 of 2006 concerning the Protection of Witnesses and Victims, Supreme Court Circular Letter No. 4 of 2011, Regulations Together with the Minister of Law and Human Rights, the Attorney General, the Chief of Police, the Corruption Eradication Commission and the 2011 Witness and Victim Protection Agency concerning Protection for Reporters, Reporting Witnesses and Collaborating Witnesses and Government Regulation of the Republic of Indonesia Number 99 of 2012 concerning the Second Amendment to Government Regulation Number 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Correctional Families.

The term Justice Collaborator is only found in the Republic of Indonesia Supreme Court Circular Letter No. 4 of 2011 Concerning the Treatment of Whistleblowers and Witness Collaborators in Certain Crime Cases. Meanwhile, other regulations still use the term witnesses, cooperating actors. The definition of the perpetrator witness who cooperated according to the existing regulations was different for each. In the 2011 Joint Regulation of the Minister of Law and Human Rights, the Attorney General, the Chief of Police, the Corruption Eradication Commission and the Witness and Victim Protection Agency concerning Protection for Complainants, Reporting Witnesses and Collaborating Witnesses, Article 1 (3). "*Witnesses who cooperate* are witnesses who are also perpetrators of a crime who are willing to assist law enforcement officials to uncover a crime or the impending occurrence of a crime to return assets or proceeds of a crime to the state by providing information to law enforcement officials and testify in court proceedings"[3]

According to Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning Protection of Witnesses and Victims, Article 1 (2) "Perpetrator witnesses are suspects, defendants, or convicts who cooperate with law enforcement to uncover a crime in the same case". In the Supreme Court Circular Letter No. 4 of 2011 Concerning the Treatment of Whistleblowers and Witness Collaborators in Certain Crime Cases. and PP No. 99 of 2012 does not mention clearly, only alluding to Article 34 A (a) with the sentence "willing to cooperate with law enforcement to help dismantle criminal cases he has committed." The problem that will be analyzed in this scientific paper is how is legal certainty for Justice Collaborators in Indonesia?

II. METHODS

There are two known legal research methods, namely normative legal research and empirical legal research. In this study, researchers used normative legal research with a statute approach, a conceptual approach, namely moving from the views and doctrines in the science of law, a historical approach, namely this approach is carried out within the framework of understanding the philosophy the rule of law from time to time, and understand the changes and developments in the philosophy that underlies the rule of law. The types and sources of legal materials used are primary legal materials, secondary legal materials and tertiary legal materials. Primary legal materials include statutory regulations, among others, the 1945 Constitution, Law no. 1 of 1946 concerning Criminal Law Regulations, Law No. 8 of 1981 concerning the Criminal Procedure Code, Law No. 13 of 2006 concerning Witness and Victim Protection Institutions, Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning Witness and victim Protection Agency (LPSK), Supreme Court Circular Letter No. 4 of 2011 concerning Treatment for Whistleblowers and Witness Collaborators, Law No. 7 of 2006 concerning Ratification of the United Nations Convention Against Corruption, 2003 (United Nations Convention Against Corruption, 2003), Government Regulation of the Republic of Indonesia Number 32 of 1999 concerning terms and procedures for implementing the rights of inmates of correctional institutions,

Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police, Joint Regulation of the Minister of Law and Human Rights, the Attorney General, the

National Police Chief, the Corruption Eradication Commission, and the LPSK concerning Protection for Whistleblowers, Reporting Witnesses, and Perpetrator Witnesses Cooperate, Law No. 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission, Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Legislation, Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power. Secondary legal materials, namely legal materials that provide explanations of primary legal materials such as the opinions of legal experts, articles, scientific works of law, newspapers, legal science journals, and other related legal materials. Tertiary legal materials are legal materials that support primary legal materials and secondary legal materials by providing understanding and understanding of other legal materials such as the Big Indonesian Dictionary and the Legal Dictionary.

III. RESULT AND DISCUSSION

A. Justice Collaborator concept

Witnesses who cooperate are known by various terms, namely justice collaborators, cooperative whistleblower, collaborators with justice or safety pins (Italy).[4] Etymologically, justice collaborators come from the word justice which means justice, justice, justice, judge.[5] Meanwhile, collaborators mean co-workers or partners.[6] The definition of justice collaborator is based on the Council of Europe Committee of Ministers, namely:[7] "collaborator of justice" means any person who faces criminal charges, or has been convicted of taking part in a criminal association or other criminal organization of any kind, or in offenses of organized crime, but who agrees to cooperate with criminal justice authorities, particularly by giving testimony about a criminal association or organization, or about any offense connected with organized crime or other serious crimes." i.e. any person who acts as the perpetrator of a crime or is believed to be part of a crime committed jointly or organized crime, but is willing to cooperate with law enforcement by giving testimony regarding forms of crime involving organized crime or other serious crimes.

B. Legal Resources Justice Collaborator

Indonesia is a rule of law country. The term rule of law country is a translation of the term "rechtsstaat". [8] Another term used in Indonesian law is the rule of law, which is also used to mean "rule of law". Notohamidjojo used the words "...then the term rule of law or rechtsstaat also emerged." [9] Djokosoetono said that "a democratic rule of law is actually a wrong term, because if we remove democratische rechtsstaat, what is important and primary is rechtsstaat." [10] Muhammad Yamin, the word rule of law is the same as rechtsstaat or government of law, as quoted by the following opinion: "the police or military state, where the police and soldiers hold the government and justice, is not the Republic of Indonesia, it is a rule of law state (rechtsstaat, government of law) where written justice prevails, is not a state of power (machtsstaat) where arms and body powers do arbitrary things." (author's cursive). [11] In addition to rechtsstaat to show the meaning of a rule of law, the term the rule of law is also known. The term the rule of law is the most widely used to date. Hadjon, [12] rechtsstaat and the rule of law are supported by different legal system backgrounds. Rechtsstaat is a thought to oppose absolutism, which is revolutionary in nature and is based on a continental legal system called civil law, while the rule of law develops in an evolutionary manner, which is based on the common law legal system. However, the difference between the two is now no longer questioned, because they aim at the same goal, namely the protection of human rights. [13]

Even though there are differences in understanding background between rechtsstaat or *etat de droit* and the rule of law, it cannot be denied that the presence of the term "state of law" or in terms of the Elucidation of the 1945 Constitution is called "a state based on law (rechtsstaat)", is inseparable from the influence of these two ideas. The existence of the rule of law is to prevent abuse of discretionary power. The government is also prohibited from using privileges that are not necessary or free from ordinary legal rules. The notion of a rule of law state (rechtsstaat or the rule of law), which contains the principle of legality, the principle of separation (sharing) of powers, and the principle of independent judicial power, all of which aim to control the state or government from the possibility of acting arbitrarily, tyrannically, or abuse power. In modern times, the concept of rule of law in Continental Europe was developed by, among others, Immanuel

Kant, Paul Laband, Julius Stahl, Fichte, and others using the German term, namely "rechtsstaat". Whereas in the Anglo-American tradition, the concept of a rule of law was developed on the pioneering work of A.V. Dicey as "The Rule of Law". According to Julius Stahl, the concept of a rule of law, which he calls the term 'rechtsstaat', includes four important elements, namely: protection of human rights, division of powers, government based on laws, state administrative justice.[14]

Meanwhile A.V. Dicey described the existence of three important characteristics in every rule of law which he called "The Rule of Law", namely: Supremacy of Law, Equality before the law, Due Process of Law. The four 'rechtsstaat' principles developed by Julius Stahl mentioned above can basically be combined with the three 'Rule of Law' principles developed by A.V. Dicey to mark the characteristics of the modern rule of law in today's times. In fact, "The International Commission of Jurist" added the principles of the rule of law to the principles of independence and impartiality of judiciary, which nowadays are increasingly felt to be absolutely necessary in every democratic country. According to "The International Commission of Jurists", the principles that are considered important characteristics of the rule of law are: the state must obey the law, the government respects individual rights, a free and impartial judiciary.[15] The rule of law requires government action based on law and not based on power. A rule of law is a country that runs its government based on the rule of law (legal supremacy) and aims to organize law and order. This gives the sense that the state, including the government and other institutions, in carrying out any action must be based on legal certainty.[16]. This gives the sense that the state, including the government and other institutions, in carrying out any action must be based on legal certainty.[17]. According to Aristotle what is meant by a rule of law is a country that stands above the law that guarantees justice to its citizens. The government that rules in the State is not human, but a just mind contained in the rule of law, while the ruler only holds law and balance.[18]

Based on the rule of law theory, legal protection for justice collaborators must be carried out based on statutory regulations. Juridically, the source of law from Justice collaborators in Indonesia has not been specifically regulated in one regulation, but is still scattered in various regulations, including in Law Number 31 of 2014 concerning amendments to Law Number 13 of 2006 concerning Witness Protection and Victims, Circular of the Supreme Court (SEMA) No. 04 of 2011, Joint Regulation of the Minister of Law and Human Rights, the Attorney General, the National Police Chief, the KPK and the LPSK regarding Protection for Reporters, Reporting Witnesses and Collaborating Witnesses. Based on Article 7 and Article 8 of the Law of the Republic of Indonesia Number 15 of 2019 concerning Amendments to the Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Legislation, it provides guidelines for the types of statutory regulations which are a source of positive law in Indonesia, namely the 1945 Constitution, Stipulations of the People's Consultative Assembly: Stipulations of the Provisional People's Consultative Assembly or MPRS and current MPR stipulations. Laws or government regulations in lieu of laws. Government regulations. Presidential decree. Provincial regional regulations: This includes the Qanun in force in Aceh Province and special regional regulations (perdasus), provincial regional regulations (perdasi) in force in Papua and West Papua Provinces. District or city regulations.

Then Article 8 explains that in addition to the types of laws and regulations other than those mentioned above, including sources of law are also regulations issued by the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, the Supreme Court, the Constitutional Court, the Supreme Audit Agency, Judicial Commission, Bank Indonesia, Ministers, Agencies, institutions, or commissions at the same level established by law or government by law, Provincial Regional Representative Councils, governors, district or city Regional People's Representative Councils, regents or mayors, heads village or equivalent. From these regulations, legally based on the Law of the Republic of Indonesia Number 15 of 2019 concerning Amendments to the Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Laws and Regulations, it shows that the source of law from Justice Collaborators is Law Number 31 of 2014 concerning changes to Law Number 13 of 2006 concerning Protection of Witnesses and Victims, because other regulations, namely SEMA and Joint Regulations, are not included in the hierarchy of laws and regulations. SEMA No. 4 of 2011 issued by the Supreme Court of the Republic of Indonesia cannot be called a statutory regulation on the grounds that based on Article 8 of

the Law of the Republic of Indonesia Number 15 of 2019 concerning Amendments to the Law of the Republic of Indonesia Number 12 of 2011 concerning Formation of Regulations The law states:

The types of laws and regulations other than those referred to in Article 7 paragraph (1) include regulations stipulated by the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, the Supreme Court, the Constitutional Court, the Supreme Audit Agency, the Judicial Commission, Bank Indonesia, the Minister, bodies, institutions, or commissions at the same level established by law or by the government by order of law, Provincial People's Legislative Assembly, Governor, Regency/City Regional House of Representatives, Regent/Mayor, Village Head or equivalent.(2)) Legislation as referred to in paragraph (1) is acknowledged to exist and has binding legal force as long as it is ordered by a higher Legislative Regulation or is formed based on authority Article 8 paragraph 1 and paragraph 2, confirms that there are other regulations that are included as statutory regulations other than those mentioned in Article 7 as mentioned in Article 8 paragraph 1. The word "regulation" refers to a norm in the form of an order or prohibition on a matter which if violated have certain sanctions regulated in the regulation. According to the Big Indonesian Dictionary, regulation is something made and implemented by individuals in order to create an orderly, orderly and conducive condition. According to the Big Indonesian Dictionary, arrange means to arrange well, neatly, orderly. Regulations mean arrangements or instructions, rules, provisions, which are made to regulate (KBBI, 1996: 1014). The word regulation in Article 7 and Article 8 of the Law of the Republic of Indonesia Number 15 of 2019 concerning Amendments to the Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Legislation is Legislation, namely statutory regulations that contain legally binding norms. general public and established or determined by state institutions or authorized officials through procedures stipulated in Laws and Regulations.

Regulations are different from circulars. According to Maria Farida Indrati, circulars are not included in the category of statutory regulations. Even though it appears as a rule, it is only for internal circles. In terms of content material, usually a Circular Letter explains or creates procedures to simplify, or clarify the regulations that must be implemented. Because its nature is only to clarify, a Circular Letter may not crash or even negate statutory regulations.[19]The word "regulation" in Article 8 of the Law of the Republic of Indonesia Number 15 of 2019 concerning Amendments to the Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Legislation ". The term joint regulation does not exist in the Law of the Republic of Indonesia Number 15 of 2019 concerning Amendments to the Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Legislation. Based on the description above, the legal source of the Justice Collaborator is Law Number 31 of 2014 concerning amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims while SEMA No 4 of 2011 concerning Treatment of Whistleblowers and Witnesses. Collaborators (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, and the LPSK concerning Protection for Reporters, Reporting Witnesses, and Collaborating Witnesses Perpetrators Number: M.HH-11. HM.03.02.th.2011, Number: PER-045/A/JA/12/2011, Number: 1 of 2011, Number: KEPB-02/01-55/12/2011, Number: 4 of 2011 Concerning Protection for Complainants, Reporting Witnesses and Cooperating Witnesses cannot be referred to as statutory regulations, so that normatively they cannot be used as guidelines or sources of law.

The qualifications of a justice collaborator in Article 1 (2) of Law Number 31 of 2014 concerning amendments to Law Number 13 of 2006 concerning the Protection of Witnesses and Victims are referred to as perpetrator witnesses, not referred to as justice collaborators. Perpetrator Witnesses are suspects, defendants, or convicts who cooperate with law enforcement to uncover a crime in the same case. The provisions in Article 1 (2) do not provide limitations on the types of crimes that can use a Justice Collaborator, but in the Elucidation of Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims it is stated that: Apart from Witnesses and Victims, there are other parties who also have a major contribution to uncovering certain crimes, namely Witnesses (justice collaborators), Reporters (whistle-blowers), and experts, including people who can provide information related to a criminal case even though he has not heard of it himself, has not seen it himself, and has not experienced it himself, as long as the person's testimony relates to a criminal

act, so that they need to be given protection. The specific crimes mentioned above are gross human rights violations, corruption, money laundering, terrorism, trafficking in persons, narcotics, psychotropic, sexual crimes against children, and other crimes that result in the position of Witnesses and/or Victims being faced with a situation that is very dangerous to their lives. Explanation of Law of the Republic of Indonesia Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims has emphasized that justice collaborators are only intended for certain crimes or are intended for specific crimes, not used in criminal cases general.

C. Protection of Justice Collaborators

The position of the justice collaborator is very strategic in assisting law enforcement officials (APH) to uncover other perpetrators in the same case. The position of the justice collaborator in the criminal law enforcement process is as a special witness to ensnare other perpetrators in extraordinary crime cases including corruption. Becoming a justice collaborator carries serious risks that can harm suspects/defendants/convicts with justice collaborator status, for example receiving physical and psychological threats to themselves and their families from parties who feel threatened because the case is reported to law enforcement officials. It is on this basis that protection for justice collaborators needs to be given. Protection is all efforts to fulfill rights, and the provision of assistance to provide a sense of security and respect for the Whistleblower, Reporting Witnesses and Cooperating Witnesses which must be carried out by law enforcement officials in accordance with statutory provisions. The terms of protection for Justice Collaborators based on Article 28 of Law No. 31 of 2014 are: the crime that will be disclosed is a crime in certain cases in accordance with the LPSK decision as referred to in Article 5 paragraph (2), the nature of the importance of the information given by the Witness in disclosing a criminal act, not as the main actor in the criminal act he disclosed, willingness to return assets obtained from the criminal act committed and stated in a written statement; and there is a real threat or concern about the occurrence of threats, physical or psychological pressure on the witnesses or their families if the crime is disclosed according to the actual situation.

The forms of protection for justice collaborators based on Article 5, Article 10 and Article 10 A Law No. 31 of 2014 are as follows: Article 5 (1) Witnesses and Victims have the right to: obtain protection for personal security, family and property, and be free from Threats relating to testimony that will be, is being, or has been given, participates in the process of selecting and determining the form of security protection and support, gives information without pressure, gets an interpreter, is free from ensnaring questions, gets information about case developments, gets information regarding court decisions, obtain information in the event that the convict is released, his identity is kept secret, gets a new identity, gets a temporary residence, gets a new place of residence, gets reimbursement for transportation costs as needed, gets legal advice, gets temporary living expenses assistance until the protection deadline ends ; and/or receive assistance. The rights referred to in paragraph (1) are granted to Witnesses and/or Victims of criminal acts in certain cases in accordance with the LPSK Decision. Protection for witnesses and victims as stipulated in Article 5 above is given since the investigation stage begins until the witness and victim submits an application for termination of protection as stipulated in Article 8 and Article 32 of Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 Concerning the Protection of Witnesses and Victims. Article 8 Protection for Witnesses and/or Victims as referred to in Article 5 is provided from the time the investigation begins and ends in accordance with the provisions stipulated in this Law. In certain circumstances, protection can be given shortly after the application is submitted to the LPSK.

Other forms of protection are regulated in Article 10 and Article 10 A Law No. 31 of 2014 namely: Witnesses, Victims and Witnesses of Perpetrators and/or Reporters cannot be prosecuted legally, either criminally or civilly for testimony and know reports that will be, are being or are has given, unless the testimony or report is not given in good faith. In the event that there are lawsuits against Witnesses, Victims, Perpetrator Witnesses, and/or Complainants for testimonies and/or reports that will be, are being or have been given, the lawsuits must be postponed until the cases they report or give testimony have been decided by a court and obtain legal force. permanent. Article 10 (A) (1) Perpetrator witnesses can be given special treatment in the process of examining and rewarding the testimony given, (2) Special handling is in the form

of: Separation of places of detention or places of carrying out crimes between perpetrator witnesses and suspects, defendants and/ or convicts whose criminal acts have been disclosed, Separation of examination between the files of the perpetrator witnesses and the files of suspects and defendants in the process of investigation, and prosecution of the criminal acts disclosed and/or giving testimony before the court without dealing directly with the accused whose criminal acts have been exposed, (3) Award for testimony in the form of leniency from criminal convictions; or Conditional release, additional remissions, and other rights of convicts in accordance with the provisions of laws and regulations for Perpetrator Witnesses with convict status. In order to obtain an award in the form of reduced criminal conviction as referred to in paragraph (3) letter a, the LPSK shall provide a written recommendation to the public prosecutor to include in its charge to the judge.

In addition to protection for justice collaborators with the status of suspects or defendants, it is also given to convicts who are willing to become justice collaborators. The form of protection provided is in the form of parole and additional remissions. which is given to convicts with the status of justice collaborators based on Government Regulation of the Republic of Indonesia Number 99 of 2012 concerning the Second Amendment to Government Regulation Number 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Correctional Families. Article 34 (1) Every convict and criminal has the right to receive remission. (2) Remission as referred to in paragraph (1) can be given to convicts and criminals who have fulfilled the following requirements: good behavior; and has served a criminal term of more than 6 (six) months, (3) The requirements for good behavior as referred to in paragraph (2) letter a are proven by: not currently serving a disciplinary sentence within the last 6 (six) months, starting before the date of award Remission; and have participated in the coaching program organized by LAPAS with good predicate. Article 34A (1) Granting Remissions for Convicts convicted of committing crimes of terrorism, narcotics and narcotics precursors, psychotropics, corruption, crimes against state security, serious human rights crimes, and other organized transnational crimes, in addition to meeting the requirements referred to in Article 34 must also meet the requirements: willing to cooperate with law enforcement to help dismantle criminal cases he has committed, have paid in full fines and replacement money in accordance with court decisions for convicts convicted of committing corruption, have participated in a deradicalization program organized by LAPAS and/or the National Counterterrorism Agency, as well as expressing a pledge: 1) allegiance to the Unitary State of the Republic of Indonesia in writing for Indonesian Citizen Prisoners, or 2) not to repeat acts of terrorism in writing for Na rapidana Foreign Citizens, who are convicted for committing criminal acts of terrorism.

Conditions for parole for corruption convicts (PP No. 99 of 2012), Article 43 Every prisoner and correctional student except for civilian children is entitled to parole. minimum 2/3 (two thirds) with the provision that 2/3 (two thirds) of the criminal period is at least 9 (nine) months, good behavior while serving the criminal period of at least the last 9 (nine) months counted before the 2nd/ 3 (two-thirds) of the criminal past, have attended the coaching program properly, diligently and enthusiastically; and the public can receive the Prisoner coaching activity program. Awards in the form of parole for corruption convicts are very strictly regulated in PP No. 99 of 2012, the right to parole and remission that does not meet the requirements as stipulated in Article 43, then parole is revoked if a convict or correctional student violates the conditions for parole as intended in paragraph (2).

IV. CONCLUSION

Based on the discussion above, it can be concluded as follows: 1) The legal basis for the protection of witness witnesses in collaboration with law enforcement officials (Justice Collaborators) is currently not specifically regulated but is still regulated in Law No. 31 of 2014 concerning Amendments to Laws No. 13 of 2006 concerning Protection of Witnesses and Victims. 2) The types of crimes that use Justice Collaborator are certain crimes, namely crimes of gross violation of human rights, corruption, money laundering, terrorism, trafficking in persons, narcotics, psychotropics, sexual crimes against children, and other criminal acts that result in the position of Witnesses and/or Victims being faced with situations that are very dangerous to their lives. 3)

The form of protection given to justice collaborators with the status of suspects or defendants is to obtain protection for personal security, family and property, and to be free from threats relating to testimony that will be, is being given, or has given, participating in the election process and determine the form of security protection and support, provide information without pressure, get an interpreter, free from ensnaring questions, get information about case developments, get information about court decisions, get information in terms of the convict being released, keep his identity secret, get a new identity, get a place temporary residence, obtaining a new residence, obtaining reimbursement of transportation costs as needed, obtaining legal advice, obtaining temporary living expenses assistance until the Protection deadline expires; and/or receive assistance. Meanwhile, the form of protection for justice collaborators with status as convicts is conditional release, additional remissions and the rights of other convicts. .

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REFERENCES

- [1] Ahmad Sofian, *Justice Collaborator Dan Perlindungan Hukumnya dalam business-law.binus.ac.id/2018/02/14/justice-collaborator-dan-perlindungan-hukumnya/* di akses tanggal 10 Agustus 2020
- [2] Rahman Syamsudin, <https://rahman7syamsuddin.blogspot.com/2012/06/justice-collaborator-belajar-hukum.html>, justice collaborator (orang yang memberikan kerja sama substansial , donload tanggal 1 Agustus 2021
- [3] Pasal 1 (3) Peraturan Bersama Menteri Hukum dan Hak Asasi Manusia, Jaksa Agung, Kepala Kepolisian, Komisi Pemberantasan Korupsi dan Lembaga Perlindungan Saksi dan Korban Tahun 2011 Tentang Perlindungan Bagi Pelapor, Saksi Pelapor dan Saksi Pelaku Yang Bekerjasama
- [4] P. M. Ranuhandoko, *Terminologi Hukum Inggris Indonesia*, (Jakarta: Sinargrafika, Cet. III, 2003), 367.
- [5] Abdul Haris Semendawai, Eksistensi Justice collaborators dalam Perkara Korupsi Catatan tentang Urgensi dan Implikasi Yuridis atas Penetapannya Proses Peradilan Pidana, (Makalah disampaikan pada Stadium General Fakultas Hukum UII, Jogjakarta, 17 April 2013), 7.
- [6] Jhon M. Echols dan Hassan Shadili, *Kamus Inggris-Indonesia*, (Jakarta: Gramedia, 2005), 124.
- [7] A.H.Semendawai, Ketua LPSK RI, <http://lama.elsam.or.id/downloads>, donload tanggal 2 Agustus 2021
- [8] Philipus M.Hadjon, *Perlindungan Hukum Bagi Rakyat- Sebuah Studi Tentang Prinsip-prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi Negara*, Surabaya: Bina Ilmu, 1987, hlm.30.
- [9] O. Notohamidjojo, *Makna Negara Hukum*, Jakarta: BadanPenerbit Kristen, 1970, hlm.27
- [10] Padmo Wahyono, *Guru Pinandita*, Jakarta: Badan Penerbit Fakultas Ekonomi Universitas Indonesia, 1984, hlm. 67.
- [11] Muhammad Yamin, *Proklamasi dan Konstitusi Republik Indonseia*, Jakarta: Ghalia Indonesia, 1982, hlm. 72.
- [12] Philipus M.Hadjon, *Perlindungan Hukum ...op. cit.*, hlm. 72
- [13] S.F. Marbun, *Negara Hukum dan Kekuasaan Kehakiman*, (*Jurnal Hukum Ius Quia Iustum*, No. 9 Vol 4–1997), hal. 9.
- [14] J.J. von Schmid, *Pemikiran tentang Negara dan Hukum*, (Jakarta: Pembangunan, 1988), hal. 7.