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Urgency of Regulation of Witness and Victim Protection Agency (LPSK) in the Upcoming KUHAP

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Abstract

This research aims to discuss the urgency of explicitly regulating the Witness and Victim Protection Agency of the Republic of Indonesia (hereinafter referred to as LPSK) in future criminal procedural law. The regulation must mention the Witness and Victim Protection Agency of Republic of Indonesia or Lembaga Perlindungan Saksi dan Korban Republik Indonesia (hereinafter referred to as LPSK) as the institution implementing protection. This research uses empirical legal design through a qualitative approach. The results show that witness and victim protection is very necessary in the criminal justice process. However, LPSK as an institution implementing protection is often considered outside the main system of the criminal justice system. Firm regulations regarding the protection function in the upcoming Criminal Procedure Code (hereinafter referred to as KUHAP) are important to strengthen the position of LPSK as part of the Criminal Justice System This demonstrates the transformation of Indonesia's legal system and contributes to a criminal justice system that is more effective, balanced, and fair.

Keywords: Criminal Justice System; Criminal Procedure Law; Witness and Victim Protection.

1. INTRODUCTION

The protection of witnesses and victims of criminal acts is in line with Indonesian legal ideals and the Constitution. In this context, Indonesia is a ratifying country of the United Nations Convention against Corruptions (UNCAC), and the United Nations Convention against Transnational Organized Crime (UNTOC) is responsible for implementing protection for witnesses and victims.[1] In essence, the issue of witness and victim protection aligns with broader concerns about human rights[2] and the transformation of Indonesia's legal system. Legal transformation is a crucial step in strengthening the national legal framework, encompassing not only legal structures but also core values of justice, efficiency, and human rights protection. In the context of criminal procedure law, this transformation includes various elements, from procedural reforms to more humanistic approaches, such as ensuring the protection of witnesses and victims of crime, aimed at establishing a legal system that is more just and effective.

[1] See Articles 32, 33 UNCAC and Articles 24, 25 UNTOC
[2] Yusrizal Hasbi et al., "Criminalising Women, Silencing Victims: Human Rights and Sharia Enforcement in Aceh," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (2025): 177–79, https://doi.org/DOI: http://dx.doi.org/10.18860/j-fsh.v17i1.29635.

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In international development, the paradigm and thinking of human rights underlie the birth of international instruments, both conventions and declarations related to the important role of witnesses in criminal justice. The international instruments include 1) the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power launched at the 7th UN Congress of Milan, Italy, in 1985, and raised the issue of Crime Prevention and Treatment of Criminals; 2) the United Nations Convention against Illicit Traffic in Narcotic Drugs, Illicit Drugs, and Psychotropic Substances in 1988; 3) the International Convention for the Suppression of the Financing of Terrorism in 1999; 4) the United Nations Convention Against Corruption in 2003; and 5) the United Nations Convention against Transnational Organized Crime in 2000, which took place in Vienna. These instruments raised the issue of witness and victim protection ratified by Indonesia through Law Number 5 of 2009, concerning the Ratification of the United Nations Convention against Transnational Organized Crime.

The great responsibility for the implementation of protection for witnesses or victims is in the state entrusted to the LPSK through Law Number 13 of 2006 and Law Number 31 of 2014 concerning the Protection of Witness and Victim. In the context of criminal law enforcement, the responsibility of the state is to enforce the law through enforcement officers and impose sanctions on perpetrators. This is closely related to the state's responsibility to fulfill human rights and other protection for citizens, in the position of witness or victim of criminal acts.[3] Referring to the provisions in the Witness and Victim Protection Law, the LPSK has the main role and responsibility to implement witness and victim protection from the initial to the next stage in the criminal justice process until the protection is sufficient. Following the mandate of Law, LPSK is responsible for implementing the function of witness or victim protection in the criminal justice system.

The history of Law Number 13 of 2006 concerning the Protection of Witness and Victim, revised by Law Number 31 of 2014, cannot be separated from the poor practices of criminal justice. This is because the criminal procedure law in Indonesia is less biased towards witnesses and victims. Law Number 8 of 1981, concerning the KUHAP as the basic rule for the implementation of the criminal justice system, is full of regulations on the rights of suspects or defendants who are perpetrators of criminal acts. Therefore, KUHAP is seen as unfair because the concept is not oriented towards the protection of witnesses and victims. Even though statements at every stage of examination are needed as evidence to report cases, the KUHAP does not provide guarantees regarding position and an important role.[4] Several incidents show that witnesses or victims often face threats, pressures, and violence from other parties who do not want information to be provided. Therefore, witnesses or victims are reluctant to provide information to the authorities.[5]

Negative experiences encountered by witnesses or victims should not be permitted in law enforcement practices.[6] Therefore, significant changes need to be made in criminal procedural law. The regulation regarding the protection of the rights of witnesses and

[3] Lies Sulistiani, "Problematika Hak Restitusi Korban Tindak Pidana Yang Diatur KUHP Dan Di Luar KUHP," *Jurnal Bina Mulia Hukum* 7, no. 1 (2022): 81–101, https://doi.org/https://doi.org/10.23920/jbmh.v7i1.948.

[4] Lies Sulistiani, Hukum Perlindungan Saksi Dan Korban; Telaah Pada Regulasi, Kelembagaan, Teori Maupun Praktek Perlindungan Saksi Dan Korban Tindak Pidana Di Indonesia (Bandung: Refika Aditama, 2023), 87–89.

[5] Abdulla Hamad O. J. Al-Ghayathin et al., "Protection of Witnesses in Criminal Lawsuits: An Analytical Study," *Jurnal Kajian Ilmu Hukum Dan Syariah* 10, no. 1 (2025): 420–24, https://doi.org/https://doi.org/10.22373/petita.v10i1.455.

[6] Muladi, *Demokrasi, Hak Asasi Manusia, Dan Reformasi Hukum Di Indonesia* (Jakarta: The Habibie Center, 2002), 178–80.

victims ensures that protected individuals relate information and feel comfortable when questioned at every stage of the trial.[7] In a conducive examination atmosphere, the protected person will be confident and not waver in giving a statement. The examined law enforcer obtains quality witness statements that do not change. This has an impact on the acceleration of disclosure and obtaining the material truth.[8] The issuance of the Law on Protection of Witness and Victim has led to positive changes in the protection of witnesses and victims of criminal acts. The regulation of the protection of witnesses and victims has not been stated in the applicable criminal procedure law (KUHAP) since many parties do not obey the law in the enforcement process.

The existence of the LPSK has experienced many obstacles outside the criminal justice system, since the duties and authorities are not regulated in the procedure law. Therefore, significant changes should be made in criminal procedure law by including the substance of witness and victim protection, and regulating the existence of LPSK. Based on the description above, research should be conducted on the prospects of regulating witness and victim protection in criminal procedural law. The firmness of criminal procedural law impacts the objectives of the system in combating crime and supporting social welfare.

This study combined both doctrinal and empirical legal research methods. The first method focuses on KUHAP norms, whereas the second method utilizes field data through interviews and legal documents, including the annual report of the Witness and Victim Protection Agency of the Republic of Indonesia (LPSK RI). This study identifies recent regulations and examines the prospects of regulating witnesses and victim protection within criminal procedural law. In this study, we interviewed two resource person from LPSK RI. Interviews were conducted to ensure the integrity of the data, understand how witness and victim protection have been implemented, and identify best practices as well as ongoing challenges.

2. ANALYSIS AND DISCUSSION

2.1. The Role of Witness and Victim and the Urgency of the Protection in Criminal Justice Process

Based on observations of the judicial process, witnesses and victims of criminal acts play an important role in showing cases and the success of evidence through law enforcement. The important role of witnesses in helping successfully report cases can be seen in several major criminal incidents, such as sexual violence at an Islamic Boarding School in Bandung City in 2021.[9] Approximately 13 victims were willing to provide information as witnesses until the owner of the Islamic boarding school became trapped as the perpetrator of sexual violence. In Surabaya, 40 victims were willing to be witnesses and succeeded in exposing the sexual violence committed by the owner of an Islamic boarding school.[10] Another interesting case occurred in 2022, namely, the

[7] Ni Nyoman Juwita Arsawati and et. al, "Comparative Analysis of Witness Protection Law in Indonesia, Malaysia, and Australia," *Journal of Indonesian Legal Studies* 9, no. 2 (2024): 530–31.

[8] Sulistiani, *Hukum Perlindungan Saksi Dan Korban; Telaah Pada Regulasi, Kelembagaan, Teori Maupun Praktek Perlindungan Saksi Dan Korban Tindak Pidana Di Indonesia*.

[9] Tempo.co, "Kasus Pemerkosaan Santriwati Di Bandung, LPSK Lindungi 29 Orang Saksi Dan Korban," 2021, https://www.tempo.co/hukum/kasus-pemerkosaan-santriwati-di-bandung-lpsk-lindungi-29-orang-saksi-dan-korban-445962.

[10] Detiknews, "Sekolah Selamat Pagi Indonesia Minta Perlindungan Hukum Ke Menko Polhukam," 2022, https://news.detik.com/berita/d-6352491/sekolah-selamat-pagi-indonesia-minta-perlindungan-hukum-ke-menko-polhukam.

shooting of a non-commissioned officer by an official in the police. The witness named EPL played a major role in showing the real mastermind behind the shooting. Despite being under great pressure, EPL succeeded in playing a role as the case revealer.[11]

From several examples, a case greatly requires the courage of the witness and victim to provide information before punishing perpetrators. Therefore, the critical questions considered by legal observers include the following: 1) How many cases have failed to be resolved simply because the witness and victim remained silent or were deliberately threatened? 2) How many witnesses have died, 3) How many victims have been intimidated for reporting a crime? 4) How many individuals have suffered from the fabrication of witness testimonies? The occurrence of such incidents may not be widely documented but remains significant. Therefore, the criminal justice system will continue to be fundamentally unjust without concrete guarantees or effective protection for individuals. The concept remains disproportionately focused on safeguarding the rights and interests of perpetrators, while neglecting victims and witnesses.[12] These indicators highlight the urgency of protecting witnesses and victims, as they must be safeguarded throughout the law enforcement process.

According to Ni Nyoman Juwita Arsawati, witness protection is the cornerstone of an effective criminal justice system.[13] Therefore, it is important to ensure the quality of witness protection laws. Witness protection is crucial to the effectiveness of the legal justice system, as the safety of witnesses is essential for securing their testimony, which in turn influences the success of prosecutions and conviction rates.[14] In Indonesia, the legal basis for witness and victim protection was established under Law No. 13 of 2006, which was amended by Law No. 31 of 2014. This Law not only provides witness protection, but also provides protection and safeguards victims, justice collaborators, and whistleblowers.

Based on Article 3 Paragraf 3 of Law No. 39 of 1999 on Human Rights Everyone has the right to protect human rights and basic human freedom without discrimination. This is in line with the formulation of Article 28 of the 1945 Constitution, which regulates the protection of every Indonesian citizen whose basic foundation is Pancasila as the state ideology, which is based on the concept of recognizing and protecting human rights.[15] In the criminal justice system, protection is a form of service carried out by law enforcement officers or security forces to provide a sense of security both physically and mentally to victims and witnesses from the threat of terror disturbances and violence from any party provided at the stage of investigation, prosecution, or examination in court.[16] Therefore, efforts to empower the public to understand the rights and protections available to witnesses and victims of crimes are critical. The more people realize the importance of involving themselves in the law enforcement process and have

[11] Detiknews.

[12] John Kenedi, *Perlindungan Saksi Dan Korban, (Studi Perlindungan Hukum Korban Kejahatan Dalam Sistem Peradilan Pidana Di Indonesia)* (Yogyakarta: Pustaka Pelajar, 2020), 54.

[13] Ni Nyoman Juwita Arsawati and et. al, "Comparative Analysis of Witness Protection Law in Indonesia, Malaysia, and Australia," *Journal of Indonesian Legal Studies* 9, no. 2 (2024): 503–536.

[14] Wekgari Dulume, "Ethiopian Witness Protection System: Comapartive Analysis With UNHCHR and Good Pratice of Witness Protection Report," *Oromia Law Journal* 6, no. 1 (2017): 124–150. and Sarvinder Kaur, "Potential Challenges in a Witness Protection Programme in Malaysia," *Pertanika Journal of Social Science and Humanities* 19, no. 2 (2011): 363–68.

[15] Ismail Koto, Taufik Hidayat Lubis, and Soraya Sakinah, "Provisions of Legal Protection for Terrorism Victim in Order to Realize Constitution Order," *Volksgeist* V, no. 2 (2022): 248, https://doi.org/doi.org/10.24090/volksgeist.v5i2.6939.

[16] Hafrida, Nelli Herlina, and Zulham Adamy, "The Protection of Women and Children as Victims of Human Trafficking in Jambi Province," *Jambe Law Journal* 1, no. 2 (2018): 211, https://doi.org/DOI: 10.22437/jlj.1.2.207-230.

the confidence that they will receive appropriate protection, the greater the chances of upholding justice and the success of the criminal justice process.[17]

In European countries in general, the rights and interests of victims of criminal acts are generally handled primarily by private prosecutors, while public prosecutors represent the state in prosecuting the accused.[18] In England and Wales as a comparison, the functional importance of crime victims to the operation of the criminal justice system, and their crucial role in providing evidence,[19] began with the introduction of a criminal injuries compensation scheme in 1964, whereby selected victims could – and still can – claim financial compensation from the state. The state can compensate blameless victims of violent crime, or people whose loved ones have died as a result of violent crime". Requiring 'blameless' applicants to have reported the crime to the police, the scheme adds extra characteristics – of responsibility and dutifulness state to the ideal victim. Meanwhile, according to Richardson, in British common law, which is an adversarial system, crime is viewed as being against the state, and thus the role of the victim at trial is peripheral.[20] Victim participation beyond giving testimony arises during the sentencing phase, when victims are permitted to present a prepared victim impact statement (VIS). This process contributes to successive governmental pledges to help repair harm to victims and communities, giving victims a voice but not intended to give them an official role.[21] The victim's role in the trial process is limited, unless they are witnesses to the crime under investigation.

In the criminal justice systems of several countries, protection programs generally focus on witnesses, whistleblowers, and cooperating offenders (justice collaborators). Countries that have such programs typically do not prioritize victim protection. Even when victim protection programs exist, they are generally not implemented by government institutions or agencies, as is the case in Indonesia. Indonesia is arguably the only country that integrates witness and victim protection under a single institution, as mandated by the Witness and Victim Protection Law through the Witness and Victim Protection Agency (LPSK).

Witness protection in other countries—such as the United States, the Philippines, and Australia—is generally viewed as a crucial tool for dismantling organized crime committed by mafia groups, which are considered extremely difficult to eradicate. In these jurisdictions, witness protection is typically implemented by law enforcement agencies, such as the U.S. Marshals under the Department of Justice in the United States, the Witness Protection, Security and Benefit Program (WPSBP) under the Department of Justice in the Philippines, and the Australian Federal Police (AFP) in Australia.[22]

In Indonesia, the witness and victim protection program is understood to have broader implications, not only for the successful resolution of cases but also as one of the most effective ways to develop a sound, balanced, and just criminal justice system. Moreover,

[17] Wahab Aznul Hidaya, "The Role of Witness and Victim Protection Agency for Imekko Tribe in Criminal Justice System in Sorong," *Law and Justice* 8, no. 2 (2023): 517–26.

[18] Jamil Ddamulira Mujuzi, "Victim Participation in the Criminal Justice System in the European Union through Private Prosecutions: Issues Emerging from the Jurisprudence of the European Court of Human Rights," *European Journal of Crime, Criminal Law and Criminal Justice* 24 (2016), https://doi.org/doi 10.1163/15718174-24032088.

[19] I.R Cook, *Victims, Witnesses and the Criminal Justice System* (London: Sage, 2020), 533. In: Davies, P. and Rowe, M. (eds.) An Introduction to Criminology.

[20] Joan Patricia Richardson, "We Are Not Robots, but We Are Expected to Be Unfeeling: The Contribution of Emotion to Judicial Decision-Making in the Criminal Courts" (Manchester Metropolitan University, 2024), 32–33.

[21] Nurini Aprilianda et al., "Re-Conceptualizing Child Victim Rights: A Normative and Comparative Analysis of Victim Impact Statement in Indonesia's Juvenile Justice System," *Jambura Law Review* 7, no. 2 (2025): 452–53.

[22] Sulistiani, *Hukum Perlindungan Saksi Dan Korban; Telaah Pada Regulasi, Kelembagaan, Teori Maupun Praktek Perlindungan Saksi Dan Korban Tindak Pidana Di Indonesia*.

it relates closely to the fulfillment of the state's obligations toward individuals requiring protection. Therefore, witness and victim protection must be supported by a strong legal and policy framework in order to effectively contribute to the implementation of such protections.

2.2. Protection of Witness and Victim in Criminal Procedure Law in Indonesia

The protection of the rights of witnesses and victims in KUHAP, as regulated by Law Number 8 of 1981, has been neglected. Therefore, witnesses and victims do not receive guarantees for protection and are not seen as parties that play a role in the success of the case.

The absence of protection for witnesses and victims in criminal procedural law has an impact on the poor criminal justice system. This is due to inequalities and weak conditions for individuals in the position of witness or victim.[23] Witnesses and victims receive extraordinary pressure from parties who want to weaken the process of obtaining evidence in the criminal justice system.[24] This can lead to the real perpetrator not being found and crime not being revealed. Law enforcers cannot seek clarity or evidence to obtain material truth without witnesses or victims.[25] This difficulty is due to threats to witnesses or victims from certain parties. Therefore, law enforcers only present a witness in court, contrary to the principle of *unus testis nulus testis*. In practice, witness testimony evidence can be manipulated by certain officers by presenting false witnesses.

The weak and vulnerable positions of witnesses or victims of criminal acts have been shown to be due to threats, terror, and intimidation. In the old events of the New Order era, namely the incident in August 1996, the murder of Fuad Muhammad Syafruddin, a journalist for the Bernas Daily in Yogyakarta, was abused by an unknown person until death. Udin was a journalist who wrote critical articles about the policies of the New Order and the Military. This case was not reported because the real perpetrator was not caught and an individual named Iwik, placed as a defendant, received an acquittal. In this case, there were several instances of engineering and removal of evidence during the trial at the Bantul District Court, with several witnesses intimidation.[26] Another example of a case full of fabricated evidence is the murder of Marsinah, a factory worker at PT CPS and a labor activist in Porong Sidoarjo, East Java, which occurred in May 1993. In this context, eight high-ranking officials at PT CPS were arrested. Eight individuals were interrogated and subjected to physical and mental torture at a specific location.[27] Recent examples include the Herry Wirawan case in Bandung in 2022,[28] the Kanjuruhan case in Malang in 2022,[29] and the David Ozora case in Jakarta in 2023.[30] These cases illustrate the vulnerability of victims in asserting their rights within the

[23] Lembaga Perlindungan Saksi dan Korban, *Potret Saksi Dan Korban Dalam Media Masa* (Jakarta: LPSK-RI, 2013), 5–7.

[24] Ilias Chatzis and et.al, *Praktik Terbaik Perlindungan Saksi Dalam Proses Pidana Yang Melibatkan Kejahatan Terorginisir* (Jakarta: LPSK-RI, 2010), 5–7.

[25] Nurini Aprilianda et al., "Strengthening the Position of Child Victims as Witnesses Through Video Recordings in Sexual Violence Crimes (A Comparison Between Indonesia and Malaysia)," *Brawijaya Law Journal* 11, no. 2 (2024): 197–98.

[26] Lies Sulistiani, "Pengantar Dalam Diskusi Kasus-Kasus Rekayasa Pembuktian Pada Masa Lalu" (Jakarta, 2009), 1–3.

[27] Sulistiani, "Pengantar Dalam Diskusi Kasus-Kasus Rekayasa Pembuktian Pada Masa Lalu."

[28] Kompas.com, "Perjalanan Kasus Pemerkosaan 13 Santri Oleh Herry Wirawan, Kronologi Hingga Vonis Mati," n.d., https://bandung.kompas.com/read/2022/04/04/225025378/perjalanan-kasus-pemerkosaan-13-santri-oleh-herry-wirawan-kronologi-hingga.

[29] Detiknews, "Tragedi Kanjuruhan: Kronologi, Penyebab Dan Jumlah Korban," n.d., https://news.detik.com/berita/d-6324274/tragedi-kanjuruhan-kronologi-penyebab-dan-jumlah-korban.

[30] BBC Indonesia, "Mario Dandy Divonis Penjara 12 Tahun Dan Wajib Bayar Restitusi Rp25 Miliar - Tujuh Fakta Perjalanan Kasus Anak Eks Pejabat Pajak," n.d., https://www.bbc.com/indonesia/articles/c3gwpw1dll0o.

criminal justice system. Among the various incidents, KUHAP in Indonesia does not place the function of protecting witnesses and victims as an important function, leading to various sad cases experienced by witnesses and victims of criminal acts. Whereas, in general a criminal act is identified by the presence of a victim. A criminal act will not occur if it does not cause harm to a victim, even if the act and the perpetrator are the same.[31]

The situation and conditions of law enforcement that ignore the roles of witnesses and victims have urged the government and the People's Representative Council to enact the Witness and Victim Protection Law.[32] In general, the enactment of the Witness and Victim Protection Law is motivated by two factors, as stated in the general explanation of Law 13 of 2006 concerning Witness and Victim Protection. These include the following: 1) The law was formed to improve the criminal justice process in Indonesia, where the existence of Witness and Victim in the criminal justice process has received less attention, even though its role is important in reporting criminal acts. Unreported and unresolved cases are often caused by witnesses and victims who receive threats from certain parties. 2) The law was formed to improve community participation in reporting criminal acts. Therefore, a conducive climate should be created by providing legal protection and a sense of security to individuals who see, understand, experience, or report evidence of criminal acts.

The Witness and Victim Protection Law is expected to overcome the shortcomings of the criminal procedure law in the KUHAP. Issues concerning the important role of witnesses and the rights of witnesses and victims should be the material regulated in the KUHAP for the implementation of the criminal justice system. The KUHAP has not regulated important matters relating to witnesses and victims, but the current issue cannot fully become the basis for the realization of a criminal justice system.

In the draft of the 2025 KUHAP, the provisions concerning witnesses and victims only regulate their rights—Article 135 sets out the types of rights for witnesses, and Article 136 outlines the types of rights for victims. However, the draft does not yet regulate the LPSK as the institution responsible for implementing and ensuring the fulfillment of those rights. If the KUHAP, as the law forming the foundation of the criminal justice system, does not explicitly mention the LPSK and its responsibilities in providing protection for witnesses and victims, the position of the LPSK within the criminal justice system will remain insufficiently strong and will continue to be viewed merely as a complementary institution. Therefore, it is crucial for lawmakers to undertake a substantive transformation by establishing firm and explicit provisions regarding the institutional status of the LPSK and its responsibilities in protecting and fulfilling the rights of witnesses and victims, set out within a dedicated chapter in the forthcoming KUHAP.

2.3. Some Best Practices Carried Out by LPSK

The Witness and Victim Protection Law is intended to create a conducive climate by improving community participation or providing testimony to law enforcement

[31] Nur Azisa, Nur Amelinda Kharia, and et.al, "Victims of Criminal Acts of Physical and Non-Physical Sexual Violence at a University," *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 3 (2024), https://doi.org/https://doi.org/10.29303/ius.v12i3.1497.

[32] Antory Royan Adyan, "Legal Reforms on Femicide in Indonesia:The New Criminal Code, Victim Protection, and the Role of Islamic Law," *Journal of Law and Legal Reform Ariesta Wibisono Anditya* 6, no. 2 (2025): 131, https://doi.org/DOI: https://doi.org/10.15294/jllr.v6i2.18939.

regarding criminal acts.[33] A conducive climate occurs when there is a guarantee of the fulfillment of protection for witnesses and victims of criminal acts, as well as for witnesses, perpetrators, reporters, and experts, including individuals providing information related to criminal cases.[34] A new independent institution is needed to realize community participation[35] and to protect witnesses and victims of criminal acts. Therefore, the LPSK complements the criminal justice system towards perpetrators and provides balanced attention to witnesses and victims.

The mandate given to the LPSK provides access to justice for witnesses and victims in the criminal justice system. The strategic achievements of the LPSK in strengthening access to justice services in 2024 were realized through the receipt of 10,217 requests. Table 1 shows the increase in the number of requests for protection.[36]

Table 1: Protection Request

Criminal Act Chategory	2023	2024
Human Rights	1.019	852
Corruption	60	68
Money Laundering	2.774	6.035
Terrorism	175	103
Human Trafficking	1.297	576
Narcotics	12	23
Torture	24	73
Sexual Abuse	1.187	1.296
Severe Abuse	106	44
Other Criminal Acts	887	1.088
Not a Criminal Act	104	58

Source: data processed from LPSK RI

The number of applications in 2024 increased by 34% compared to that in 2023, which was 7,645. Applications for protection against Money Laundering Crimes (TPPU) have increased significantly by 118%, from 2,774 in 2023 to 6,035 in 2024. TPPU applications comprise illegal investment cases, including various platforms, as well as insurance and savings and loan cooperatives dominating submission to LPSK. These applications primarily focus on compensation facilitation.

[33] Surastini Fitriasih, "Perlindungan Saksi Dan Korban Sebagai Sarana Menuju Proses Peradilan (Pidana) Yang Jujur Dan Adil" (Jakarta, 2012), 1–5.

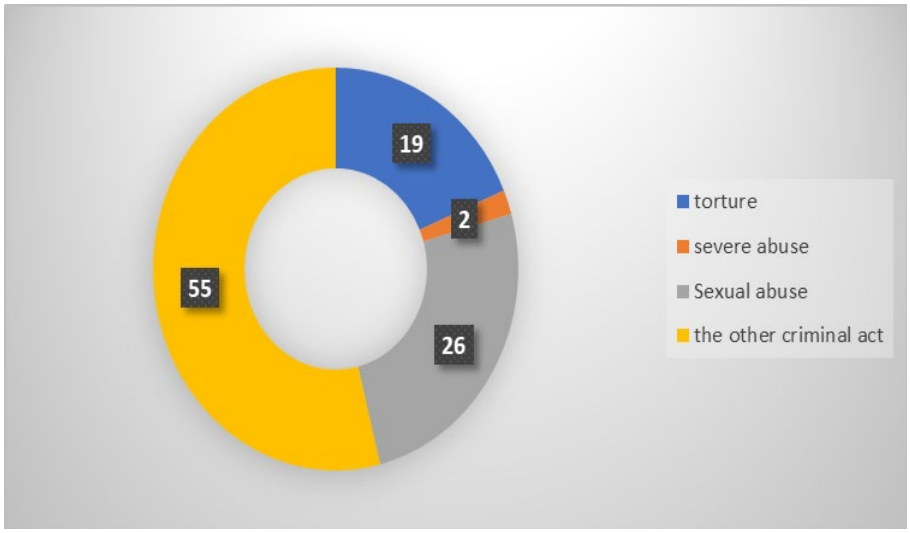
[34] "See Article 5 Paragraph (3) of Law No. 31 of 2014 Concerning Amendments to Law No. 13 of 2006 Concerning the Protection of Witness and Victim" (n.d.).

[35] The definition of an independent institution in the explanation of Article 11 of Law No. 13 of 2006 concerning the Protection of Witness and Victim states that: "what is meant by an independent institution is an institution that is independent, without interference from any party". In this case, the definition of non-interference also has a meaning, not only the matter of its duties and functions that are not interfered with, but also the existence of its formation LPSK is not part of other institutions, such as conventional law enforcement institutions such as the police, prosecutors or courts, but stands alone, hence, there is no influence or interference from the other institutions in question.

[36] LPSK-RI, "Laporan Tahunan" (Jakarta, 2024).

Based on this description, LPSK is not passive in receiving applications. Following the provisions of Article 29, paragraph (3) of Law Number 31 of 2014, the LPSK protects without applying. In addition to receiving regular applications, the LPSK takes proactive action in cases of public concern. This proactive action increases the process of protecting witnesses and victims of criminal acts by directly reaching out, conducting investigations, and collecting and providing information regarding the fulfillment of rights and provision of LPSK assistance. The process is carried out immediately after the crime occurs and before the application is submitted to the LPSK. A total of 154 cases were reached owing to proactive management and public concerns in 2024.[37]

Figure 1: Number of Proactive Handling



Source: data processed from LPSK

The most proactive actions were taken against other criminal acts with 55, 26, and 19 cases related to sexual abuse crimes, torture, and severe abuse, respectively. In terms of percentage, this number is relatively small compared with the total number of protection requests.

Based on the origin of the applicant's region of protection, out of the total number of applications in 2024, 10,217 people from several regions submitted applications. Most applications were from West Java, with 921. The second highest were applications from Central Java, with a total of 721, followed by East Java and DKI Jakarta, at 649 and 687, respectively. Additionally, 4,320 applications had an unknown origin.

Regarding the number of people who received protection, the LPSK has handled 4,016 Protected Persons since 2023. The number of people whose applications were accepted (protected) by 2024 reached 2,256, resulting in a total of 6,272. Additionally, 1,564 Protected Persons had a protection program terminated on December 31, 2024, resulting in a total of 4,708 people actively protected by the LPSK.[38]

The duration of protection depends on the characteristics of the case and the protection needs of the witness and victim. The implementation of protection and assistance was

[37] LPSK-RI.
[38] LPSK-RI.

carried out for six months and extended for an additional period. The general duration of the protection period is reported in the following groupings.[39]

a) The longest protection period is more than two years (given to 1,658 Protected Persons, or 26.43 %).
b) The shortest protection period is less than six months (given to 1,472 Protected Persons or 23.46 %).
c) The majority of protection periods are six months to two years (given to 3,142 Protected Persons, or 50.09 %).

Table 2: Legal Status of Protected[40]

Legal Status of Protected	2023	2024
Victims	6.513	4.564
Victim as a witness	362	346
Informan as a witness	40	185
Witness	482	370
Justice collaborator	16	14
Expert	22	10
Family	519	769

Source: data processed from LPSK

As shown in Table 2, a total of 6,258 individuals have been protected by LPSK, consisting of 4,564 victims, 346 victim-witnesses, 185 informant-witnesses, 370 witnesses, 14 justice collaborators, 10 experts, and 769 family members. Based on the Protection Program, the LPSK has carried out or served 8,292 programs in 2024. In addition, one protected person can obtain several types of protection programs from the LPSK. There are 3 classifications of LPSK protection programs are provided by 2024.[41]

1) Protection of security for 1,908 programs, including:
   a. Physical Protection
   b. Fulfillment of Procedural Rights
   c. Right to Information
   d. Legal Protection
   e. Facilitation of the Rights of Witnesses of Perpetrators
   f. Right to Reimbursement of Costs in the form of Temporary Living Cost Assistance and Reimbursement of Transportation Costs,
2) Provision of assistance for 2,619 programs in the form of medical aid, as well as psychosocial and psychological rehabilitation.
3) Facilitation of compensation for 3,765 programs in the form of restitution and compensation fulfillment facilitation.

Based on the empirical data presented in the table and figure above, the findings demonstrate the LPSK's best practices in fulfilling the rights of witnesses and victims, while also reflecting the achievement of several targets set under Goal 16 of the 2030 SDGs Agenda, which promotes peace, justice, and strong institutions. On the other hand, the large number of protection requests also indicates that the criminal justice system regulated under the current KUHAP does not adequately guarantee the safety of witnesses and victims without the intervention of the LPSK. This further illustrates

[39] Susilaningtyas and Vice Chairperson of LPSK Republic of Indonesia, "Interviewed in May 2025."
[40] LPSK-RI, "Laporan Tahunan."
[41] Syahrial Martanto and Expert of LPSK Republic of Indonesia, "Interviewed in February 2025."

that the absence of explicit provisions concerning the rights of witnesses and victims, as well as the absence of regulation designating the LPSK as the institution responsible for ensuring those rights, constitutes a significant weakness of the existing KUHAP. In reality, the LPSK is an independent government institution that plays a crucial role in protecting witnesses and victims within the criminal justice process and substantially assists other law enforcement agencies in uncovering criminal acts.[42] Therefore, it is essential that the forthcoming KUHAP explicitly integrate, regulate, and designate the LPSK as an important component of the criminal justice system responsible for ensuring the protection and fulfillment of the rights of witnesses and victims.[43]

2.4. The Importance of Regulation of Institutional Functions for Witness and Victim Protection in the Upcoming KUHAP

The importance of regulating the aspects of protection cannot be separated from the institutions tasked with implementation. Therefore, the establishment of the LPSK in 2008 as mandated by the law on witness and victim protection cannot be negotiated based on Law Number 13 of 2006 on Witness and Victim Protection. The practice of the role and function is to implement the fulfillment of protection at every stage. This provides witnesses or victims with access to a conducive, safe, and comfortable judicial process to realize good, balanced, and fair criminal justice.

In carrying out protection functions, the LPSK must coordinate and cooperate intensively with all elements of law enforcement in every stage of the criminal justice system with the police, prosecutors, courts, and correctional institutions. Therefore, the role and function of the LPSK cannot be separated from the running of the criminal justice process to place witnesses or victims in a safe and comfortable position. For example, witnesses receive assistance from LPSK companion officers and witnesses placed in a safe house in certain conditions. This ensures that the statements given by the witness do not change or are not fabricated.[44] The existence of the role and function of LPSK influences the disclosure of criminal acts and evidence in a good, balanced, and fair criminal justice process. The judicial process runs well, balanced, and fairly after placing the witness in an equal or parallel position with the suspect or defendant.[45]

The position and existence of the LPSK cannot be separated from those of the criminal justice system. KUHAP guides the criminal justice system based on Law Number 8 of 1981 concerning criminal procedural law. Therefore, criminal procedure laws and the justice system in Indonesia have not sided with witnesses or victims. The absence of regulations greatly affects the achievement of a fair justice system. The criminal procedure law based on the KUHAP only regulates the implementation of several institutional functions of the justice system. The commonly known institutional functions include the following:[46]

1. Investigation function,

[42] Antonius PS. Wibowo and Rusmilawati Windari, "The Role of Victim and Witnesses Protection Agency in Achieving Sustainable Development Goals: The Best Practice of Indonesia," *2nd International Conference on Indonesian Legal Studies (ICILS), Atlantise Press: Advances in Social Science, Education and Humanities Research* 363 (2019): 166–68.

[43] Sulistiani, *Hukum Perlindungan Saksi Dan Korban; Telaah Pada Regulasi, Kelembagaan, Teori Maupun Praktek Perlindungan Saksi Dan Korban Tindak Pidana Di Indonesia*.

[44] Edwin Partogi Pasaribu, "Safe House Bagi Seorang Saksi" (Jakarta, 2021), 1–5.

[45] Ni Nyoman Juwita Arsawati et al., "Comparative Analysis of Witness Protection Law in Indonesia, Malaysia, and Australia," *Journal of Indonesian Legal Studies* 9, no. 2 (2024): 527, https://doi.org/https://doi.org/10.15294/jils.v9i2.1498.

[46] Muladi, *Demokrasi, Hak Asasi Manusia, Dan Reformasi Hukum Di Indonesia*.

2. Investigative functions are carried out by many agencies, namely the police, prosecutor's office, KPK, and PPNS (Civil Servant Investigator Officers,) which are found in several agencies,
3. Prosecution function carried out by the prosecutor's office and KPK,
4. Judicial function is carried out by judicial bodies such as district courts, among others
5. Mediation function carried out by mediators,
6. Defense function carried out by advocates, and
7. Correction or correctional function carried out by Correctional Institutions.

Recognition of the function can be seen in the opinion of Siegel and Senna, who viewed the Criminal Justice System as a law enforcement, judicial process, and correctional system included in the arrest, prosecution, and supervision of individuals accused of committing crimes.[47]

The system is more oriented towards the main functions focused on law enforcement against perpetrators. This certainly does not address the real need for law enforcement. In Indonesia, numerous problems are associated with law enforcement and legal systems. In this context, the legal needs of the community concerning criminal law enforcement ensure that the justice system provides certainty and justice in a balanced manner for both perpetrators and victims. The theory of legal transplants distinguishes between reception in law and in society. These two dimensions give rise to distinct debates; namely, the former focuses on how underlying legal epistemological structures influence the interpretation and meaning of transplanted rules and institutions. These rules function within regulated social processes regulated.[48]

The main problem with the Indonesian legal system is a lack of communication between its constituent institutions. The law can only develop when the interpretations of rules in light of new facts or ideas are shared and lead to new rules that promote legal certainty in balance with other objectives of the legal system. This is related to factors in Indonesia, such as governmental fragmentation, corruption, malfunctioning of the political system, or a plural legal colonial heritage, and is inherent in the state of legal scholarship and jurisprudence.[49] Furthermore, most Indonesian criminal justice systems were established during the Dutch colonial period. In response to the changing requirements and values of diverse Indonesian society, the government intends to change the criminal justice system to uphold human rights, protect local communities, including victims, and adopt restorave justice practices.[50]

In the development, several ideas proposed that institutions conducting criminal justice functions should include the main functions oriented towards punishing perpetrators of criminal acts and carrying out important functions. In a fair criminal justice system, the existence of a comprehensive institutional framework is insufficient, even though there is no effective consolidation and harmonization of functions across institutions. In Indonesia, the establishment of institutions such as LPSK is inseparable from political intervention. So far, the institutional design of the independent or institution or commission that runs the criminal justice system is carried out openly through law. Even though the used/given nomenclature is 'commission', the definition

[47] Larry J. Siegel and Joseph J. Senna, *Essentials of Criminal Justice* (USA: Thomson Learning, Inc, 2007), 1–5.

[48] Adriaan Bedner, "Indonesian Legal Scholarship and Jurisprudence as an Obstacle for Transplanting Legal Institutions," *Hague Journal on the Rule of Law* 5, no. 2 (2013): 253 – 273, https://doi.org/https://doi.org/10.1017/S1876404512001145.

[49] Bedner, "Indonesian Legal Scholarship and Jurisprudence as an Obstacle for Transplanting Legal Institutions."

[50] Ichsan Anwary, "Evaluation of the Effectiveness of Public Administration Policies in the Development of Stringent Legal Framework: An Analysis of the Criminal Justice System in Indonesia," *International Journal of Criminal Justice Science* 17, no. 2 (2022): 312–20.

of commission is developed but is not truly independent because the law uses the method of 'incorporation' of commissions into executive power through various forms.[51] Therefore, all functions in the criminal justice system need to be strictly regulated in the KUHAP to have a superior, solid, and optimal criminal justice system. The functions of institutions have become clear and have an equal position in achieving the objectives of the criminal justice system.

KUHAP was launched in 1981, when the rights of witnesses and victims were not popular and had not become an important issue considered and enforced in the criminal justice system. Therefore, there is no single article explicitly regulating the rights of witnesses and victims. Since the development of the Witness and Victim Protection Law, the importance of witnesses and victim protection has become undeniable. As an institution formed by the state, the LPSK is mandated to carry out protection in order to ensure a balanced function of the judicial process.

The Witness and Victim Protection Law, namely Law Number 13 of 2006 and Law Number 31 of 2014, needs to be supported by regulations controlling criminal procedure law as the basis for the operation of the justice system. The recognition of the protection function as part of the judicial process emphasized in KUHAP is essential to make the performance of the criminal justice system better, balanced, and fair. Certainty is obtained between the rights of witnesses and victims through the implementation of the protection function. In this context, every witness and victim has certainty guaranteed by law in terms of obtaining the right to provide information as evidence in the criminal justice process.[52]

The rights obtained for witnesses and victims in a good, balanced, and fair criminal trial include safety, security, and comfort, specifically regarding information or statements.[53] Witnesses and victims threatened cannot be asked to provide information in every trial process, even if there is information provided under a condition where comfort and safety are disturbed.[54] In this context, the LPSK is expected to promote the proper functioning of the criminal justice system. According to the records of the Institute for Criminal Justice Reform,[55] the LPSK is not fully in a system with an equal institutional position. Different challenges in implementing the LPSK function have been reported, including legal ambiguity, structural obstacles, and cultural skepticism.[56] Even though there has been considerable regulatory support, LPSK is considered outside the main system of the criminal justice system or as a complementary institution. The fulfillment of witnesses and victims' rights is not considered a priority.[57] To optimize the effectiveness of LPSK, collaboration between institutions is crucial for enhancing legal provisions and cultural perceptions. Therefore, adequate regulations are needed to ensure the certainty

[51] Muhammad Bayanullah, Moh. Khusaini, and et.al, "From Executive Branch to Independent Commission: The Development of Crime Prosecution and Lessons from Indonesia," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 1 (2025): 77–78, https://doi.org/https://doi.org/10.29303/ius.v13i1.1664.

[52] Sulistiani, *Hukum Perlindungan Saksi Dan Korban; Telaah Pada Regulasi, Kelembagaan, Teori Maupun Praktek Perlindungan Saksi Dan Korban Tindak Pidana Di Indonesia*.

[53] Nabiyla Risfa Izzati, "Indonesian Migrant Workers Protection through the Law Number 18 of 2017: New Direction and Its Implementation Challenges," *Padjadjaran Jurnal Ilmu Hukum* 6, no. 1 (2019): 206–7, https://doi.org/DOI: https://doi.org/10.22304/pjih.v6n1.a10.

[54] Lies Sulistiani, "Urgensi Perubahan Undang-Undang Perlindungan Saksi Dan Korban Serta Penguatan Kelembagaannya," Paper Presented at RDPU - DPR RI, 2025.

[55] LPSK-RI, "16 Tahun LPSK: Optimalisasi Perlindungan Saksi Dan Korban Yang Inklusif Untuk Mewujudkan Keadilan Bermakna Dan Bernurani," 2024, https://www.lpsk.go.id/berita/clzmitcu8001ahj5q4axatq3a.

[56] Sahat Situmeang, "The Urgency of The Witness and Victim Protection Institution (LPSK) in The Criminal Justice System," *Proceeding of International Conference on Business Economics Social Sciences and Humanities* 7 (2024): 1279–86, https://doi.org/DOI:10.34010/icobest.v7i.640.

[57] LPSK-RI, "16 Tahun LPSK: Optimalisasi Perlindungan Saksi Dan Korban Yang Inklusif Untuk Mewujudkan Keadilan Bermakna Dan Bernurani."

of the protection functions for witnesses and victims. Testimony from a witness is given in normal situations and conditions without any threats, coercion, pressure, or cornering.[58] The regulations in the upcoming KUHAP regarding the protection function of witnesses and victims, as well as the LPSK, are significant.[59] This shows that the upcoming KUHAP is not sufficient to regulate the rights of witnesses and victims[60] but should also explicitly mention and affirm the LPSK as the responsible institution. A more precise regulation controls all the institutional functions of the criminal justice system. This improves synergy between institutions and enhances public awareness of the importance of protecting witnesses and victims in the criminal justice system.

This indicates that the forthcoming KUHAP should not only regulate the rights of witnesses and victims, but must also explicitly identify and affirm the Witness and Victim Protection Agency (LPSK) as the institution responsible for such matters. More detailed provisions would govern all institutional functions within the criminal justice system, thereby strengthening interagency synergy and increasing public awareness of the importance of witness and victim protection within the criminal justice process. Furthermore, clear provisions concerning LPSK in the criminal procedure law would expand the agency's reach across regions throughout Indonesia.

2. CONCLUSION

In conclusion, witnesses and victims were expected to report cases and provide evidence in court during the criminal justice process. However, the KUHAP, based on Law Number 8 of 1981, did not regulate the protection of rights. In this context, the witness and victim did not receive guarantees of protection and were not seen as parties who contributed to the successful disclosure of a case. The establishment of the law regulated the rights of protection for witnesses and victims of criminal acts, as well as the formation of the LPSK.

The LPSK was considered an institution outside the criminal justice system and was not consistent with others. This was because the LPSK and the protection of witnesses and victims were not regulated by the KUHAP. The protection of witnesses, victims, and the LPSK should be emphasized in the upcoming KUHAP as a guideline for the operation of the criminal justice system. Therefore, this article offers foundational ideas for formulating a model to integrate the LPSK into the future KUHAP, so that the structure of the criminal justice system can achieve a balanced form of justice for both perpetrators and victims.

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[58] Mahabbat Tatenova et al., "State Security Priorities: Perspectives on Contemporary Approaches to Combating Women's Crime and Protecting Witnesses' Rights," *Social & Legal Studios* 8, no. 1 (2025): 215, https://doi.org/DOI: 10.32518/sals1.2025.211.

[59] Lies Sulistiani, *Kedudukan LPSK Dalam Sistem Peradilan Pidana Indonesia, Makalah Pada Diskusi Membangun Hukum Acara Pidana Masa Depan* (Bandung: Universitas Padjadjaran, 2025), 1–5.

[60] "Criminal Procedure Code Draft, March 2025" (n.d.).

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