

## Implementation of Justice Collaborators' Rights in Obtaining Reduced Sentences in Murder Cases

Dany Ardiansah Putra<sup>1</sup>, Siti Marwiyah<sup>2</sup>, Sukmana Dumayanti<sup>3</sup>, Hartoyo<sup>4</sup>, Bachrul Amiq<sup>5</sup>

Universitas Dr. Soetomo, Surabaya <sup>1,2,3,4</sup>, Indonesia  
Universitas Negeri Surabaya<sup>5</sup>, Indonesia  
danyxena9318@gmail.com

Informasi Artikel	Abstract
E-ISSN : 3026-6874 Vol: 4 No: 1 Januari 2026 Page : 67-80	<i>The rights of justice collaborators (JCs) to obtain sentence reductions in murder cases remain inconsistently applied within Indonesia's criminal justice system. This research addresses three core issues: the normative legal basis for JC rights, the consistency of judicial decisions in granting those rights, and the necessity for legal reform. Using a normative juridical approach supported by document analysis and expert interviews, the study examines Law No. 31/2014, SEMA No. 4/2011, and recent judicial decisions, including the high-profile cases of Richard Eliezer and Abdul Khoir. Findings reveal that while legal provisions exist, the absence of detailed indicators, formal mechanisms for status determination, and binding multi-institutional coordination leads to implementation gaps. Judicial discretion remains unchecked, resulting in unequal treatment of justice collaborators with similar contributions. The study concludes that a <i>lex specialis</i> law is urgently needed to standardize definitions, evaluation mechanisms, and inter-agency protection schemes. Recommendations include harmonization of technical norms, incorporation of JC recognition in verdicts, and alignment with UNCAC and UNTOC standards. This would strengthen legal certainty, uphold the principle of <i>nulla poena sine lege</i>, and enhance the effectiveness of the criminal justice system in addressing serious crimes through systemic cooperation.</i>
<b>Keywords:</b> Justice collaborator, sentence reduction, Legal reform, Judicial consistency, <i>Lex specialis</i> .	

### Abstrak

Hak para kolaborator keadilan (JCs) untuk mendapatkan pengurangan hukuman dalam kasus pembunuhan masih diterapkan secara tidak konsisten dalam sistem peradilan pidana Indonesia. Penelitian ini membahas tiga isu utama: dasar hukum normatif untuk hak-hak JCs, konsistensi putusan pengadilan dalam memberikan hak-hak tersebut, dan kebutuhan akan reformasi hukum. Menggunakan pendekatan hukum normatif yang didukung oleh analisis dokumen dan wawancara ahli, studi ini mengkaji Undang-Undang No. 31/2014, SEMA No. 4/2011, dan putusan pengadilan terbaru, termasuk kasus-kasus terkenal Richard Eliezer dan Abdul Khoir. Temuan menunjukkan bahwa meskipun ketentuan hukum ada, ketidakhadiran indikator rinci, mekanisme formal untuk penentuan status, dan koordinasi multi-institusi yang mengikat menyebabkan celah implementasi. Diskresi yudisial tetap tidak terkendali, mengakibatkan perlakuan tidak adil terhadap kolaborator keadilan dengan kontribusi serupa. Studi ini menyimpulkan bahwa undang-undang *lex specialis* sangat diperlukan untuk menstandarkan definisi, mekanisme evaluasi, dan skema perlindungan antarlembaga. Rekomendasi meliputi harmonisasi norma teknis, pengintegrasian pengakuan JC dalam putusan, dan penyelarasan dengan standar UNCAC dan UNTOC. Hal ini akan memperkuat kepastian hukum, menjaga prinsip *nulla poena sine lege*, dan meningkatkan efektivitas sistem peradilan pidana dalam menangani kejahatan serius melalui kerja sama sistemik.

**Kata Kunci :** Kolaborator keadilan, Pengurangan hukuman, Reformasi hukum, Konsistensi yudisial, *Lex specialis*

## INTRODUCTION

Indonesia's criminal justice system formally acknowledges the role of cooperating offenders, or justice collaborators, defined as defendants who provide substantial assistance to law enforcement in exposing serious or organised crimes. For example, forms of criminality such as online prostitution. Unlike physical forms of prostitution, which can be more easily monitored and regulated through local enforcement, the digital realm presents unique opportunities for exploitation and illegal activities to flourish (Sufa et al., 2025).

Another example is the case of narcotics, which have a detrimental effect on society and can trigger serious criminal acts such as murder. The discourse of drug prevention has evolved significantly, with language emerging as a central tool in shaping public perceptions and mobilizing community action. In particular, grassroots campaigns increasingly utilize volunteer-led communication strategies, underscoring the potent role of narrative in confronting substance abuse (Maruli et al., 2025).

This legal recognition is embedded in several regulatory frameworks, particularly Law No. 31 of 2014 concerning the Protection of Witnesses and Victims, along with other complementary provisions. As a normative consequence, such cooperation entitles the offender to a reduction in their sentence, serving as a legal incentive for their contribution to law enforcement and the broader public interest.

Despite this normative guarantee, judicial practice, especially in the context of murder cases, reveals significant inconsistencies. Courts frequently fail to apply sentence reductions in a uniform and transparent manner, resulting in a clear disjunction between established legal norms and their implementation. This discrepancy raises critical concerns regarding legal certainty, equitable justice, and the practical legitimacy of the justice collaborator framework. In response, this study undertakes a comprehensive analysis of the normative-empirical tension underlying the implementation of sentence reductions for cooperating offenders, particularly in cases involving severe criminal offences.

To guide this analysis, the study adopts a theoretical framework that incorporates Hans Kelsen's legal positivism, John Rawls' theory of justice, Satjipto Rahardjo's progressive legal theory, and the victim-offender balancing theory. These perspectives provide an integrated foundation for developing a more coherent, just, and normatively consistent model for the application of sentence reduction policies for justice collaborators within the Indonesian legal system.

Hans Kelsen's legal positivism, articulated most comprehensively in his "Pure Theory of Law," continues to serve as a foundational reference in contemporary legal philosophy. His framework establishes a strict separation between law and non-legal domains such as ethics and morality, offering a systematic and hierarchical understanding of legal norms. Kelsen's contribution significantly shapes modern legal scholarship by directing analytical focus toward the nature, validity, and structured application of legal rules within an organised normative system. He maintains that the study of law must concentrate on empirical legal facts what the law *is* rather than what it *ought to be*. The validity of any legal norm derives from its conformity to higher norms, ultimately anchored in the "Grundnorm" or basic norm, which functions as the supreme source of normative authority within a legal order (Hadi & Michael, 2022). This model allows Kelsen to remove extralegal influences from legal theory, thereby advancing a more scientific and methodologically precise approach to legal analysis (Sembiring & Saragih, 2024).

Kelsen further distinguishes between static and dynamic dimensions of law, which he terms "nomostatics" and "nomodynamics." The static dimension concerns the structure of legal norms at a particular moment, whereas the dynamic dimension explains how those norms evolve through authorised procedures of change (Arimba, 2024). This distinction reflects Kelsen's view that legal systems must adapt to societal transformations while preserving formal coherence. Such insights contribute to broader discussions on the development, reform, and responsiveness of legal systems over time (Zabunoglu, 2023).

John Rawls's theory of justice, presented in his influential work *A Theory of Justice*, redefined discussions on distributive justice through the concept of "justice as fairness." Rawls formulates two central principles: the guarantee of equal basic liberties and the difference principle, which permits social and economic inequalities only when they improve the position of the least advantaged (Edor, 2020). These principles derive from a hypothetical decision-making scenario known as the original position, in which individuals operate behind a veil of ignorance that conceals their social status, abilities, and personal attributes. This construct ensures that the resulting principles of justice remain impartial and universally acceptable (Edor, 2020).

Rawls's framework derives its normative strength from its egalitarian foundation, which affirms the moral responsibility of institutions to ensure a fair and equitable distribution of resources. His theory extends beyond economic efficiency by highlighting the importance of basic rights and individual liberties as essential elements for human dignity and freedom (Jopinus, 2024). Rawls offers a strong critique of utilitarianism, particularly for its propensity to subordinate individual rights to the pursuit of collective welfare. He asserts that justice must take precedence over utility, requiring institutions to prioritise fairness even when aggregate happiness is at stake (Farrelly, 2020). This position has generated extensive debate in political philosophy, particularly regarding the ethics of social cooperation and the foundational principles of justice (Garthoff, 2025).

In practice, Rawls's theory provides a normative basis for policy design and evaluation across various governance contexts. Jopinus, for instance, demonstrates how local governments can operationalise Rawlsian principles by crafting public policies that prioritise the needs of the least advantaged (Jopinus, 2024). Nevertheless, several scholars challenge the practical applicability of Rawls's ideal theory, arguing that abstract principles often encounter difficulties when applied to complex socio-economic realities (Farrelly, 2020). Amartya Sen's capabilities approach exemplifies this critique by offering a more context-sensitive alternative that focuses on the actual opportunities individuals possess, rather than merely on the institutional design of justice (Tirkey, 2023).

In contrast, Satjipto Rahardjo's progressive legal theory proposes a transformative reorientation of legal practice. He contends that law should not function solely as a mechanism for enforcing rigid normative prescriptions, but should also embody a commitment to advancing social justice and human well-being. According to Rahardjo, legal systems must remain responsive to societal changes, integrating normative frameworks with empirical social realities (Muchtarom & Barthos, 2025). His theory calls for a balance between procedural and substantive justice, empowering law enforcement officials to act not only as administrators of statutory rules but also as agents of social transformation and human rights protection (Muchtarom & Barthos, 2025).

This orientation holds particular relevance in the Indonesian context, where law enforcement institutions such as the national police often face challenges in aligning formal legal mandates with moral and cultural expectations (Muchtarom & Barthos, 2025). Rahardjo emphasises the need for legal breakthroughs that depart from outdated formalism while preserving the normative legitimacy of the law. His distinction between progressive innovation and unlawful deviation urges legislators and practitioners to prioritise justice in both lawmaking and implementation (Sembiring & Saragih, 2024).

Recent developments in global law enforcement practices underscore the necessity for institutional adaptation in response to increasingly complex social dynamics, aligning closely with the principles articulated in Satjipto Rahardjo's progressive legal theory. Contemporary policing strategies must prioritise proactive engagement and community participation, as exemplified by community-oriented policing models (D & N, 2024). These approaches emphasise collaboration and mutual trust between law enforcement agencies and the public as foundational elements for addressing crime more effectively and in a manner consistent with

justice-oriented legal reform (D & N, 2024). The integration of such practices reflects a shift from rigid proceduralism toward responsive, contextually grounded legal enforcement.

Victim-Offender Balancing Theory (VOBT) contributes a critical framework to criminology by examining the reciprocal and often overlapping roles of individuals as both victims and offenders within the cycle of criminal behaviour. This theory challenges the conventional dichotomy by recognising that many individuals experience victimisation and offending at different stages in their lives (Hiltz et al., 2020). A central premise of VOBT involves balancing the rehabilitative needs and legal rights of offenders with the protection and empowerment of victims. Mihăilă proposes a justice model rooted in trauma-informed, person-centred principles, designed to integrate offender desistance with victim advocacy in a cohesive framework (Mihăilă, 2025).

Recent empirical findings have advanced VOBT by identifying differentiated typologies, including predominant victims (PVs), predominant offenders (POs), and balanced victim-offenders (BVOs). These classifications provide a nuanced basis for tailoring criminal justice interventions that address the individual's specific position along the victim-offender continuum. For example, research by Cheung and Zhong on adolescent populations reveals that social environments significantly influence the intersection of victimisation and offending behaviours. Their study highlights the role of contextual and structural factors in shaping dual-status experiences, thereby reinforcing the need for holistic, socially responsive justice models (Cheung & Zhong, 2022).

Although Indonesian law formally provides mechanisms for granting sentence reductions to perpetrators who cooperate with law enforcement, the implementation of these provisions in murder cases remains highly inconsistent. While the normative framework guarantees such rights, judicial practice often fails to reflect these legal standards. This discrepancy is evident in the absence of clear criteria for evaluating the value of cooperation, the inconsistent interpretations applied by judges, and the reluctance of courts to award sentence reductions even when the legal requirements have been fulfilled. These inconsistencies undermine the principles of legal certainty and equal treatment, as individuals in comparable circumstances may face divergent outcomes.

The lack of consistent interpretative guidelines has created normative ambiguity and practical implementation gaps, which in turn weaken the incentive for offenders to engage in cooperative behaviour. This situation poses a broader challenge to the credibility and effectiveness of the judicial system in addressing serious crimes. Although the legal system formally recognises justice collaborators, scholarly discourse has largely overlooked the specific barriers faced by such collaborators in murder prosecutions, particularly in accessing sentence reductions. There is a noticeable absence of normative-empirical analysis that integrates legal theory with judicial practice in this area. This study addresses that gap.

The research investigates the normative legal foundations governing the right to sentence reduction for cooperating offenders in murder cases, with a specific focus on statutory provisions and judicial decisions. It evaluates the consistency of judicial reasoning in accepting or rejecting sentence reductions and proposes a framework for legal reconstruction or interpretative reform. The goal is to align the application of these rights with the principles of justice, legal certainty, and proportionality in punishment.

Using a doctrinal legal method and normative evaluation, this study seeks to develop a legal model that ensures consistent application and reinforces the legitimacy of incentive mechanisms for cooperative offenders. The central questions guiding this inquiry include: What statutory and jurisprudential provisions govern sentence reductions for cooperating offenders in murder cases? How consistent is judicial practice in applying these provisions, and what interpretative patterns emerge? How can theoretical approaches such as legal positivism, justice theory, progressive law, and victim-offender balancing theory contribute to a more coherent and just application of these rights? What legal and policy recommendations can

enhance the effectiveness, predictability, and normative strength of the justice collaborator framework in serious crime cases?

Theoretically, this research contributes to scholarly discussions on the intersection of legal certainty and justice within sentencing policy. By applying Hans Kelsen's concept of normative hierarchy and consistency, the study affirms the legal validity of cooperating offenders' rights. John Rawls's theory of justice introduces an ethical dimension to the analysis, ensuring that victim rights are not disregarded in the process of awarding sentence reductions. Satjipto Rahardjo's progressive legal theory provides a foundation for critiquing the limitations of legal formalism and advocating for responsive, justice-oriented reforms. The victim-offender balancing theory offers an additional analytical tool for proportionally reconciling the interests of offenders and victims within sentencing practices.

Practically, the study formulates legal interpretations and policy guidelines aimed at enhancing the credibility and fairness of reward schemes for cooperative offenders. These outcomes hold practical relevance for legislators, judicial officers, legal scholars, and practitioners seeking to implement a more equitable sentencing regime consistent with the rule of law and substantive justice.

## METHOD

The present study employs a normative juridical methodology, which investigates the law as a coherent system of norms rather than as an empirically observable phenomenon. This design prioritizes the analysis of legal doctrines, principles, and statutory texts over field data or quantitative measurement. The method facilitates a critical assessment of the legal structure, consistency, and interpretative practices governing the entitlement of justice collaborators to sentence mitigation, particularly within the context of criminal adjudication in murder cases. Such an approach is methodologically suited to uncover inconsistencies between legal formulation and judicial application.

The analysis proceeds through three distinct but interrelated legal approaches. The statutory approach examines formal legal sources such as the Indonesian Penal Code (KUHP), Law No. 31 of 2014 on Witness and Victim Protection, and Supreme Court Regulation No. 4 of 2011, which collectively define the legal framework for justice collaborators. The case approach explores selected judicial decisions from the Supreme Court, High Courts, and District Courts to trace interpretive patterns, assess jurisprudential coherence, and identify discrepancies in the implementation of legal norms. The conceptual approach engages with theoretical doctrines in criminal law and sentencing philosophy, including the principles of proportionality and restorative justice, to determine the normative adequacy of the legal framework in protecting and incentivizing cooperating offenders.

This research relies on doctrinal legal analysis, drawing from three categories of legal material. Primary legal materials include binding sources such as legislation, regulations, and judicial rulings, especially those addressing the recognition and adjudication of justice collaborators in homicide cases. Secondary legal materials consist of legal textbooks, scholarly articles, and authoritative commentaries that provide interpretation, critique, and doctrinal development. Tertiary legal materials encompass dictionaries, encyclopedias, and other reference works that aid in clarifying legal terminology and ensuring conceptual precision. The data collection process involved systematic document retrieval from institutional databases, including the Supreme Court's decision directory (*Direktori Putusan*), legal knowledge platforms such as Hukumonline, and academic repositories.

The study employs two principal modes of legal reasoning. Deductive-analytical reasoning applies general legal norms to specific cases, facilitating an evaluation of statutory coherence, judicial consistency, and doctrinal clarity. Through this method, the analysis assesses whether courts have uniformly interpreted and applied the law regarding sentence reductions for justice collaborators. Complementarily, legal hermeneutics serves to interpret legislative intent and judicial meaning, particularly in cases where statutory provisions are

ambiguous or contested. This interpretive mode incorporates the examination of legislative history, judicial reasoning sections, and academic legal opinion to construct a systematic understanding of the legal treatment afforded to cooperating offenders.

The unit of analysis in this normative juridical study consists of legal texts and judicial decisions that explicitly address the application of justice collaborator status in murder trials. Rather than employing a population-based sampling model, the study utilizes purposive sampling of five to ten case decisions drawn from the databases of the Supreme Court and subordinate courts. The selection criteria emphasize legal relevance, jurisdictional diversity, levels of adjudication, and the presence or absence of judicial acknowledgment of sentence reduction claims. This qualitative approach enables the identification of interpretive variations and institutional gaps that may hinder the normative realization of justice collaborator protections under Indonesian law.

## RESULTS AND DISCUSSION

### Legal Basis for Justice Collaborators

The legal framework that regulates the recognition and protection of cooperating offenders, known as Justice Collaborators (JCs), in Indonesia operates on multiple normative levels and continues to display legal ambiguities. Under the country's positive law system, formal recognition of JCs initially emerged through sectoral regulations and became more precisely articulated in Law No. 31 of 2014, which amended Law No. 13 of 2006 on the Protection of Witnesses and Victims. Article 1(2) of Law 31/2014 defines a witness perpetrator as a suspect, defendant, or convict who cooperates with law enforcement to expose a criminal act within the same case. This provision formally institutionalizes the role of cooperating offenders who voluntarily contribute critical information in uncovering serious or organized crimes. Furthermore, Article 10 offers a statutory foundation for the protections and forms of reward granted to such individuals, including case segregation, reduced sentencing, and additional remissions (Presiden Republik Indonesia, 2014).

Beyond the statute, the status of JC is also addressed in Supreme Court Circular Letter (SEMA) No. 4 of 2011, which functions as a directive for legal practitioners, particularly judges, on the treatment of cooperating perpetrators in designated criminal cases. Substantively, the SEMA underlines that cooperating offenders must not be the primary perpetrators and that their testimonies may serve as grounds for sentencing mitigation. However, because a SEMA lacks the normative force of statute law, it remains a non-binding institutional guideline rather than a source of enforceable rights (Presiden Republik Indonesia, 2024).

At the international level, the principle of awarding leniency to cooperating offenders is reinforced in two key instruments: the United Nations Convention Against Corruption (UNCAC) and the United Nations Convention Against Transnational Organized Crime (UNTOC). Indonesia ratified both through Law No. 7 of 2006 and Law No. 5 of 2009, respectively. These conventions emphasize the significance of reducing sentences for individuals who make substantial contributions to the investigation or prosecution of criminal offenses.

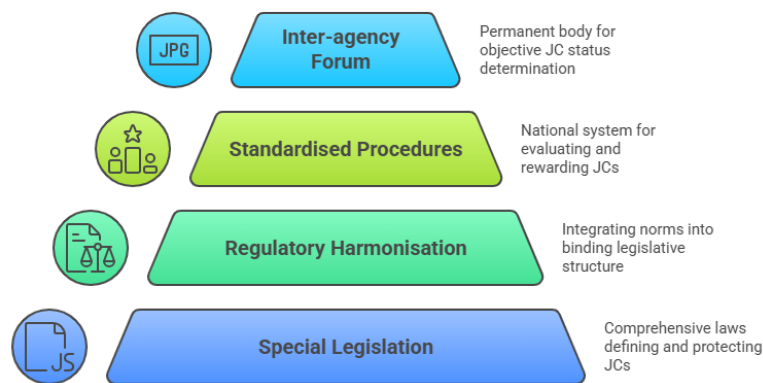
In practice, the presence of multiple legal instruments shows that Indonesia's normative framework for Justice Collaborators (JCs) emerges from an interaction between domestic legislation and international obligations. However, within the hierarchy of laws, significant problems arise because many of the technical provisions governing JCs, such as procedures for status determination and reward mechanisms, remain regulated through sub-statutory instruments, including Supreme Court Circular Letters (SEMA) and inter-agency agreements among law-enforcement bodies (Presiden Republik Indonesia, 2024). This regulatory structure creates concerns regarding legality and legal certainty, as noted in scholarly analyses stating that:

*"Regulations and protections that practically touch on human rights must be regulated by law, not by regulations below it.."*

Empirical findings highlight that protections and entitlements related to human rights must be regulated by statutory law, rather than by lower-tier legal instruments. The absence of statutory clarity on JC mechanisms results in a weak normative mandate for law enforcement institutions and the judiciary, thereby undermining consistency and fairness in the treatment of cooperating offenders. The reward system for JCs whether in the form of sentence mitigation or protective measures tends to be discretionary and lacks standardization, as it is largely subject to the interpretive latitude of individual judges or investigators.

Viewed through the lens of the principle of due process of law, such conditions constitute a breach of the legality principle (*nullum crimen sine lege, nulla poena sine lege*), which requires that all legal consequences derive from laws enacted through formal legislative processes. When sentence reduction and reward procedures are not clearly codified at the statutory level, the treatment of JCs becomes vulnerable to inconsistency and potentially discriminatory outcomes.

At present, the legal foundation for JCs in Indonesia remains fragmented and insufficiently institutionalized. While Law No. 31 of 2014 provides a basic normative anchor, the lack of a dedicated law (*lex specialis*) that governs the appointment criteria, evaluation of contributions, protection mechanisms, and reward structures for JCs creates significant room for judicial discretion and normative ambiguity (Presiden Republik Indonesia, 2014). This structural deficiency diminishes the potential of the JC framework to operate effectively within a rule-of-law-based justice system.



**Figure 1. Justice Collaborator Reform Pyramid**

Indonesia requires a structured and comprehensive approach to reform the legal framework governing Justice Collaborators (JCs). The state must enact a dedicated *lex specialis* law that clearly and thoroughly regulates the legal definition of JCs, the procedural requirements for submitting and determining JC status, objective criteria for evaluating the significance of their contributions, the scope and type of legal rewards and protections available, the limitations of their role in relation to the crimes disclosed, and the mechanisms for inter-institutional oversight and accountability. Enacting such legislation would enhance legal certainty and reduce excessive judicial discretion.

Furthermore, existing technical regulations concerning JCs currently dispersed across Supreme Court Circulars (SEMA) and inter-agency agreements should be consolidated and elevated into statutory instruments with binding legal authority. This legislative harmonization is essential to uphold the principle of legality (*nullum crimen sine lege*) and to ensure that protections affecting fundamental rights are established through proper legislative processes rather than administrative directives.

In addition, a national framework should be developed to standardize the assessment of JC contributions. This includes the formulation of uniform quantitative and qualitative

indicators, the classification of rewards such as sentence mitigation, remission, and parole, and the integration of LPSK recommendations into prosecutorial indictments and judicial decisions. These standards must be enforced through mandatory national standard operating procedures (SOPs) applicable to all judicial and law enforcement bodies.

The institutionalization of a permanent inter-agency coordination forum involving LPSK, the Supreme Court, the Attorney General's Office, the National Police, the Corruption Eradication Commission (KPK), and the Ministry of Law and Human Rights is also imperative. This forum should collectively and objectively determine JC eligibility, formulate transparent and accountable reward protocols, and prevent overlapping mandates or potential misuse of authority. It must also function as an oversight mechanism to ensure consistency and fairness in the application of JC-related policies.

### **Inconsistency in Court Decisions Regarding Justice Collaborators**

Although Law No. 31 of 2014 and Supreme Court Circular Letter (SEMA) No. 4 of 2011 have provided normative regulation concerning the status and rights of Justice Collaborators (JCs), their application within judicial proceedings continues to reveal considerable inconsistencies. Variations in how JCs are treated across court decisions illustrate the absence of standardized evaluative criteria and highlight disparities in judicial interpretation regarding the evidentiary value of cooperating perpetrators (Presiden Republik Indonesia, 2014).

A prominent case exemplifying this issue is the verdict rendered against Richard Eliezer Pudihang Lumiu (commonly known as Bharada E), who participated in the premeditated murder of Brigadier Nofriansyah Yosua Hutabarat (Brigadier J). Despite being found legally and convincingly guilty of violating Article 340 of the Indonesian Criminal Code, which prescribes severe penalties including life imprisonment or the death penalty, the court sentenced him to only one year and six months of imprisonment. This lenient outcome was primarily attributed to his designation as a Justice Collaborator, based on his cooperation in revealing the principal perpetrator, Ferdy Sambo. In its ruling, the panel of judges explicitly cited Eliezer's status as a JC as one of the mitigating considerations influencing the sentencing decision.

*"The defendant is a cooperating witness (Justice Collaborator)... the defendant regrets his actions... and has been forgiven by the victim's family."*

In contrast, the case of Abdul Khoir who was involved in a bribery case demonstrates a markedly different judicial approach. Despite providing critical testimony against the principal perpetrators, the court imposed a severe sentence on him. As highlighted in the analysis, this outcome reflects a lack of consistency in judicial treatment toward Justice Collaborators, raising concerns about the absence of clear evaluative standards and the potential for discretionary bias in sentencing decisions.

*"The sentence was made harsher, making Abdul Khoir's testimony seem like "the fence eating the plants"."*

The absence of clear parameters results in a situation where the identification of a perpetrator's role relies entirely on the discretionary interpretation of law enforcement officials and judges. Without valid and objective indicators, judicial decisions become vulnerable to bias, whether driven by public pressure, institutional considerations, or political interests. This ambiguity also creates opportunities for defendants to strategically claim JC status despite failing to meet substantive contribution requirements.

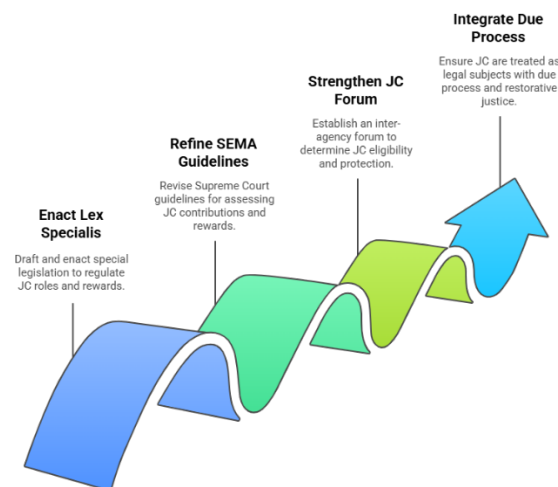
The document further notes that the system of rewards or sentence reductions for JCs lacks standardisation and uniform regulation. In the case of Bharada E, the reward granted was exceptionally substantial, while in other JC cases, the form of reward was either unclear or not explicitly articulated in the court's decision. This disparity demonstrates that the benefits awarded to JCs are heavily influenced by judges' subjective evaluations of the evidentiary value of their testimony.

Although judicial independence is guaranteed under the Judicial Authority Law, this independence becomes problematic when it operates without binding comparative norms or

interpretive standards. As a result, JCs may receive highly disparate legal outcomes, ranging from extraordinary leniency to penalties comparable to those imposed on principal offenders.

Such inconsistencies undermine not only the fairness of individual cases but also the integrity of the justice system as a whole. They diminish the incentive for perpetrators to cooperate with law enforcement and weaken the credibility of the reward mechanism within a restorative justice framework. Over time, this uncertainty obstructs the effectiveness of JC mechanisms as a strategic legal tool for uncovering serious crimes.

Accordingly, Indonesian courts require a coherent and standardised framework for evaluating and accommodating the role of Justice Collaborators. Judicial standardization whether through new statutory provisions or more detailed Supreme Court guidance is essential so that the contribution of JCs to evidentiary processes is assessed within a rational, proportional, and normatively grounded structure rather than through subjective judicial interpretation.



**Figure 2. Achieving Justice for Justice Collaborators**

A comprehensive legal and institutional response is required to standardise and institutionalise the role of Justice Collaborators (JCs) within the judicial system. The state must develop and enact a dedicated *lex specialis* that provides a binding normative framework regulating the position of JCs. This legislation should explicitly define the indicators for assessing substantive contributions, establish objective criteria to distinguish between primary and secondary offenders, formulate a standardised reward system based on the level of contribution, and embed judicial principles that ensure proportional justice. The enactment of such a *lex specialis* would shift the determination of JC status and entitlements from subjective judicial interpretation to a structured legal framework that is testable, systematic, and equitable.

In addition, the Supreme Court must revise and enhance the existing Supreme Court Circular Letter (SEMA) No. 4 of 2011 by formulating specific and binding technical guidelines. These guidelines should include empirically grounded criteria for evaluating the value of JC contributions, such as the significance of disclosed information, the personal risk borne by the JC, and the consistency of their testimony. They should also incorporate a reward matrix as a judicial reference and outline coordination mechanisms among the Witness and Victim Protection Agency (LPSK), the Public Prosecutor, and the judiciary to ensure that the granting of JC status and corresponding rewards is conducted collectively, transparently, and with proper documentation (Presiden Republik Indonesia, 2024).

The state should also establish a pre-adjudication mechanism through a formal inter-agency forum tasked with the determination of JC status. This forum comprising representatives from LPSK, the Attorney General's Office, the National Police, the Supreme Court, and the Corruption Eradication Commission in applicable cases should evaluate

eligibility, determine appropriate protection and reward measures, and define the validity period of JC status throughout judicial proceedings. This institutional mechanism would serve both as a safeguard against judicial inconsistency and as a tool for ensuring transparency and accountability in the treatment of JCs.

Moreover, any reform must go beyond procedural improvements and integrate JCs into the broader principles of due process of law and restorative justice. JCs should be regarded not merely as instruments of evidence but as legal subjects whose cooperation actively contributes to the restoration of justice and institutional trust. The state must frame rewards as a form of compensation for this contribution, not as immunity from liability. Courts must also ensure that the imposition of sanctions on JCs reflects clear normative standards and avoids disproportionate outcomes whether overly lenient or unjustifiably severe relative to their role and level of involvement.

### **The Role of Justice Collaborators in Restorative Justice and the Integrated Legal System**

The development of Indonesia's criminal justice system increasingly reflects a shift from a solely retributive orientation to one that incorporates restorative and integrative approaches, particularly in the prosecution of serious and extraordinary crimes. Within this evolving paradigm, Justice Collaborators (JCs) are no longer merely treated as witnesses or sources of information, but rather as strategic agents who contribute meaningfully to the restoration of legal order and the advancement of social justice.

This repositioning of JCs is grounded in the principles of restorative justice, which emphasizes the repair of relationships and the restoration of trust among offenders, victims, communities, and the state. In this framework, JCs play a vital role in supporting the state by exposing organized criminal networks, assisting in the recovery of losses, and facilitating the revelation of complex criminal structures that are typically beyond the reach of conventional law enforcement mechanisms. As articulated in relevant studies, JCs serve not only as instruments of legal disclosure but also as active participants in the systemic pursuit of justice and institutional reform.

*"JC acts as a colleague to investigators and detectives... all of whom are integrated into the integrated criminal justice system."*

The doctrine of the Integrated Criminal Justice System (ICJS) posits that all components of law enforcement including the police, prosecutors, judiciary, and witness protection institutions must operate in a manner that is coordinated, consistent, and mutually reinforcing. Within this integrated framework, a Justice Collaborator (JC) should not be treated merely as a passive legal object but rather as an active legal subject whose contributions necessitate institutional recognition through fair and structured mechanisms.

To ensure such recognition, the legal system must provide JCs with an institutionalised space for participation through a formal coordination forum. This forum would facilitate coherent inter-agency collaboration, prevent fragmented legal interpretations, and embed the role of JCs within a standardised procedural architecture, thereby reinforcing both legal certainty and systemic legitimacy. As noted in the study, this institutional arrangement is essential for maintaining consistent legal treatment and upholding the broader goals of justice system reform.

*"The process of approving someone to become a JC should be carried out through a forum mechanism... between law enforcement officials, the Indonesian National Commission on Human Rights (LPSK RI) and the JC itself."*

An ideal justice collaborator framework must go beyond determining eligibility by incorporating clear provisions for equitable rewards and legal protection proportionate to the contributor's role. This aligns with the principle of *pacta sunt servanda*, wherein the implicit agreement between the state and the justice collaborator must be respected as a binding commitment. In this context, the state is obliged to honor the strategic partnership with justice collaborators who assist in uncovering complex crimes.

This obligation further reflects the principle of *due process of law*, which mandates that perpetrators who voluntarily accept responsibility and actively support the legal process retain their fundamental rights. These include access to procedural fairness, equal legal treatment, and appropriate recognition for their contributions. Justice collaborators, therefore, serve a dual role: they not only enhance procedural efficiency by expediting the evidentiary process but also contribute to the moral legitimacy of law enforcement institutions.

The case of Bharada E demonstrates this clearly. His role as a justice collaborator helped to restore public trust in the Indonesian National Police following reputational damage caused by his superior's misconduct. However, the transformative role of justice collaborators in re-establishing legal order and public confidence cannot be sustained without systemic guarantees of legal status, protection, and reward mechanisms.

This highlights the need for comprehensive reform. Justice collaborators must be integrated into the national legal system through a human rights-based and systems-thinking approach. Four critical components are required: First, inter-agency coordination should be formalised and continuous, reflecting the Integrated Criminal Justice System (ICJS) model. Second, the state should establish a transparent framework for evaluating the quality and impact of a justice collaborator's contribution using both quantitative and qualitative indicators. Third, a reward mechanism must be institutionalised, ensuring it is equitable, proportionate, and codified in law rather than subject to ad hoc discretion. Finally, multilayered protection must be provided covering physical safety, psychological well-being, and social reintegration both during the legal proceedings and post-verdict.

In the broader context of restorative justice, justice collaborators serve not merely as informants but as agents of reconciliation. Their testimonies facilitate the exposure of principal offenders and clarify systemic criminal networks, helping to heal collective trauma. Consequently, the rewards granted to them should not be viewed as mere personal privileges but as the state's institutional compensation for their strategic contribution to restoring legal and social order.

## DISCUSSION

The legal framework governing Justice Collaborators (JCs) in Indonesia has obtained formal recognition through Article 1(2) and Article 10 of Law No. 31 of 2014 on Witness and Victim Protection, which serves as a legal foundation for the provision of protection and rewards, including sentence reductions, for offenders who contribute significantly to the resolution of serious crimes (Presiden Republik Indonesia, 2014). However, this statutory framework does not operate in isolation. It interacts with other instruments, including the Criminal Code, the Criminal Procedure Code, and the Supreme Court Circular Letter (SEMA). The majority of technical aspects related to the granting of JC status, the evaluation of their cooperation, and the forms of reward are not regulated by statute but are instead outlined in administrative instruments such as SEMA No. 4 of 2011 and inter-agency regulations that lack binding authority. This normative fragmentation generates legal uncertainty and tension between the principle of *lex superior derogat legi inferiori* and the guarantees of due process. The absence of a comprehensive *lex specialis* has expanded the discretionary power of judges and law enforcement officials and has contributed to inconsistent application at the judicial level (Presiden Republik Indonesia, 2024).

Empirical findings reveal significant discrepancies in judicial decisions concerning JCs. Although they are legally entitled to mitigated sentences, actual rulings exhibit inconsistencies. The case of Bharada E, who received a notably lenient sentence of one and a half years despite being charged under Article 340 of the Criminal Code, serves as a salient example of judicial leniency attributed to his status as a JC. By contrast, the case of Abdul Khoir illustrates a punitive outcome despite similar cooperation, indicating the absence of fairness in recognizing JC contributions (Ramadhan et al., 2024). This disparity underscores the lack of formal and objective criteria for evaluating the value of such cooperation. The judiciary often lacks clear

parameters to distinguish principal perpetrators from accomplices, which creates a wide margin for subjective interpretation. This condition fosters potential bias, susceptibility to political pressure, and inconsistency in verdicts. In some cases, the court fails to explicitly acknowledge the JC's contribution in its ruling, thereby denying them formal recognition and creating a situation of legal invisibility. Such practices contravene the principle of *nulla poena sine lege*, as legal rewards remain insufficiently codified within the statutory structure.

Within the restorative justice paradigm, JCs are not merely sources of evidence; they also act as agents in restoring justice and social trust. Their role in uncovering complex criminal networks, as demonstrated in the Ferdy Sambo case, highlights their importance beyond procedural utility. Their contributions can facilitate broader institutional accountability and public trust. The Integrated Criminal Justice System (ICJS), as conceptualized in the Plea Bargain literature, requires coordinated institutional mechanisms involving the Witness and Victim Protection Agency (LPSK), investigative bodies, prosecutors, and independent oversight institutions (Ramadhan et al., 2024). Assigning JC status and determining rewards should not be carried out unilaterally by prosecutors or judges but should occur within this multi-agency framework. Such an arrangement ensures the protection of individual rights and aligns with the principles of due process. Article 199 of the latest draft of the Criminal Procedure Code introduces a procedural innovation resembling plea bargaining, which could serve as an entry point for integrating JC contributions into a formalized legal mechanism (Ramadhan et al., 2024). However, the absence of statutory regulation governing plea negotiations leaves the JC's position vulnerable, situated ambiguously between legal cooperation and personal risk.

In light of the broader objective to reform and sustain Indonesia's criminal justice system, the legal position of JCs must be formalized through a systematic and statutory approach rather than left to ad hoc discretion. Law No. 31 of 2014 should be complemented by a *lex specialis* that explicitly codifies key aspects: the criteria for measuring substantive contributions, standardized mechanisms for the appointment and revocation of JC status, legally-defined reward parameters, and a binding cross-institutional evaluation procedure (Presiden Republik Indonesia, 2014). Additionally, protection for JCs must be guaranteed beyond selective or discretionary application. Reward mechanisms must be supported by both qualitative and quantitative metrics and should be grounded in a structured assessment model, such as a cooperation index rather than subjective judicial impressions. Legal reform must also ensure alignment between national laws, judicial practice, and international frameworks such as the United Nations Convention against Corruption (UNCAC) and the United Nations Convention against Transnational Organized Crime (UNTOC), both of which have been ratified by Indonesia. Failure to harmonize domestic regulations with these global instruments may erode international confidence in the credibility and consistency of Indonesia's legal system, particularly in the prosecution of transnational crimes.

## CONCLUSIONS

Normatively, the legal framework in Indonesia recognizes the rights of justice collaborators in murder cases through several statutory instruments, notably Article 10A of Law No. 31 of 2014 on the Protection of Witnesses and Victims, as well as Supreme Court Circular Letter (SEMA) No. 4 of 2011. These instruments provide the legal foundation for protection and incentives, including sentence reductions. However, evidence from legal documents and interview data reveals that the implementation of these rights remains inadequate. The lack of specific parameters, measurable indicators of cooperation, and binding inter-agency procedures for status determination and revocation significantly weakens the practical realization of these rights.

Judicial decisions concerning sentence reductions for justice collaborators remain inconsistent. Notable discrepancies exist across cases. For example, Bharada E received a substantial sentence reduction, while Abdul Khoir, despite demonstrating considerable cooperation, did not benefit from similar judicial leniency. This uneven application underscores

the absence of standardized and verifiable legal benchmarks. It also exposes the broad interpretive discretion exercised by judges, thereby creating vulnerabilities to political influence, public opinion, and procedural inequities.

The legal system urgently requires reform. The absence of a *lex specialis* that comprehensively and explicitly governs the role and entitlements of justice collaborators has led to fragmented and predominantly administrative regulations, which fail to provide systematic legal protection. Furthermore, the justice collaborator framework has not yet been fully integrated into the broader architecture of Indonesia's criminal justice system, including restorative justice mechanisms. In both moral and structural terms, justice collaborators hold strategic value in exposing organized criminal networks and advancing the pursuit of substantive justice.

## SUGGESTIONS

The government must prioritize the formulation and enactment of a *lex specialis* that comprehensively governs the status of justice collaborators. This legislation should include precise legal definitions, criteria for assessing substantive cooperation, clearly defined rights and obligations, types of rewards, and enforceable inter-agency protection mechanisms involving the Witness and Victim Protection Agency (LPSK), the Attorney General's Office, the National Police, and the judiciary.

The Supreme Court and legislative bodies must undertake regulatory harmonization by transforming the provisions in Supreme Court Circular Letters (SEMA) and technical guidelines into legally binding and justiciable norms. To reduce judicial subjectivity in sentencing decisions, institutions should adopt standardized instruments such as a contribution matrix or cooperation index as objective parameters.

Judicial verdicts must explicitly acknowledge both the status and the legal entitlements of justice collaborators to ensure legal certainty, prevent normative invisibility, and uphold the principle of *nulla poena sine lege*. Furthermore, the ongoing integration of the plea bargaining mechanism and the role of justice collaborators into the draft Criminal Procedure Code (RKUHAP) requires close monitoring to mitigate the risk of legal manipulation or commercialization.

The evaluation of justice collaborators should occur within a transparent, accountable, and multi-institutional forum to reinforce legitimacy and institutional coordination. Additionally, to align with international legal obligations, Indonesia must harmonize its national laws with the principles set forth in the United Nations Convention Against Corruption (UNCAC) and the United Nations Convention Against Transnational Organized Crime (UNTOC). This alignment is essential for maintaining the credibility and effectiveness of the criminal justice system, particularly in addressing transnational crime and corruption.

## REFERENCES

- Arimba, C. I. (2024). Hans Kelsen's Nomostatics and Nomodynamics Legal Theory. *Justice Voice*, 2(2), 55–63. <https://doi.org/10.37893/jv.v2i2.773>
- Cheung, N. W. T., & Zhong, H. (2022). Assessing the Victim-Offender Overlap Among Adolescents in Rural China. *Crime & Delinquency*, 69(10), 1811–1842. <https://doi.org/10.1177/00111287221083888>
- D, W. K. G. S., & N, W. B. V. (2024). Community-Oriented Policing: A Theoretical Exploration and Its Implications for Building Safer Communities. *International Journal of Research and Innovation in Social Science*, VIII(II), 15–21. <https://doi.org/10.47772/ijriss.2024.802002>
- Edor, E. J. (2020). John Rawls's Concept of Justice as Fairness. *Pinisi Discretion Review*, 4(1), 179. <https://doi.org/10.26858/pdr.v4i1.16387>
- Farrelly, C. (2020). *The "Focusing Illusion" of Rawlsian Ideal Theory*. 61–72. <https://doi.org/10.1093/oso/9780190859213.003.0006>
- Garthoff, J. (2025). Societal Cooperation in Latest Rawls. *Theoria*, 91(5).

- <https://doi.org/10.1111/theo.70030>
- Hadi, S., & Michael, T. (2022). Hans Kelsen's Thoughts About the Law and Its Relevance to Current Legal Developments. *Technium Social Sciences Journal*, 38, 220–227. <https://doi.org/10.47577/tssj.v38i1.7852>
- Hiltz, N., Bland, M., & Barnes, G. C. (2020). Victim-Offender Overlap in Violent Crime: Targeting Crime Harm in a Canadian Suburb. *Cambridge Journal of Evidence-Based Policing*, 4(3–4), 114–124. <https://doi.org/10.1007/s41887-020-00056-x>
- Jopinus. (2024). Bridging the Gap: Applying Rawls' Justice Principles in North Sumatra's Public Policies. *International Journal of Religion*, 5(10), 1525–1535. <https://doi.org/10.61707/xazr8602>
- Maruli, V., Tobing, Tua, L., Asnawi, A., Arfani, M., Brumadyadisty, G., Setyawan, D., & Sufa, S. A. (2025). *When Words Become Weapons : Volunteer Communication Tactics to Combat Drugs at The Grassroots*.
- Mihăilă, M.-M. (2025). Desistance and Victim Protection: A Narrative Review of Intersecting Pathways in Criminal Justice Reform. *Technium Social Sciences Journal*, 73, 434–447. <https://doi.org/10.47577/tssj.v73i1.13068>
- Muchtarom, A., & Barthos, M. (2025). Strategy for Strengthening the Implementation of Progressive Law in the Republic of Indonesia National Police. *International Journal of Social Service and Research*, 5(6), 588–595. <https://doi.org/10.46799/ijssr.v5i6.1246>
- Presiden Republik Indonesia. (2014). *UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 31 TAHUN 2014 TENTANG PERUBAHAN ATAS UNDANG-UNDANG NOMOR 13 TAHUN 2006 TENTANG PERLINDUNGAN SAKSI DAN KORBAN*. 3.
- Presiden Republik Indonesia. (2024). *SURAT EDARAN MAHKAMAH AGUNG NOMOR 2 TAHUN 2024 TENTANG PEMBERLAKUAN HASIL RUMUSAN RAPAT PLENO KAMAR MAHKAMAH AGUNG TAHUN 2024 SEBAGAI PEDOMAN PELAKSANAAN TUGAS BAGI PENGADILAN*. 1–14.
- Ramadhan, C. R., Afandi, F., Dirga, S., Ansar, N., & Napitupulu, E. A. T. (2024). *Peluang Penerapan Plea Bargain dalam Hukum Acara Pidana Indonesia*.
- Sembiring, F., & Saragih, Y. M. (2024). Legal Certainty in Financial Disputes Case Resolution Progressive Legal Perspective. *Journal of Progressive Law and Legal Studies*, 2(02), 152–162. <https://doi.org/10.59653/jppls.v2i02.845>
- Sufa, S. A., Sumartias, S., Zubair, F., Perbawasari, S., & Aristi, N. (2025). Government Communications to Address Online Prostitution: Social Strategies for Awareness. *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan*, 19(2), 1266. <https://doi.org/10.35931/aq.v19i2.4113>
- Tirkey, C. A. (2023). Comparing Visions of Justice: Rawls' Idealism vs. Sen's Pragmatism. *Integrated Journal for Research in Arts and Humanities*, 3(6), 225–228. <https://doi.org/10.55544/ijrah.3.6.28>
- Zabunoglu, H. G. (2023). The Form of Law and the State in Determining Capitalist Social Relations. *Beytulhikme an International Journal of Philosophy*, 13(13:3), 339–358. <https://doi.org/10.29228/beytulhikme.71668>