International Journal of Social Science and Human Research

ISSN (print): 2644-0679, ISSN (online): 2644-0695

Volume 08 Issue 08 August 2025

DOI: 10.47191/ijsshr/v8-i8-41, Impact factor- 8.007

Page No: 6101-6108

Policy on the Formulation of Mitigated Criminal Sanctions for Justice Collaborators in the Prevention of Corruption

Nomero Armandheo Simamora[1], Eko Soponyono[2]

[1,2]Master of Law Program, Faculty of Law, Diponegoro University

ABSTRACT: A Justice Collaborator is a cooperating witness. This means that they are one of the perpetrators of a criminal act of corruption, but not the main perpetrator. The purpose of this study is to examine and understand the importance of the policy of formulating reduced criminal sanctions for Justice Collaborators in efforts to combat criminal acts of corruption. A Justice Collaborator is a perpetrator who is willing to cooperate with law enforcement to uncover a criminal act. The urgency of this article is to determine how the policy of formulating lenient criminal sanctions for Justice Collaborators in the effort to combat corruption is formulated and whether the formulation of lenient criminal sanctions for Justice Collaborators is in accordance with the applicable criminal justice system. The results of this study are related to the formulation of criminal sanctions for Justice Collaborators in combating corruption, which is regulated in several regulations, namely Constitution Number 31 of 2014 concerning Witness and Victim Protection, and Supreme Court Circular Letter Number 04 of 2011. Furthermore, the mitigation of criminal sanctions for Justice Collaborators is consistent with the current criminal justice system. However, the implementation of Justice Collaborators in efforts to combat corruption currently faces numerous challenges and requires improvements in the future.

KEYWORDS: Justice Collaborator, Mitigation of Criminal Sanctions Against Justice Collaborators, Punishment System for Justice Collaborators, Corruption Crimes.

I. INTRODUCTION

According to Soedjono Dirdjosisworo, crime is essentially the opposite of "good deeds" that should be done by every member of society in order to live together in safety and prosperity.[1] However, the sense of safety and well-being that should be the primary goal in society seems to be constantly disrupted by the presence of its opposite, namely crime in various forms and manifestations, as well as its modus operandi, which is constantly evolving in line with the dynamics of community life. At its core, crime is an act committed by humans that meets the criteria of criminal law and is therefore subject to punishment (criminal sanctions). Criminal acts generally involve causing material and immaterial harm to the victims of criminal offenses, causing social unrest, and thus the existence of crime must be prevented and resolved through the judicial system.

As time goes by and society becomes increasingly modern, crime has developed at a faster pace than the laws that are supposed to address and prevent the types of crime that continue to evolve in line with modern life. Crime itself has now become a global phenomenon that has drawn the attention of all segments of society. Not only has the number of crimes increased, but the quality of criminal acts has also improved, leveraging advancements in modern technology. From the methods used to commit crimes to the impact they generate, criminal activities are becoming more widespread, systematic, and capable of causing greater losses—both material and immaterial—to victims of crime.

In Indonesia today, there is a form of crime that has become the main focus of the Indonesian government's efforts to eradicate it, namely corruption. This is because eradicating corruption is not a simple task for this country, as it is akin to preventing and eradicating a disease, in this case a disease of society. Therefore, proper diagnosis and treatment are needed to ensure that this societal disease, in the form of corruption, is not only prevented but also eradicated in the future.[2]

The prevalence of corruption in our beloved country is not merely a legal issue but has also become a problem across various fields, including the economy, culture, and politics. Furthermore, the increasing incidence of corruption in Indonesia has brought about significant disasters, not only affecting the life of the nation and state in general but also potentially weakening the

[1] Soedjono Dirdjosisworo, *Response to Crime*, Bandung: STHB Press, 2011, p. 1.

[2] Romli Atmasasmita, *Issues Surrounding Corruption: National and International Aspects*, Bandung: Mandar Maju, 2004, p. 2.

future generations. Therefore, it is essential to enforce the law firmly, consistently, and without discrimination against those involved in corruption, commonly referred to as corruptors.

The enforcement of the law in cases of corruption carried out firmly, consistently, and without discrimination against the perpetrators (corruptors) is very important to be carried out by the state today through its law enforcement apparatus. The primary objective is to realize the pillars of justice and legal certainty, which will undoubtedly bring benefits and positive impacts for the enforcement of law against perpetrators of corruption (corruptors) in the future.[3] This includes a deterrent effect, so that in the future, it is hoped that it will prevent individuals or others from committing corruption and foster public trust in the state's efforts to enforce the law against corruption. It will also strengthen public support for institutions and law enforcement agencies in their efforts to eradicate corruption in our country.

One of the most useful efforts that can be utilized by law enforcement officials to uncover and dismantle groups or syndicates of corrupt individuals is by presenting witnesses who cooperate with law enforcement officials, also known as Justice Collaborators. Under the regulations governing the protection of witnesses and victims, a Justice Collaborator is defined as a suspect, defendant, or convicted individual who voluntarily cooperates with law enforcement authorities to uncover a criminal offense in a case in which they are involved. In other words, a Justice Collaborator can also be defined as someone involved in a crime or someone with ties to a criminal organization that has a structure and operational methods, where the organization's activities are connected to other criminal groups.

II. RESEARCH METHODS

In writing this article, the author uses legal writing with a doctrinal approach that is normative in nature, or also referred to as normative legal research. Normative legal research is essentially an activity that examines aspects (to resolve existing problems within) the internal aspects of positive law.[4] The normative legal research method is defined as "a research method or set of rules of law, viewed from the perspective of the hierarchy of laws and regulations (vertical) or the harmony of laws and regulations (horizontal)."[5] The choice of legal research using a normative doctrinal approach in writing this article is based on the title of the research, which is related to "The Policy on the Formulation of Mitigating Criminal Sanctions for Justice Collaborators in the Eradication of Corruption."

III. RESEARCH RESULTS AND DISCUSSION

A. Policy Formulation for Mitigation of Criminal Sanctions Against Justice Collaborators in Combating Corruption

1. Criminal Justice System

The judicial system is essentially a case handling system that begins at the onset of a criminal act, starting from the moment a party feels aggrieved or when there is a suspicion that someone has committed a criminal act, until the final execution of a court decision that has become legally binding (inkracht van gewijsde). Specifically, the criminal justice system is a network whose function is to operationalize or enforce criminal law as the primary means, in this case in the form of substantive criminal law, procedural criminal law, and criminal enforcement law.

The criminal justice system, at its core, is a process of enforcing criminal law. Therefore, it is important to understand that the criminal justice system is closely related to criminal legislation itself, both substantive law and procedural law. This is because criminal legislation is essentially the enforcement of criminal law (in abstracto) which will be realized in the enforcement of law (in concreto).[6]

For Indonesia, Constitution No. 8 of 1981 on Criminal Procedure or known as the Criminal Procedure Code (KUHAP) can be considered a Criminal Justice System Model, which serves as the main legal basis for the integrated implementation of the criminal justice system in this country.

The criminal justice system outlined by Constitution No. 8 of 1981 on Criminal Procedure Law or the Criminal Procedure Code (KUHAP). It is an integrated criminal justice system that contains a fundamental principle of functional differentiation, which regulates that each law enforcement agency (such as the police, prosecutors, and judges) has duties in accordance with the stages of authority granted by law to each law enforcement agency. Its primary purpose is to enforce, implement, and adjudicate criminal law.

---

[3] Bambang Waluyo, *Tactical and Strategic Efforts to Eradicate Corruption in Indonesia,* Lex Publica, Journal of Law of the Association of Indonesian Law School Leaders, Vol. IV, No. 1, 2007, p. 627-628.

[4] Kornelius Benuf and Muhamad Azhar, *Legal Research Methodology as an Instrument for Analyzing Contemporary Legal Issues*, Journal of Justice Echoes, Vol. 7, No. 1, 2020, pp. 20-33.

[5] Peter Mahmud Marzuki, *Introduction to Legal Science*, Jakarta: Kencana, 2008, p. 23.

[6] Marjono Reksodipoetro, *The Indonesian Criminal Justice System: The Role of Law Enforcement in Combating Crime*, Jakarta: UI Press, 1993, p. 27.

The integrated criminal justice system is a system for adjudicating criminal cases based on a common perception of justice and a unified pattern of administration of criminal justice.[7] It consists of several components or subsystems, namely investigation, prosecution, adjudication, and correctional institutions. The integrated criminal justice system (ICJS) aims to integrate and maintain the balance among all its components so that its implementation within the criminal justice system is expected to align with its intended objectives.

2. Justice Collaborator in the Criminal Justice System in Indonesia

The definition of a Justice Collaborator, as outlined in the Supreme Court Circular Letter (SEMA) No. 4 of 2011 on the Treatment of Whistleblowers and Justice Collaborators, is an individual who has committed a specific criminal offense but is not the primary perpetrator of the crime. They are also willing to acknowledge all their actions in a criminal offense and to serve as witnesses in the judicial process.[8]

The basic concept of a Justice Collaborator is a joint effort between a perpetrator of a criminal act and law enforcement officials to seek the truth in order to reveal justice to the public. The joint search for the truth is the context of the Justice Collaborator from two diametrically opposed sides: law enforcement and lawbreakers.

Of course, to become a Justice Collaborator, there are several main requirements, including that the perpetrator is not the main perpetrator of a criminal act that they have committed, that they are willing to return the proceeds of a criminal act, and that the information provided must be clear and have a correlation that is deemed worthy of further investigation.[9] These three requirements will certainly raise issues for a Justice Collaborator in carrying out their role in the criminal justice system. Regarding the first requirement, if someone has been designated as a Justice Collaborator, then indirectly they have been given an initial verdict that they are not the main perpetrator. This could be a mistake if the Justice Collaborator is actually the main perpetrator of a criminal act. Second, a Justice Collaborator returns the proceeds obtained from a criminal act, which means that there has been a legal clarification of which assets were obtained from criminal acts and which were not. This is not an easy thing to do because the legal system in Indonesia does not yet or does not adhere to specific principles that support the criminal justice process, especially in cases of corruption.

3. Justice Collaborators in the Criminal Justice System as a Form of Efforts to Combat Corruption

The cooperative role and services provided by a cooperating witness who collaborates with law enforcement authorities, also known as a Justice Collaborator within the criminal justice system, are crucial in uncovering or dismantling corruption criminal groups. The presence of a Justice Collaborator, who is willing to assist law enforcement authorities in combating corruption, facilitates the identification of corruption-related crimes through the following stages of the process involving a Justice Collaborator:

a. During the Investigation and Inquiry Stage

The presence of a Justice Collaborator in this process is very useful for investigators and prosecutors because it helps them uncover and discover facts about a criminal act that were previously hidden. The existence of a Justice Collaborator in the investigation and inquiry stages will certainly assist the police in searching for and discovering facts related to criminal acts, both before and after the criminal acts are committed. A justice collaborator is any suspect involved in a criminal organization who has committed a criminal act, either on their own initiative or at the request of law enforcement officials, with the aim of finding evidence and material evidence so that the investigation and prosecution stages can proceed effectively. However, in this case, the author believes that to obtain information from a justice collaborator, the police should prioritize a flexible process that is more conducive for the justice collaborator, such as using modern communication methods to ensure the safety of the justice collaborator and reduce risks during the investigation and prosecution stages.

b. During the Prosecution Stage

The information provided by Justice Collaborators is very important and useful in encouraging law enforcement officials to be optimistic about obtaining accurate information. Therefore, the urgency of the Justice Collaborator in the prosecution process is to avoid errors and inaccuracies in drafting the indictment, avoid discrepancies between the description of the acts and the articles charged and the basis for prosecution, and ensure accuracy in bringing the defendant to trial. It is also known that the role of a Justice Collaborator in the prosecution stage is as a primary and reliable source of information, and it is hoped that the Justice Collaborator can provide accurate information regarding the criminal acts being handled. Thus, the Public Prosecutor in the prosecution process with the indictment prepared has legal strength that serves as a strong basis for examination in court.

---

[7] Gani Hamaminata, *Development of the Criminal Justice System in Indonesia,* Faculty of Law, Bandar Lampung University, Journal of Law, Politics, and Social Sciences (JHPIS), Vol. 2, No. 4, 2023, p. 1-13.

[8] SEMA No. 4 of 2011 on the Treatment of *Whistleblowers* and *Justice Collaborators.*

[9] Sugiri, Bambang., Aprilianda, Nurini., and Hartadi, Hanif., "*: A Legal Analysis of the Status of Prisoners as Justice Collaborators,*" Law & Development Journal, Vol. 51, No. 3, 2021, p. 756-772.

c. During the Court Examination Stage

The role of a Justice Collaborator in uncovering organized crime is significant, and their information is crucial in assisting law enforcement authorities in exposing the tightly knit networks of organized crime that have remained hidden for so long.[10] The existence of Justice Collaborators in criminal trials is very important because their presence helps clarify criminal issues during the trial process, and their testimony often influences and determines the judge's decision in a case. Generally, the process of proving a case can sometimes be problematic, including difficulties in proving the case, lengthy proceedings, and even inconsistent or contradictory witness statements, which may not align with each other or with other evidence. Therefore, when a Justice Collaborator is called as a witness in court, their testimony is legally binding on the judge and has probative value, thereby determining the direction of the judge's decision.

d. At the Implementation Stage of the Decision

A Justice Collaborator who has been sentenced to criminal punishment and is currently serving their sentence, considering the services and contributions of the Justice Collaborator in the handling of a case by assisting in its disclosure. Therefore, the judge in determining the criminal punishment to be imposed on a Justice Collaborator may consider several factors that may be imposed, as follows:

1) Imposing the lightest criminal penalty among the other defendants found guilty in the same case;
2) If possible, imposing a conditional probationary sentence (Articles 14 and 14C of the Criminal Code), unless otherwise provided by law.

It appears that at the stage of implementing the verdict, the urgency and existence of Justice Collaborators are no longer found, considering that within correctional institutions themselves, the term Justice Collaborator seems to be considered non-existent or unknown, and worse still, efforts to protect them appear to have been neglected. However, even though a Justice Collaborator is already at the implementation stage of the decision, this does not mean that the urgency and existence of the Justice Collaborator in the criminal justice system, particularly within correctional institutions, should be lost.

4. Reduction of Criminal Sanctions for Justice Collaborators in Corruption-Related Criminal Offenses

According to Prof. Barda Nawawi Arief, one of the reasons for reducing criminal sanctions is to consider the circumstances of the perpetrator.[11] This can be seen as one of the consequences and efforts to implement the principle of individualization of punishment. In addition to the individualization of the perpetrator, factors such as the nature of the act (whether it was an attempt or an act of aiding and abetting) and the victim (whether compensation has been provided or the damage caused has been repaired) are also considered.

It can also be said that efforts to grant leniency in criminal sanctions to Justice Collaborators should be made because the actions committed by a Justice Collaborator in a corruption crime can still be remedied by returning all the total losses incurred by the state as a result of their actions. It is hoped that efforts to grant leniency in criminal sanctions to Justice Collaborators will have a positive impact on the prevention of corruption crimes.

In line with this, efforts to reduce criminal sanctions against Justice Collaborators in a criminal act are actually already stipulated in Article 10A(3) of Constitution No. 31 of 2014 on the Protection of Witnesses and Victims, which reads as follows:[12]

a. Reduction of criminal penalties; or
b. Conditional release, additional remission, and other rights of inmates in accordance with applicable laws and regulations for Witnesses who are inmates.

In fact, the effort to grant leniency in criminal sanctions to Justice Collaborators as stipulated in the Witness and Victim Protection Law is a reward or recognition for a Justice Collaborator.[13] This is because they have been willing to cooperate with law enforcement authorities in uncovering organized crimes such as corruption. Such recognition is deserved by a Justice Collaborator as a affirmation that they have contributed to the efforts of law enforcement.

5. The Eradication of Corruption as a Form of the State's Efforts to Achieve Public Welfare

Corruption is no longer merely a problem for developing countries but has become a serious global issue. Because combating corruption requires an integrated and transnational approach, corruption in Indonesia has been recognized as an extraordinary crime. The negative impact of corruption is no longer felt by just one generation but across generations.

---

[10] Taufik Nur Ichsan, *Legal Protection for the Status of Justice Collaborators in the Efforts to Uncover Corruption Crimes,* Journal of Law Students (JIMHUM), Vol. 1, No. 4, 2021, p. 1-13.

[11] Barda Nawawi Arief, *A Collection of Criminal Law Policies: The Development of the Concept of the New Criminal Code,* Jakarta: Kencana, 2016, p. 132.

[12] Article 10A Paragraph (3) of Constitution of the Republic of Indonesia Number 31 of 2014 on the Protection of Witnesses and Victims.

[13] Hassanain Haykal, *Reconstruction of the Enforcement of Criminal Sanctions Against Justice Collaborators from the Perspective of Legal Certainty and Justice,* Unes Law Review, Vol. 6, No. 2, 2023, p. 4691-4700.

The prevalence of corruption in Indonesia will undoubtedly lead to various negative impacts and problems in various sectors of national and regional development, including the following:[14]

a. Political corruption influences policies that affect the general welfare of the country

Political corruption is prevalent in many countries and poses a significant threat to its citizens. Political corruption occurs when government policies often benefit those who give bribes, rather than prioritizing the welfare of the general public. Another example related to political corruption is how politicians create regulations that protect large companies but harm small businesses. These "pro-business" politicians only provide assistance to large companies that have made significant contributions to them during election campaigns.

b. Corruption Kills the Democratic Process

Corruption poses a serious challenge to development. In the political sphere, the existence of corruption has undermined democracy and good governance by destroying formal processes. Corrupt practices in elections and the legislature can reduce accountability and representation in policy-making; corruption in the judicial system undermines the rule of law; and corruption in public administration results in imbalances in public services. Therefore, it can be said that, in general, corruption has undermined the performance of government institutions due to the disregard of procedures, the diversion of resources, and the appointment or promotion of officials not based on merit. At the same time, corruption has also undermined the legitimacy of government and democratic values such as trust and tolerance.

c. Corruption Hinders Investment and Economic Growth

Corruption will certainly hinder investment growth. Both domestic and foreign investment, in the form of failure to expand business and investment each year in various countries as a result of corruption committed by those in power. Furthermore, the World Bank has revealed that no less than 5 percent of global GDP is lost each year due to the impact of rampant corruption.

d. Corruption Weakens the Government's Capacity and Ability to Implement Development Programs

In government institutions with low corruption rates, public services tend to be better and more accessible. In this regard, it can be concluded that high rates of corruption will also worsen the services provided by government institutions, such as health and education. As a consequence, school dropout rates and infant mortality rates will continue to increase.

e. Corruption Hinders Efforts to Eradicate Poverty and Income Inequality

The adverse impact of rampant corruption will certainly widen the gap between the rich and the poor. This is due to the increasing flow of funds from the general public to the elite, or from the poor to the rich as a result of corruption.

Indonesia is a country proclaimed as a state governed by the rule of law, therefore the state has an obligation to protect all its citizens from physical and psychological threats from disturbances or threats from all directions that endanger their lives and souls. This includes criminal and civil legal threats. Even against its citizens whose lives are threatened, the state must intervene to enforce the law against those who threaten their lives through a legal process based on applicable legal provisions.

The presence of the state in the context of law enforcement is to guarantee and protect all its citizens through its institutions to take legal action against those who commit legal acts without discriminating against their background or social status. The actions taken by the state's institutions, such as the police, prosecutors, and judges, in carrying out their duties and functions must be applied equally before the law and must not violate human rights.[15]

Similarly, the state and its law enforcement agencies, such as the police, prosecutors, courts, and other state institutions, are obligated to provide legal protection to a Justice Collaborator and their immediate family from various forms of threats that endanger the physical, psychological, and safety of the Justice Collaborator and their family. These threats may originate from any party that does not wish for their crimes to be exposed through the statements or testimony that the Justice Collaborator will eventually provide to law enforcement authorities. This is because the negative impacts of such threats, whether direct or indirect, directed at a Justice Collaborator and their family are feared to reduce the effectiveness of the Justice Collaborator in the context of combating corruption.

When linked to efforts for public welfare, the role of a Justice Collaborator in combating corruption is of utmost importance, because if a Justice Collaborator successfully assists law enforcement officials (cooperatively) in uncovering and dismantling corruption groups through the legal process of investigating, prosecuting, and adjudicating these crimes, up to the stage of enforcing court decisions,[16] This will undoubtedly have a positive impact on future efforts to combat corruption and will also be directly proportional to the success of recovering public funds from corruption, which will be utilized for national development to achieve a high standard of living for the Indonesian people.

---

[14] Suteki, *Law and Society,* Yogyakarta: Thafa Media, 2021, p. 261-264.

[15] Yahman, *The Role of Justice Collaborators in the National Legal System,* Surabaya: CV. Jakad Media Publishing, 2024, p. 3-5.

[16] Aprilia Retno Sriwijayanti et al., *The Concept and Commitment to Combating Corruption,* Pacivic: Journal of Education and Pancasila, Vol. 2, No. 2, 2022, p. 227-242.

B. Formulation of Mitigated Criminal Sanctions for Justice Collaborators in Accordance with the Applicable Penal System

Two central issues in criminal policy using penal means (criminal law) are the determination of:

a. What acts should be classified as criminal offenses;
b. What sanctions should be imposed on the offender.

The analysis of these two central issues cannot be separated from the integral concept between criminal policy and social policy or national development policy. This means that the resolution of the above issues must also be directed towards achieving the specific objectives of the established social and political policies.[17] Thus, criminal law policy, including policy in addressing the two central issues above, must also be carried out through a policy-oriented approach.

Based on this policy approach, Sudarto argues that in order to address the first central issue, namely criminalization, the following points must be taken into consideration:[18]

a. The use of criminal law must take into account the objectives of national development, namely the realization of a just and prosperous society that is materially and spiritually equitable based on Pancasila; in this regard, the use of criminal law aims to combat crime and provide deterrence against such acts, for the welfare and protection of society;
b. Acts that are sought to be prevented or addressed through criminal law must be acts that are not intended, i.e., acts that cause harm (material and/or spiritual) to members of society;
c. The use of criminal law must also take into account the principle of cost and benefit;
d. The use of criminal law must also take into account the capacity or capability of law enforcement agencies, i.e., there should be no excessive workload (overburdening).

When discussing efforts to combat corruption, we must also consider the effectiveness of the legal instruments available to combat corruption. According to Barda Nawawi Arief, "effectiveness" means "efficacy, influence/effect of success, or efficacy/effectiveness." Therefore, when discussing the issue of "the effectiveness of legal instruments to combat corruption," it includes the question of "to what extent the existing legal instruments have been effective/influential/successful/efficient in combating or eradicating corruption in Indonesia."

According to Dionysios Spinellis in his book Prof. Barda Nawawi Arief, the characteristics and dimensions of corruption can be identified as follows:[19]

a. The issue of corruption is related to various complex problems, including moral/mental attitudes, lifestyle and cultural issues, social and economic needs/demands and socio-economic disparities, economic structure/system issues, political system/culture issues, development mechanisms and weak bureaucracy/administrative procedures (including the supervisory system) in the fields of finance and public services. Thus, the causes and conditions that are criminogenic for the emergence of corruption are very broad (multi-dimensional), namely in the moral, social, economic, political, cultural, bureaucratic/administrative fields, etc.
b. Given these multidimensional causes, the issue of corruption essentially involves not only economic aspects (i.e., harming state finances/the economy and enriching oneself/others), but also moral corruption, corruption of office/power, political corruption, and corruption of democratic values, etc.;
c. Given this very broad aspect, it is often stated that corruption is also included in or related to "economic crimes," "organized crimes," "illicit drug trafficking," "money laundering," "white-collar crime," "political crime," "top hat crime" (or "crime of politicians in office"), and even "transnational crime";
d. Because it is related to political/official/power issues (including "top hat crime"), it contains two twin phenomena that can complicate law enforcement, namely the existence of "penalization of politics" and "politicization of criminal proceedings."

Faced with the characteristics and dimensions of such corruption crimes, how prepared are the "tools or means used" (i.e., legal instruments, particularly criminal law) to effectively combat corruption crimes? If the issue is effectiveness/efficacy/efficience, the answer to this problem is already predictable, namely that legal instruments alone are not effective/efficient tools or remedies for combating corruption.

Efforts to combat or eradicate criminal acts (including corruption) cannot be carried out solely through legal instruments. In other words, the effectiveness of combating corruption cannot be achieved solely by relying on existing legal instruments (criminal law), even if they have been repeatedly amended and improved. Prof. Sudarto even emphasized that:[20]

[17] Barda Nawawi Arief, op. cit., p. 30-31.
[18] Sudarto, *Law and Criminal Law*, 1977, p. 44-48.
[19] Barda Nawawi Arief, *Selected Topics in Criminal Law*, Bandung: Citra Aditya Bakti, 2003, p. 85-87.
[20] Sudarto, *Corruption Crimes in Indonesia*, Lecture at UNDIP, 1971; published in "Law and Criminal Law," Alumni, Bandung, 1981, p. 124.

"A 'clean government,' where there are no or at least very few acts of corruption, cannot be achieved solely through legal regulations, even if they are criminal laws with severe penalties. The scope of criminal law is limited. Indirect efforts to eradicate corruption can be carried out through actions in the political, economic, educational, and other fields."

Justice Collaborator is a breakthrough in efforts to combat corruption by exposing and dismantling criminal groups. However, the implementation of Justice Collaborator in combating corruption still faces challenges, particularly regarding the formulation of reduced criminal sanctions for Justice Collaborators and whether these align with the current criminal justice system.

According to L.H.C. Hulsman, the term "penal system" can have a very broad meaning. The penal system (the sentencing system) refers to the statutory rules relating to penal sanctions and punishment.[21] If sentencing is broadly defined as the process by which a judge imposes a criminal sanction, then the sentencing system itself can be said to encompass all legal provisions governing how criminal law is enforced or operationalized in practice, thereby resulting in the imposition of criminal sanctions on an individual for their actions.

Based on this, it is very important to regulate the formulation of reduced criminal sanctions for Justice Collaborators within the criminal justice system. The mitigation of criminal sanctions for Justice Collaborators that needs to be regulated within the criminal justice system includes imposing a special conditional probationary sentence on Justice Collaborators and imposing the lightest prison sentence among the other defendants found guilty of corruption. Considering that the criminal acts revealed by a Justice Collaborator are acts of corruption involving influential people in this country, and that the main actors and masterminds are people who have great influence or power and have people who can be directed to take steps to obstruct the law enforcement process.

Moreover, the mastermind has a large following and holds strategic positions or power within the government, so it is inevitable that intimidation will not only come from the perpetrators but also from their families or those who oppose the disclosure of the truth in a criminal act committed by a Justice Collaborator.

Therefore, special regulations are needed for Justice Collaborators within the criminal justice system, with the hope that such regulations will encourage individuals to feel confident about becoming Justice Collaborators.[22] This is because Justice Collaborators play a highly strategic role in assisting law enforcement authorities in the prevention and eradication of corruption.

CONCLUSIONS

1. Criminal sanctions against Justice Collaborators should be mitigated because the acts committed by Justice Collaborators in corruption crimes can still be remedied by returning all state losses resulting from their actions. It is hoped that the formulation of a policy to mitigate criminal sanctions against Justice Collaborators will have a positive impact on the prevention of corruption crimes.
2. It is very important to regulate the formulation of reduced criminal sanctions for Justice Collaborators within the criminal justice system. The reduced criminal sanctions for Justice Collaborators that need to be regulated within the criminal justice system include imposing a special conditional probation sentence on Justice Collaborators and imposing the lightest prison sentence among the other defendants found guilty of corruption. Given that the criminal acts revealed by Justice Collaborators are acts of corruption, which involve influential individuals in this country, who are, by definition, the main actors and intellectual masterminds with significant influence and the ability to direct others.

REFERENCES

Books

1) Nawawi Arief, Barda, *A Collection of Criminal Law Policies: The Development of the Concept of the New Criminal Code,* Jakarta: Kencana, 2016.
2) -------, Selected Topics in Criminal Law, Bandung: Citra Aditya Bakti, 2003.
3) Hulsman, L.H.C, The Dutch Criminal Justice System From A Comparative Legal Perspective, in D.C. Fokkema (Ed.), Introduction to Dutch Law For Foreign Lawyers, Kluwer Deventer: The Netherlands, 1978.
4) Reksodipoetro, Marjono, The Indonesian Criminal Justice System: The Role of Law Enforcement Against Crime, Jakarta: UI Press, 1993.
5) Atmasasmita, Romli, Issues Surrounding Corruption: National and International Aspects, Bandung: Mandar Maju, 2004.
6) Dirdjosisworo, Soedjono, Response to Crime, Bandung: STHB Press, 2011.
7) Sudarto, Law and Criminal Law, 1977.
8) -------, Corruption Crimes in Indonesia, Lecture at UNDIP, 1971; published in "Law and Criminal Law," Alumni, Bandung, 1981.

[21] L .H.C. Hulsman, *The Dutch Criminal Justice System From A Comparative Legal Perspective,* in D.C. Fokkema (Ed.), Introduction to Dutch Law For Foreign Lawyers, Kluwer Deventer: The Netherlands, 1978, p. 320.

[22] Ali Dahwir, *Justice Collaborator in Indonesian Criminal Law,* Jurnal Solusi, Vol. 21, No. 3, 2023, p. 266-276.

9) Suteki, Law and Society, Yogyakarta: Thafa Media, 2021.

Law and Legislation

1) Constitution of the Republic of Indonesia of 1945.
2) Constitution No. 1 of 1946 on Criminal Law (KUHP).
3) Constitution No. 8 of 1981 on Criminal Procedure Law (KUHAP).
4) Constitution No. 31 of 1999 on the Eradication of Corruption.
5) Constitution No. 31 of 2014 on the Protection of Witnesses and Victims.
6) SEMA No. 4 of 2011 on the Treatment of Whistleblowers and Justice Collaborators.

Journals

1) Dahwir, Ali, Justice Collaborators in Indonesian Criminal Law, Jurnal Solusi, Vol. 21, No. 3, 2023.
2) Retno Sriwijayanti, Aprilia, Concept and Commitment to Eradicate Corruption, Pacivic: Journal of Education and Pancasila, Vol. 2, No. 2, 2022.
3) Naufaliz Azzahra, Ardiva, Legal Protection for Justice Collaborators in Corruption Crimes According to the Witness and Victim Protection Law, Faculty of Law, Sebelas Maret University, Verstek Journal, Vol. 10, No. 1, 2022.
4) Waluyo, Bambang, Tactical and Strategic Efforts to Eradicate Corruption in Indonesia, Lex Publica, Journal of Law of the Association of Indonesian Law School Leaders, Vol. IV, No. 1, 2007.
5) Razeb Sanjani, Fadli, The Implementation of Justice Collaborators in the Criminal Justice System in Indonesia, University of Riau, Online Student Journal (JOM) in the Field of Law, Vol. 2, No. 2, 2015.
6) Hamaminata, Gani, The Development of the Criminal Justice System in Indonesia, Faculty of Law, Bandar Lampung University, Journal of Law, Politics, and Social Sciences (JHPIS), Vol. 2, No. 4, 2023.
7) Haykal, Hassanain, Reconstruction of the Enforcement of Criminal Sanctions Against Justice Collaborators from the Perspective of Legal Certainty and Justice, Unes Law Review, Vol. 6, No. 2, 2023.
8) Sugiri, Bambang., Aprilianda, Nurini., Hartadi, Hanif, Legal Analysis of the Position of Prisoners as Justice Collaborators, Journal of Law & Development, Vol. 51, No. 3, 2021.
9) Nur Ichsan, Taufik, Legal Protection of the Status of Justice Collaborators in the Efforts to Uncover Corruption Crimes, Journal of Law Students (JIMHUM), Vol. 1, No. 4, 2021.
10) Yahman, The Role of Justice Collaborators in the National Legal System, Surabaya: CV. Jakad Media Publishing, 2024.