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The Integration of the LPSK into the Criminal Justice System: The Urgency of Witness and Victim Protection Amidst an Illusion of Criminal Procedure Law Reform

Author(s)

Robbi Fathan*

Universitas Hasanuddin, Indonesia // fathanr22b@student.unhas.ac.id

*Corresponding Author

Syarif Saddam Rivanie

Universitas Hasanuddin, Indonesia // syarifsaddam@unhas.ac.id

Muhammad Said Karim

Universitas Hasanuddin, Indonesia // saidkarim@unhas.ac.id

Ismail Iskandar

Universitas Hasanuddin, Indonesia // ismailiskandar@unhas.ac.id

Sriyana Sriyana

Lembaga Perlindungan Saksi dan Korban, Indonesia // sriyana@lpsk.go.id

Hamzah Halim

Universitas Hasanuddin, Indonesia // hamzah.fh@unhas.ac.id

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ABSTRACT

*Indonesia's criminal justice system confronts a fundamental paradox. Constitutional guarantees of citizen protection clash with the architecture of Law Number 8 of 1981, which is inherently offender-oriented and retributive in its paradigm. Ironically, the reform effort through the Criminal Procedure Code Bill, projected as a solution, risks creating a new "illusion of protection." The draft Bill presents a seemingly progressive showcase of witness and victim rights. However, it simultaneously fails to provide an integrated enforcement mechanism and even introduces norms that could create systemic disharmony. This research aims to analyze the urgency of the problem and to formulate a holistic integration model for LPSK as a response to this systemic malady. Employing a hybrid legal research method that combines a juridical-normative analysis of the regulatory framework with a qualitative approach through an in-depth interview with an LPSK senior expert, this study finds that the LPSK's structurally isolated position has led to serious institutional friction and ambiguous authority, despite its proven crucial role in strategic cases. Therefore, it is concluded that the required solution is a structural transformation. This study recommends a systemic integration model via two pathways: an imperative revision of the Criminal Procedure Code Bill, or the strengthening of the LPSK through an amendment to Law Number 13 of 2006 as a synchronized *lex specialis*, to ensure the realization of a criminal justice system that is substantively centered on witnesses and victims.*

Keywords: Criminal Justice System; Criminal Procedure Code Bill; LPSK; Witness and Victim Protection.

INTRODUCTION

Indonesia's legal system is built upon the noble foundation of the 1945 Constitution. This foundation imperatively mandates that the state provide recognition, guarantees, protection, and fair legal certainty for every citizen (Basri, 2021). In the realm of criminal procedure law, however, this constitutional mandate confronts a fundamental paradox in the realities of implementing Law Number 8 of 1981. A sharp discrepancy exists between the idealism of universal protection and the architecture of the prevailing procedural law. This architecture inherently creates systemic vulnerabilities for the parties most in need of protection: witnesses and crime victims. This juridical anomaly is not merely a matter of technical procedure; it reflects a profound philosophical tension in how the state perceives crime, justice, and the position of its citizens before the law.

The roots of this paradox are embedded in the philosophical design of Law Number 8 of 1981, which is predominantly offender-oriented and adheres to a retributive justice paradigm. Within this framework, crime is viewed primarily as an offense against the state. Consequently, the principal focus of the justice system is to prove guilt and punish the perpetrator (Irwan et al., 2025). As a result, the victim's position is systemically marginalized. Victims are often reduced to the status of a mere evidentiary instrument or a "witness" whose function is limited to assisting the state in imposing criminal sanctions. Numerous studies have consistently highlighted this weakness, noting that Law Number 8 of 1981 fails to provide adequate space for the recovery and fulfillment of victims' rights (Yuliartini, 2015; Herman & Ufran, 2025). Consequently, victims of crime experience secondary victimization, where

their suffering is neglected by the very system that should deliver justice (Prasetya et al., 2023).

Under Indonesian law, criminal sanctions and the trial process must remain within the legal framework and be grounded in the principles of justice. The roles of whistleblowers and justice collaborators in uncovering organized crime are expected to provide judges with a basis for imposing penalties on the actual perpetrators or the intellectual authors (actor-intellectuals). Furthermore, both protection and recognition must be granted for their crucial role in exposing such cases. It is therefore hoped that more individuals will be willing and courageous enough to become whistleblowers and justice collaborators in the future (Mulyadi, 2022).

Amidst efforts to reform this legal legacy, the emergence of the draft Criminal Procedure Code Bill presents a crucial moment that promises a paradigm shift. The Criminal Procedure Code Bill does exhibit some progressive advancements, such as the recognition of victims' rights to compensation. Nevertheless, the draft as of February 18, 2025, contains new articles that could potentially introduce new vulnerabilities. Examples include broad wiretapping authority and a weakening of the role of advocates for victims. Ironically, the provisions specifically regulating witness and victim protection in Articles 55 and 56 of the Criminal Procedure Code Bill remain minimalistic. These rules merely state that protection "shall be carried out by the agency that organizes witness and victim protection" without detailing mechanisms for systemic integration and synergy. This condition underscores that legal reform does not automatically guarantee the strengthening of victims' rights and may even create loopholes for the abuse of authority.

Within this problematic legal constellation, the existence of the Witness and Victim Protection Agency (*Lembaga Perlindungan Saksi dan Korban* or LPSK), established through Law Number 13 of 2006¹, becomes increasingly vital. As the sole state institution with a specific mandate to protect witnesses and victims, the LPSK functionally exists to fill the protection gap left by Law Number 8 of 1981. However, its institutional position outside the formal framework of criminal procedure law places it in an awkward and often tenuous position. Yusmar (2021) aptly notes that, without explicit integration into either Law Number 8 of 1981 or the Criminal Procedure Code Bill, the LPSK is continually forced to negotiate its role and authority. This frequently triggers conflicts of interest and "inter-agency friction" among law enforcement bodies (Fitrah et al., 2021). Thus, the problem is no longer merely the absence of an institution, but the lack of robust institutional integration.

The study of witness and victim protection in Indonesia has developed quite rapidly. Several studies have successfully mapped various challenges, ranging from obstacles in public outreach and understanding of the LPSK's role (Andriyanto, 2020) to analyses of the implementation of specific rights such as restitution (Farhan et

¹Law Number 13 of 2006, as amended by Law Number 31 of 2014.

al., 2025; Radjak et al., 2025) and whistleblower protection (Prabowo et al., 2025). Several case studies, such as the one conducted by Firmansyah et al. (2025) on the role of justice collaborators, have also demonstrated the critical nature of the LPSK's intervention in uncovering organized crime.

Although the existing literature has comprehensively affirmed the urgency of protection, a significant research gap remains. To date, no in-depth analysis has systematically formulated a model for integrating LPSK into the architecture of the developing Criminal Procedure Code Bill, particularly one that critically considers the problematic new articles. Many studies stop at normative recommendations to "strengthen the LPSK's role" but have yet to offer a conceptual framework for how such integration should be designed to be functional and effective, rather than a mere formality. Just as Muhni et al. (2025) proposed integrating an Anti-SLAPP mechanism into the Criminal Procedure Code Bill to protect public participation, this research argues that the LPSK's integration of a witness and victim protection mechanism is equally fundamental and urgent.

Building on this gap, the novelty of this research lies in its effort to move beyond mere diagnosis toward the formulation of a conceptual solution. Its originality rests in its dualistic analysis. On the one hand, it underscores the urgency of witness and victim protection, not only in light of the weaknesses of Law Number 8 of 1981 but also of emerging threats under the Criminal Procedure Code Bill. On the other hand, it does not simply call for the LPSK's importance but also begins to map a model for integration and institutional strengthening as a way out of the long-standing juridical anomaly. This study aims to fill a void in the discourse by offering an analysis that connects criticism of legal norms with concrete institutional solutions.

Therefore, this research aims to critically analyze the urgency of witness and victim protection by comparing the vulnerabilities in Law Number 8 of 1981 and the Criminal Procedure Code Bill. Furthermore, this study formulates a conceptual model for integrating the LPSK into the criminal justice system to ensure the realization of victim-centered justice. Theoretically, this research is expected to contribute to the development of criminal procedure law scholarship, particularly in the discourse on judicial system reform and law enforcement institutions. In practice, it is expected to provide substantive and actionable policy recommendations to legislators, the government, and other stakeholders directly involved in the deliberation and finalization of the Criminal Procedure Code Bill in Indonesia.

METHOD

To address the multidimensional research problems, this study is designed using a hybrid legal research method. This method bridges the gap between the realm of legal norms or law in the books (*das sollen*) and the reality of implementation or law in action (*das sein*), combining a juridical-normative approach with a qualitative-

empirical one (Qamar & Rezah, 2020). This methodological choice is predicated on the argument that an analysis relying solely on the text of laws and regulations would be incapable of capturing the complexity of challenges, conflicts of interest, and institutional dynamics that the LPSK confronts in the field. The juridical-normative approach serves as the backbone for dissecting the positive legal framework and its proposed amendments. In contrast, the qualitative-empirical approach provides contextual depth and practical insights. The entire series of analyses in this study is descriptive-analytical, aiming not only to describe legal phenomena but also to critically analyze, interpret, and ultimately formulate a conceptual solution.

Within the juridical-normative framework, data collection focused on legal materials relevant to the issues of witness and victim protection and criminal procedure law reform. These data were classified into three main categories (Sampara & Husen, 2016). Primary legal materials, which are the main and binding sources, include the hierarchy of laws and regulations, starting from the constitutional foundation in the 1945 Constitution, Law Number 8 of 1981, and Law Number 13 of 2006 as amended by Law Number 31 of 2014, to the draft Criminal Procedure Code Bill as of February 18, 2025. Subsequently, secondary legal materials consist of scholarly publications that explain and analyze the primary materials. These include reference books, relevant national and international scientific journal articles, and previous research findings. Finally, tertiary legal materials were used for support, such as legal dictionaries and articles from reputable mass media that provide initial information and context on the issue under investigation.

To complement the normative data, this study also gathered primary data through a qualitative-empirical approach. The data collection technique employed was the semi-structured in-depth interview. The selection of informants was conducted through purposive sampling, a technique that targets individuals with profound knowledge, experience, and authority related to the research topic. The key informant in this study was a senior expert within the LPSK with an extensive track record in policy advocacy, regulation formulation, and the direct handling of strategic witness and victim protection cases. This informant was chosen for the crucial purpose of obtaining an authentic insider's perspective on operational challenges, bureaucratic obstacles, and the dynamics of inter-agency relations among law enforcement—dimensions that would never be revealed through an analysis of legal texts alone.

The data analysis process in this study was conducted systematically and in stages, tailored to the type of data obtained (Irwansyah, 2020). The analysis of normative data was carried out using a comprehensive method of legal interpretation. The first stage was the inventory and synchronization of norms, during which relevant articles from various laws and regulations were mapped to identify potential conflicts, gaps, or legal inconsistencies. The next stage involved systematic and teleological interpretation. The meaning of a norm was not interpreted merely grammatically.

However, it was also connected to other norms within a complete legal system (systematic) and linked to the philosophical and sociological objectives behind its enactment (teleological). This approach was crucial for deconstructing the paradigms underlying Law Number 8 of 1981 and the Criminal Procedure Code Bill, as well as for understanding the spirit behind the enactment of Law Number 13 of 2006.

Meanwhile, the qualitative data from interviews were analyzed using thematic analysis, a technique for identifying recurring and significant patterns of meaning. This process began with the verbatim transcription of all interview recordings to ensure data accuracy. It was followed by open coding, where the transcripts were meticulously read to identify key concepts and label them with initial codes. Interrelated codes were then grouped to form broader themes, such as “institutional conflicts of interest,” “ambiguity of authority,” and “legislative advocacy challenges.” These themes were subsequently analyzed and interpreted to construct a narrative of the practical realities faced by the LPSK. In the final stage, the findings from the normative and qualitative analyses were synthesized to address the research objectives holistically. The goal was to formulate a conceptual model for the LPSK’s integration that is not only juridically robust but also responsive to on-the-ground challenges.

RESULTS AND DISCUSSION

A. Deconstructing the Offender-Oriented Paradigm: An Analysis of Witness and Victim Vulnerability within the Architecture of Law Number 8 of 1981

The fundamental cornerstone of any criminal justice system within a rule-of-law framework is its ability to balance law enforcement against perpetrators with the protection of victims’ rights. This mandate is explicitly enshrined in Article 28D section (1) of the 1945 Constitution, which guarantees fair legal certainty, and is reinforced by Article 28G section (1), which affirms every individual’s right to a sense of security and protection against threats of fear. However, when this constitutional idealism is confronted with the normative architecture of Law Number 8 of 1981, a profound discrepancy is revealed. Rather than serving as an instrument of holistic protection, Law Number 8 of 1981 exhibits a paradigm that systemically creates vulnerability for witnesses and victims. This condition signifies a structural protection gap at the very heart of Indonesia’s criminal justice system.

The root of this vulnerability is embedded in the philosophical foundation of Law Number 8 of 1981, which is inherently offender-oriented and adheres to a retributive justice paradigm. Within this framework, a criminal act is not primarily viewed as an attack on the rights and dignity of the individual victim; instead, it is seen as a violation of the order established by the state. The logical implication of this paradigm is the concentration of the entire justice system’s energy on a single primary goal: proving the defendant’s guilt and imposing criminal punishment

as a form of retribution. Consequently, the interests, suffering, and recovery needs of victims are relegated to the periphery of the legal process. The victim's position, which should be central, is tragically reduced and marginalized—a reality consistently identified by [Yuliartini \(2015\)](#) as a fundamental weakness in the national criminal justice system.

The concrete manifestation of this offender-oriented paradigm can be traced through a textual analysis of the articles of Law Number 8 of 1981. A comparison between the chapter regulating the rights of suspects or defendants and the provisions concerning witnesses or victims reveals a stark imbalance. Law Number 8 of 1981 dedicates an extensive specific chapter, Chapter VI (Articles 50 to 68), to elaborating a series of procedural rights for suspects and defendants. Conversely, no chapter coherently and comprehensively regulates victims' rights. Provisions regarding witnesses—the position in which victims are most often placed—are scattered fragmentarily across various articles. Even the definition of a “witness” in Article 1 point 26 of Law Number 8 of 1981 explicitly reduces their role to merely providing testimony, functioning as one of the instruments of evidence as stipulated in Article 184 section (1) point a. Thus, the juridical architecture of the law inherently positions victims not as legal subjects whose rights must be restored, but rather as objects or instruments that serve solely to assist the state in achieving its retributive goals.

This systemic neglect of the victim's position, in turn, gives rise to the phenomenon of secondary victimization, where victims who have already suffered from a crime must endure further suffering through their interaction with the criminal justice system itself ([Prasetya et al., 2023](#)). The current system fails to provide adequate mechanisms for victims to voice the impact of their losses, trauma, and suffering as a direct result of the crime ([Nawawi et al., 2023](#)). The absence of a formal mechanism, such as a Victim Impact Statement—a concept that [Herman and Ufran \(2025\)](#) argue is crucial for protecting victims' basic rights—is clear evidence of Law Number 8 of 1981's systemic blindness to the dimension of victim suffering. This condition forces victims to bear their psychological and material burdens alone while the entire state apparatus focuses on the process of punishing the perpetrator. This irony clearly injures the sense of substantive justice.

Analyzed through a systematic interpretation method, where each norm is understood as part of a unified system, the weaknesses of Law Number 8 of 1981 become even more apparent. The procedural sequence—from investigation and prosecution to the court examination—is designed around a logic centered on the dialectic between the state (the public prosecutor) and the defendant (and their legal counsel). On this judicial “stage,” the victim is not granted formal standing as an equal party. Their interests are presumed to be fully represented

by the public prosecutor, an assumption that often proves unfounded in practice. This representation is illusory, as the prosecutor's primary focus is on proving the elements of the offense, not on championing the victim's recovery from harm. Meanwhile, [Mertokusumo \(2005\)](#) argues that the law serves to protect human interests, and to safeguard these interests, the law must be enforced. Systematically, therefore, the architecture of Law Number 8 of 1981 has created an imbalanced judicial process where the procedural rights of the perpetrator are maximally guaranteed while the substantive rights of the victim are neglected.

Furthermore, a teleological interpretation suggests that the design of Law Number 8 of 1981 was a product of its historical-political context. As a replacement for the HIR (Dutch colonial-era code of criminal procedure), which was considered repressive, Law Number 8 of 1981 was intended to provide strong human rights protections for citizens confronting the state apparatus, particularly those accused of a crime. This noble objective, while commendable, created a "pendulum effect." The focus of protection swung to an extreme in favor of suspects' and defendants' rights, while victims' rights were not yet a primary priority. As a result, Law Number 8 of 1981 bequeathed a system that, while more humane for perpetrators, inadvertently created a serious protection vacuum for victims.

Based on the deconstruction outlined above, it can be concluded that the vulnerability of witnesses and victims within Indonesia's criminal justice system is not an anomaly or a partial technical deficiency. It is the logical consequence of the philosophical paradigm and juridical architecture of Law Number 8 of 1981, which is fundamentally offender-oriented and retributive. The failure of this law to adequately protect witnesses and victims has created a legal vacuum that urgently needs to be filled. This condition provides the primary justification for the inevitability of reforming criminal procedure law. It also serves as a crucial litmus test for whether the Criminal Procedure Code Bill, currently undergoing the national legislative process, can address this fundamental weakness or will instead perpetuate or even exacerbate the existing vulnerabilities.

B. The Illusion of Protection in Reform: Identifying Threats and Internal Contradictions in the Criminal Procedure Code Bill

Building upon the juridical vacuum and the offender-oriented paradigm inherited from Law Number 8 of 1981, the introduction of the Criminal Procedure Code Bill is theoretically positioned as a monumental corrective effort. The draft Bill presents a progressive facade, seemingly seeking to address the structural weaknesses of its predecessor by incorporating more modern principles of human rights protection. However, a systematic interpretation reveals a far more complex and problematic reality. Rather than presenting a coherent solution, the Criminal Procedure Code Bill creates a sharp internal paradox. On the one hand, it presents an extensive "showcase of rights" for witnesses and victims; on the other,

the institutional “engine” designed to guarantee their fulfillment is minimalist and passive. This condition ultimately fails to create genuine protection, offering instead merely an illusion of it.

The manifestation of this “showcase of rights” is clearly displayed in Chapter VI of the Criminal Procedure Code Bill, particularly in Article 135 on the Rights of Witnesses and Article 136 on the Rights of Victims. These two articles represent a significant normative leap compared to the scattered, minimalist provisions in Law Number 8 of 1981. The draft Bill meticulously outlines a comprehensive series of rights, ranging from the right not to be criminally or civilly prosecuted for testimony given in good faith (Article 136 point a), the right to legal counsel (Article 136 point b), and the right to information on case developments (Article 136 point f), to concrete rights to recovery such as medical assistance, psychosocial rehabilitation, restitution, and even a new residence (Article 136 points o, u, v). The recognition of the rights of vulnerable groups, such as persons with disabilities (Article 137), women (Article 138), and the elderly (Article 139), further reinforces the impression that the Bill was designed with a high degree of sensitivity to modern principles of protection.

However, the normative grandeur of this “showcase of rights” is drastically degraded when confronted with its implementation mechanism. The core of this protection mechanism is encapsulated solely in Article 55 section (4) of the Criminal Procedure Code Bill, which succinctly states that protection “shall be carried out by the agency that organizes witness and victim protection.” This clause, while implicitly referring to the LPSK, is juridically very weak. It is merely passive, delegating the duty without creating a robust bridge of integration between the criminal justice system and the implementing agency. Not a single phrase in the article imposes an obligation on investigators, public prosecutors, or judges to proactively coordinate with the LPSK. Consequently, a wide chasm is created between the promise of rights protection and the guarantee of its implementation. In practice, this will make the fulfillment of these rights highly dependent on the discretion and goodwill of law enforcement officials, rather than on a binding systemic mandate.

The internal contradictions within the Criminal Procedure Code Bill are not limited to the implementation mechanism but also extend to the potential for systemic disharmony arising from the introduction of a new concept. Article 22 section (3), Article 69, and Article 70 of the Bill formally introduce the crown witness mechanism, under which a suspect or defendant may be granted leniency in prosecution by the public prosecutor in exchange for their willingness to testify against other perpetrators in the same case. Although its objective is to uncover crime, this mechanism—entirely under the public prosecutor’s control and discretion—has a high potential to overlap with and conflict with the justice

collaborator mechanism. As established by jurisprudential precedent and best practices, the role of a justice collaborator has historically been assessed and recommended by the LPSK, whose independence serves as a check on the prosecutor's power. The introduction of the crown witness mechanism without a clear harmonization clause risks creating legal dualism, opening loopholes for suspects to engage in forum shopping, and may ultimately reduce the vital role of the LPSK as an independent institution that guarantees the credibility of and protection for those who expose crimes.

Furthermore, the illusion of protection in the Criminal Procedure Code Bill also manifests in the potential weakening of one of the most important safeguards for witnesses and victims: the advocate. Although Article 141 of the Bill outlines the rights of advocates, and Article 136 point b, explicitly grants victims the right to be accompanied by one, this guarantee risks becoming a mere formality if not balanced with strong protections for the independence and professional immunity of advocates themselves. As warned by [Pratiwi and Lubis \(2019\)](#), the legal profession is highly vulnerable to criminalization while performing its defense duties. The Criminal Procedure Code Bill, along with potentially ambiguous articles such as those on contempt of court, could create an intimidating climate or a chilling effect. In such a climate, advocates may hesitate to mount an aggressive defense on behalf of their clients, including victims. When the advocate's role as a companion is weakened, the series of procedural rights promised to victims in the Bill risks losing its substantive meaning.

Doubts regarding the effectiveness of the protection guarantees in the Criminal Procedure Code Bill are further reinforced by the precedent of the legal system's failure to protect other crucial legal subjects. [Rahim \(2023\)](#) vividly demonstrates how legal protection for Expert Witnesses in judicial processes remains highly inadequate, to the extent that an expert can be civilly sued for testimony provided in court. This systemic failure to protect an Expert Witness—a figure whose position is vital for the discovery of material truth—serves as a worrying reflection. Suppose the criminal justice system has thus far been unable to formulate and implement effective protection for experts. In that case, any optimism that the far more complex series of rights for witnesses and victims in the Bill will be properly executed without an integrated and compelling enforcement mechanism should be fundamentally questioned.

Based on this analysis, it can be concluded that the Criminal Procedure Code Bill, rather than resolving the protection vacuum, may create a new, more sophisticated anomaly. It constructs a protection architecture that is textually magnificent yet structurally fragile. By starkly separating an abundant catalog of rights from a minimalistic implementation mechanism, and by introducing new norms that could create institutional disharmony, the Bill ultimately offers more

illusion than solution. This juridically contradictory condition is precisely what justifies the interventionist role of an independent, external institution like the LPSK, which becomes not only relevant but increasingly crucial and urgent.

C. The LPSK at a Crossroads: Operational Realities, Institutional Conflicts, and the Empirical Evidence for Urgent Intervention

Amid the protection vacuum inherited from Law Number 8 of 1981 and the illusion of protection offered by the architecture of the Criminal Procedure Code Bill, the LPSK emerges as the sole state institution that should, in practice, shoulder the mandate to guarantee the rights of witnesses and victims. However, to fully grasp the urgency of its role, the analysis cannot remain solely at the normative level. A transition from analyzing law in the books (*das sollen*) to law in action (*das sein*) becomes an imperative (Qamar & Rezah, 2022). Through empirical data from an in-depth interview with a senior expert at the LPSK and relevant case studies, a complex picture emerges. On one hand, the LPSK has proven its capacity as a crucial actor capable of altering the course of judicial proceedings. On the other hand, the agency must operate in an arena fraught with institutional friction, ambiguous authority, and serious structural challenges.

One of the most fundamental challenges the LPSK faces on the ground is latent “inter-agency friction”—institutional conflicts of interest. As revealed by the expert informant, the LPSK is often perceived not as a synergistic partner but as a competitor that intervenes in or even usurps the duties and authorities of other law enforcement agencies. This phenomenon, similarly observed in relationships among other law enforcement institutions analyzed by Fitrah et al. (2021), stems from sectoral egos and differing organizational cultures. A concrete example of this friction occurs when the LPSK attempts to facilitate restitution or psychological assessments for victims. These good intentions are often met with resistance, as they are perceived as meddling in the jurisdiction of investigators or other institutions. The prominent case involving the death of Diplomat Arya serves as a clear illustration. The LPSK’s initiative to participate in the investigation was rejected by the authorities on the grounds that the matter was still under investigation. This refusal effectively negated the LPSK’s authority to request information on case developments, as stipulated in Article 12A section (1) point d of Law Number 31 of 2014.

The implementation gap between normative promises and on-the-ground reality can be more structurally measured by using the list of victims’ rights in Article 136 of the Criminal Procedure Code Bill as a “checklist.” Although the Bill is not yet in effect, many of these rights—such as restitution, medical assistance, and physical protection—constitute a mandate that the LPSK has, *de facto*, already sought to fulfill under its authority under Law Number 13 of 2006. In practice, however, fulfilling these rights faces significant obstacles. For instance, the

restitution mechanism, which appears promising normatively, is often hindered by the perpetrator's insufficient assets or by officials' reluctance to enforce it. [Farhan et al. \(2025\)](#) even critically highlight how regulations themselves potentially limit a victim's right to restitution to only certain criminal acts designated by the LPSK, as stipulated in Article 7 of Law Number 31 of 2014 and detailed in Article 2 section (1) point a of Supreme Court Regulation Number 1 of 2022. Similarly, whistleblower protection, which [Prabowo et al. \(2025\)](#) deem crucial, remains constrained in practice by officials' adherence to optimal protection procedures. This reality shows that without a compelling integration mandate, the impressive catalog of rights in the Criminal Procedure Code Bill risks becoming a paper tiger.

Despite numerous challenges, the LPSK's capacity as a game changer has been convincingly demonstrated in strategic cases, particularly regarding the justice collaborator mechanism. The most monumental case study is the premeditated murder case involving Ferdy Sambo. As analyzed in-depth by [Firmansyah et al. \(2025\)](#), the *ultra petita* verdict handed down by the panel of judges against Richard Eliezer would have been impossible without the central role of the LPSK. It was this agency that proactively provided physical and procedural protection, conducted a credibility assessment, and submitted an official recommendation for justice collaborator status to the judges.

Furthermore, the LPSK, along with other stakeholders, successfully initiated the establishment of implementing regulations under Article 10A section (1) of Law Number 31 of 2014. In this regard, regulations on the special treatment and awarding of justice collaborators were established in Government Regulation Number 24 of 2025. This initiative was directly influenced by the dynamics of the Ferdy Sambo case involving Richard Eliezer. This success demonstrates that the LPSK, with its independence, can function as a crucial counterbalance to the power of other law enforcement agencies and is a vital instrument for the realization of substantive justice.

It is precisely because of these successes that the introduction of the crown witness mechanism in Articles 22, 69, and 70 of the Criminal Procedure Code Bill must be scrutinized with critical vigilance. Unlike the justice collaborator mechanism, which involves assessment by an independent body (the LPSK), the crown witness mechanism falls entirely within the public prosecutor's discretionary domain. Based on the perspective revealed by the LPSK's senior expert, this poses a serious risk of systemic disharmony. The emergence of this dualism not only risks an overlap of authority but could also reduce the standards of protection and credibility for a crown witness. Without the safeguard of an independent institution like the LPSK, the crown witness mechanism is susceptible to misuse. It could also erode the valuable jurisprudential precedent built through the justice

collaborator mechanism, which has proven effective in dismantling organized crime.

Ultimately, the LPSK's operational challenges are exacerbated by structural weaknesses. The LPSK's position "outside" the formal criminal justice subsystem—which comprises the police, prosecutors, judges, advocates, and correctional institutions—places it in a weak bargaining position (Yusmar, 2021). This is compounded by the low level of public awareness, even among some law enforcement officials, regarding the LPSK's role and authority, as confirmed by Andriyanto (2020). It completes the portrait of an institution burdened with a grand mandate but unsupported by a robust structural foundation. It is this condition that makes the merely "passive" approach in Article 55 of the Criminal Procedure Code Bill so inadequate and even problematic.

Based on this empirical exposition, it becomes abundantly clear that the existence and intervention of the LPSK are not a luxury but an absolute necessity in Indonesia's current criminal justice system. Its success in key cases shows its extraordinary potential, while the operational challenges and institutional conflicts it faces demonstrate how vulnerable its position is without a procedural legal umbrella that explicitly integrates it. The field evidence converges on a single conclusion: allowing the LPSK to operate in systemic isolation is too great a gamble for the future of witness and victim protection in Indonesia.

D. Formulating a Holistic Integration Model: Institutional Synergy Toward a Victim-Centered Criminal Justice System

The series of analyses presented in the preceding sections converges on one unavoidable conclusion: the fundamental weaknesses in the architecture of Law Number 8 of 1981, the illusion of protection in the Criminal Procedure Code Bill, and the operational challenges faced by the LPSK are not separate problems. They are all symptoms of the same systemic malady. Therefore, corrective efforts can no longer be partial or piecemeal. A transformative step is required—one that shifts from merely diagnosing the problem to formulating a coherent, implementable solution model. This solution is not simply the sporadic addition of articles or expansion of authority; it is a systemic integration that positions the LPSK no longer as a complementary entity outside the system, but as an integral pillar within the machinery of criminal justice itself.

The idea of systematically integrating a protection mechanism into criminal procedure law is not utopian. Muhni et al. (2025) have convincingly articulated the urgency and normative framework for comprehensively integrating an Anti-SLAPP (Strategic Lawsuit Against Public Participation) mechanism into the Criminal Procedure Code Bill as a prerequisite for protecting public participation. This analogy is both highly relevant and powerful. Just as the protection of public

participation would be ineffective without a procedural instrument embedded in procedural law, the protection of witnesses and victims will likewise remain an illusion as long as its guaranteeing institution (the LPSK) is not holistically integrated. This integration means moving beyond mere delegation of duties as stipulated in Article 55 of the Criminal Procedure Code Bill; it demands clauses that create an obligation to synergize, binding coordination mechanisms, and clear joint workflows among the LPSK, advocates, the police, the prosecution, and the courts.

Based on this analysis, two strategic pathways can be formulated, pursued simultaneously or as alternatives, to realize this holistic integration model. The first and most ideal pathway is through an imperative revision of the Criminal Procedure Code Bill itself. The most urgent policy recommendation is to revise Article 55 of the Bill from a passive clause into an imperative one. This revision must explicitly state that the fulfillment of every witness and victim right contained in the Bill is a state obligation, and that the guaranteeing and implementation of this obligation must be coordinated through the LPSK. Furthermore, a harmonization clause must be added to unequivocally regulate the relationship between the crown witness mechanism (Criminal Procedure Code Bill) and the justice collaborator mechanism (Law Number 31 of 2014). This clause must ensure that the assessment and recommendation from the LPSK remain a prerequisite, or at least a primary consideration, before a public prosecutor grants status and rewards to a crown witness. It is necessary to preserve the principle of independence and prevent the potential abuse of discretion.

The second strategic pathway is to strengthen the LPSK's role by amending Law Number 13 of 2006, making it a fully synchronized *lex specialis* with the Criminal Procedure Code Bill. This path could serve as an interim solution if revisions to the draft Bill face political obstacles. This strengthening must cover several aspects. *First*, granting more executive authority to the LPSK, for instance, the power to issue an interim decree for emergency protection that is binding on law enforcement officials. *Second*, expanding the scope of criminal offenses whose victims and witnesses can be automatically protected without requiring a special designation. *Third*, inserting articles that explicitly regulate coordination and synergy procedures with other criminal justice subsystems. In this way, Law Number 13 of 2006 would no longer run on a separate track, but on a parallel track closely connected to the main track of criminal procedure law.

A model of progressive, victim-oriented legislation, in fact, already has a precedent in Indonesia: the enactment of Law Number 12 of 2022. As analyzed by [Salsabilla et al. \(2023\)](#), this law successfully created a new paradigm by affirming that the fulfillment of victims' rights to handling, protection, and recovery is a state obligation. However, implementation studies, such as the one conducted by

[Radjak et al. \(2025\)](#), show that even with a strong legal umbrella, the fulfillment of rights, such as restitution, still faces obstacles related to officials' awareness and commitment on the ground. This lesson from Law Number 12 of 2022 is invaluable. The normative changes resulting from the LPSK's integration must be accompanied by a shift in the culture and institutional commitment of all law enforcement officials to prioritize the victim's perspective truly.

Ultimately, the noble goal of integrating LPSK is not merely a technical or procedural matter; it is a fundamental step toward shifting the criminal justice paradigm pendulum in Indonesia. This integration is a prerequisite for the transition from a predominantly retributive system to one that substantively embraces the principles of Restorative Justice. As conceptualized by [Laia \(2024\)](#) and [Mahmud et al. \(2019\)](#), restorative justice champions the restoration of relationships and the pursuit of mutually beneficial solutions for victims, perpetrators, and the community. However, as [Adiningsih and Batubara \(2025\)](#) warned, a haphazard implementation of restorative justice without a clear framework risks weakening law enforcement. In this context, an integrated LPSK can act as a "guardian" or facilitator for victims in the restorative process, ensuring that victim recovery is not sacrificed for the sake of case-processing efficiency.

Thus, formulating a holistic integration model for the LPSK is a non-negotiable step, whether through an imperative revision of the Criminal Procedure Code Bill or by strengthening the LPSK through an amendment to Law Number 13 of 2006 as a *lex specialis*. It is a juridical investment to transform Indonesia's criminal justice system from a mechanism that often re-traumatizes victims into a state instrument that actively restores, protects, and ultimately heals. Only through structured and integrated institutional synergy can the constitutional mandate to provide justice and a sense of security for every citizen be fully realized—not only for perpetrators, but especially for victims.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that Indonesia's criminal justice system faces a fundamental, multi-layered paradox in the protection of witnesses and victims. On one hand, the currently enforced Law Number 8 of 1981 inherently perpetuates the marginalization of victims through its offender-oriented and retributive legal architecture. On the other hand, the Criminal Procedure Code Bill, which is projected as a corrective solution, instead creates a new anomaly in the form of an "illusion of protection." While the Bill presents a progressive and comprehensive set of rights for witnesses and victims, it simultaneously fails to provide an integrated institutional mechanism to ensure their fulfillment. It introduces new norms that could create systemic disharmony.

Within this vulnerable juridical constellation, empirical evidence convincingly demonstrates that the existence of the LPSK is not a luxury but an urgent functional necessity. The LPSK's success in intervening in strategic cases, particularly through the justice collaborator mechanism, has proven its capacity as a crucial actor capable of altering the course of judicial proceedings to realize substantive justice. However, the agency's operational effectiveness is significantly hampered by its structurally isolated position outside the formal criminal justice subsystem. The LPSK must operate in an arena fraught with institutional friction, ambiguous authority, and cultural resistance from other law enforcement officials. It ultimately renders the protection it provides often case-specific rather than systematically guaranteed.

In response to this systemic malady, the required solution is no longer a partial one, but rather a structural transformation through a holistic integration model. This research formulates that only by positioning the LPSK as an integral pillar within the machinery of criminal justice can the constitutional mandate to protect every citizen be fully realized. There are two strategic pathways to achieve this goal. The first and most ideal path is to revise the Criminal Procedure Code Bill to transform the passive protection clause into an imperative one and to harmonize the crown witness and justice collaborator mechanisms. The second path is through an amendment to Law Number 13 of 2006, as a fully synchronized *lex specialis* with the criminal procedure law, granting the LPSK greater executive authority and a more binding mandate for synergy.

Based on these conclusions, several suggestions and policy recommendations are formulated. To Legislators and the Government, it is recommended to prioritize a substantive revision of the draft Criminal Procedure Code Bill currently under deliberation. This revision should focus on strengthening Article 55 of the Bill by explicitly tying it to the obligation to guarantee all witness and victim rights and by designating the LPSK as the coordinating implementer. Furthermore, a clear harmonization clause is needed between the Public Prosecutor's authority in the crown witness mechanism and the LPSK's authority in the justice collaborator mechanism to prevent future overlaps and potential conflicts.

To Law Enforcement Agencies (the Police, the Prosecutor's Office, and the Supreme Court), it is suggested that they begin a cultural shift that views the LPSK as an equal and strategic partner in the criminal justice system. The development of more detailed memorandums of understanding (MoUs) and joint standard operating procedures (SOPs) is necessary to regulate coordination workflows for the protection, assessment, and fulfillment of victims' rights, such as restitution. This proactive synergy will not only eliminate friction on the ground but also improve efficiency. However, it will also be key to the successful implementation of the protection promises contained in the Criminal Procedure Code Bill.

To the LPSK, it is advised to continue and intensify its strategic policy advocacy, both through legislative channels to oversee deliberations on the Criminal Procedure Code Bill and through judicial channels to strengthen its position through jurisprudence. Concurrently, the LPSK must significantly expand its outreach and education programs. These programs should be aimed not only at the general public but also specifically target law enforcement officials at the regional level, law school students, and legal aid organizations. The goal is to build a comprehensive understanding of the role, function, and urgency of the agency's existence as a fundamental pillar in realizing an Indonesian criminal justice system that is centered on witnesses and victims.

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