



THE ROLE OF JUSTICE COLLABORATIONS IN PLANNED CRIMINAL ACTIONS

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Received: June 05, 2023

Accepted: Sept 18, 2023

Published: Dec 01, 2023

Abstract:

Basically, Justice Collaborator is an individual who holds the dual status of perpetrator and witness in a criminal case, and cooperates with law enforcement to provide valuable information. The designation of Justice Collaborator is not only indicative of the individual's willingness to assist law enforcement in holding high-level criminals accountable, but also of their good faith in disclosing information or testifying in court. By acting in good faith and becoming a Justice Collaborator, one can receive protection, appreciation, special treatment, and certain rights that are not afforded to other individuals who do not hold this status. Criminal liability pertains to the legal obligations that law enforcement has to punish perpetrators for their actions that have caused harm to others. However, in Indonesia, there's a lack of public awareness regarding the criminal liability of Justice Collaborators. It is important to note that although Justice Collaborators are both perpetrators and witnesses, they are not held to the same level of criminal responsibility as the primary actors in the crime. This article will delve into the criminal responsibility of Justice Collaborators in the context of law enforcement in Indonesia. The research methodology employed in this article will be normative law, which involves analyzing legal arguments and issues raised in order to arrive at a conclusion. Justice Collaborator is a term for someone who is involved in a crime and also provides assistance to law enforcement as a witness. Justice Collaborator status is given to individuals who have the will to cooperate with law enforcement officials so that perpetrators of crimes can be processed, and have good faith in exposing or being witnesses in a case. By becoming a Justice Collaborator in good faith, the individual will receive protection, appreciation, special treatment, and a number of rights that are not granted to other actors who do not have Justice Collaborator status. Criminal liability relates to obligations in criminal law given by law enforcers to provide retaliation for actions that harm someone committed by the perpetrator. However, problems related to criminal liability for Justice Collaborators in Indonesia are still not well known by the public. Justice Collaborators as witnesses and perpetrators will still be given criminal responsibility, but not as heavy as the main actors.

Keywords:

Role, Collaborator of Justice, Crime

1. Introduction

In the Indonesian legal environment, a Justice Collaborator is defined as an individual who cooperates with the perpetrator as a witness to the perpetrators of certain crimes such as corruption, terrorism, narcotics, money laundering, human trafficking, murder, and other crimes that involve elements of cooperation. Juridically, Justice Collaborator in Law Number 13 of 2006 concerning Protection of Witnesses and Victims. However, in this law, several articles that regulate and explain witness witnesses who cooperate are considered very minimal. In addition, the law does not provide clear guidelines regarding the prerequisites for designating someone as a Justice Collaborator.

Justice cooperation can be carried out by suspects in certain cases such as Cases of Corruption, Terrorism, and Narcotics (Agustine, Sopyono, & Pujiyono, 2012). This is because those cases are referred to as heinous crimes which are committed not by one person alone, but by people on a regular basis, with each one playing an important role in the activity. Particularly in the case of Narcotics, the perpetrators do not only work alone in distributing the goods, but involve people both locally and internationally, both users, buyers in large quantities, and dealers who chase producers.

Therefore, this writing is expected to maintain intellectuality so that it can be used as literature and reference for jurists, public officials, and to protect individuals who have an interest in crime prevention, especially in cases of premeditated murder. The designation of Justice Collaborator is not only indicative of the individual's willingness to assist law enforcement in holding high-level criminals accountable, but also of their good faith in disclosing information or testifying in court.

But the issue is the effect of collaborator justice on the substance of criminal cases and how effective collaborator justice is in committing crimes. To deal with this problem, as in the Supreme Court Decision Number 798/Pid.B/PN JKT.SEL as a tool in analyzing the problems of justice collaborators and their position in criminal law procedures. A collaborator of justice is someone who is involved in a particular crime, but is not the main actor who is honest with what he has done and is ready to testify in court. , KPK, and MA.

Justice Collaborator is a term for someone who is involved in a crime and also provides assistance to law enforcement as a witness. Justice Collaborator status is given to individuals who have the will to cooperate with law enforcement officials so that perpetrators of crimes can be processed, and have good faith in exposing or being witnesses in a case. By becoming a Justice Collaborator in good faith, the individual will receive protection, appreciation, special treatment, and a number of rights that are not granted to other actors who do not have Justice Collaborator status. Criminal liability relates to obligations in criminal law given by law enforcers to provide retaliation for actions that harm someone committed by the perpetrator. However, problems related to criminal liability for Justice Collaborators in Indonesia are still not well known by the public. Justice Collaborators as witnesses and perpetrators will still be given criminal responsibility, but not as heavy as the main actors. The author will discuss criminal liability for Justice Collaborators in the rule of law in Indonesia by using normative legal research methods to seek and gather legal arguments through an analysis of the issues raised.

The role of a Justice Collaborator or witness or suspect in the same case cannot be released from criminal charges if their guilt has been convincingly and convincingly proven. However, his testimony can be used at the discretion of the judge to reduce the sentence. In the recently discussed crime case, it turns out that there is someone who becomes a Collaborator of Justice and gets legal protection. Therefore, the author will conduct research on "Criminal Responsibilities of Justice Collaborators in Cases of Premeditated Murder". In this writing, the hope is to protect thoughts and become literature and reference material for legal practitioners, parties who oppose, and people concerned with crime prevention, especially in cases of premeditated murder.

By becoming a Justice Collaborator in good faith, the individual will receive protection, appreciation, special treatment, and a number of rights that are not granted to other actors who do not have Justice Collaborator status. Criminal liability relates to obligations in criminal law given by law enforcers to provide retaliation for actions that harm someone committed by the perpetrator. However, problems related to criminal liability for Justice Collaborators in Indonesia are still not well known by the public. Justice Collaborators as witnesses and perpetrators will still be given criminal responsibility, but not as heavy as the main actors.

2. Method

This legal research is included in normative legal research. Normative legal research is research to find and formulate legal arguments through analysis of issues and problems (Bachtiar and Yanto 2018). The approach used is the historical and comparative approach.

Techniques for collecting legal materials using inventory and classification methods can help collect and organize important information regarding the role of legal partners. With an inventory, you can identify and store various legal sources such as laws, regulations, court decisions, and instructions for legal partners. In addition, by using classification techniques, it is possible to classify and categorize this legal material according to certain topics or subjects related to research. For example, it can classify legal material based on the type of crime the legal partner is involved in and regulations regarding the roles and responsibilities of legal entities. legal partner or case.

3. Results and Discussion

3.1. The Role of the Justice Collaborator in the Crime of Premeditated

Murder In its history, the United States became the first country to use the Justice Collaborator system against witnesses in cases. This happened because at that time, there was a mobster named Joseph Valaci who was fighting other mafia groups. The oath taken by members of the mafia, known as the omerta oath or vow of silence, is

considered a proof of loyalty to their group or community. However, Joseph Valaci gave a clear and detailed statement about their position, scope of power and group structure for carrying out organized and systematic crimes. The status of a witness as well as the perpetrator of a crime can be said to be a Justice Collaborator if it fulfills the requirements, one of which is having good faith in uncovering a crime. The Justice Collaborator is the term given to individuals who act as witnesses and are also involved in the crime. A Justice Collaborator is a person who is involved in a crime, but is willing to cooperate with a Law enforcement agency to testify about various offenses related to the crime committed or a dangerous crime.

The role of justice collaborators is very important in obtaining relevant information, uncovering criminal networks, and bringing perpetrators to justice. Justice collaborators can provide testimony and information that conventional law enforcement cannot access. They can also provide valuable evidence and leads to strengthen cases and identify other perpetrators. However, the role of a justice collaborator also has challenges and risks. Some of the problems faced include security and protection for justice collaborators, public trust in them, and a fair assessment of the benefits given to them. Therefore, clear regulations and strict supervisory mechanisms are needed to ensure success and fairness in the implementation of legal partners.

In a Circular Letter from the Supreme Court (SEMA Number 4 of 2014 it explains that a Justice Collaborator is a criminal act who has admitted his crime and is not the main actor who is also present as a witness to explain the criminal process. criminal acts that have occurred with the aim of providing information in front of enforcers law, bearing in mind that the crime of cooperating between actors is a structured or organized crime where each criminal who is more than one person will cover their own tracks which makes it very difficult for investigators to solve the problem. So the Justice Collaborator was born with the start Initially, the birth of the Justice Collaborator was detrimental to the state in terms of security, finance and others.

In the Circular Letter from the Supreme Court (SEMA Number 4 of 2014 it explains that a Justice Collaborator is a criminal act who has admitted his crime and is not the main actor in the crime who is also a witness to reveal cases of criminal acts that have occurred with the aim of providing statement in front of law enforcers, bearing in mind that the crime of cooperating between actors is a structured or organized crime where every criminal who is more than one person will cover their own tracks, which makes it very difficult for investigators to solve the problem. A Justice Collaborator was born with the beginning of the birth of a Justice Collaborator which incidentally harmed the State in terms of security, finance and others. However, the role of a justice collaborator also has challenges and risks. Some of the problems faced include security and protection for justice collaborators, public trust in them, and a fair assessment of the benefits given to them.

3.2. Legal Protection of Justice Collaborator

If the Justice Collaborator is able to be transparent in providing Disclose information related to testimony to legal parties while waiting for sufficient evidence to file criminal charges against the perpetrators who play a major role in the crime. With this in mind, it can be explained that Indonesia also has regulations regarding protection and special treatment for Judicial Collaborators, namely the Supreme Court Circular Number 4 of 2011 concerning Treatment for Whistleblowers and Being Witnesses of Collaborators in Certain Criminal Cases. These regulations are made to create a safe and controlled situation for those who know, report and/or find criminal acts that can assist law enforcement officials by providing legal protection and special treatment or criminal liability.

In the event that a suspect or defendant is appointed as a partner in judicial cooperation, they are entitled to physical and mental protection, legal protection, special legal treatment and special awards.

In addition, those who participate in legal cooperation are also entitled to compensation in the form of criminal penalties, parole, further release, and other legal rights based on statutory regulations governing detainee testimony.

3.3. Terms of Justice Collaborator

a. Konverensi PBB Nomor 7 tahun 2006

If the Justice Collaborator is able to be transparent in providing information related to testimony to legal parties until sufficient evidence is obtained to be used as a criminal charge against the perpetrator who plays an important role in the crime. Considering this, it can be explained that Indonesia also has arrangements regarding the protection and special treatment for Judicial Collaborators, namely the Supreme Court Circular Number 4 of 2011 concerning Treatment for Whistleblowers and Being Witnesses for

Collaborating Actors in Certain Criminal Cases. These regulations are made to create a safe and controlled situation for those who know, report and/or detect crimes, which can assist law enforcement through legal protection and special treatment or criminal liability.

b. Surat Edaran Mahkamah Agung Nomor 4 Tahun 2011

From a technical point of view, regulation number 13 of 2006 is regulated in the Supreme Court Circular Letter Number 4 of 2011 concerning Handling of Criminal Reporters. Until now, the SEMA is a special legal basis and overrides general law in criminal justice regulations in Indonesia.

The background to the formation of SEMA is because certain crime cases do not yet have provisions regarding witnesses, so there is no clear legal basis for their use. SEMA serves as a guideline for judges in handling criminal cases such as corruption, human trafficking, money laundering, drugs and terrorism, which are carried out in an organized manner and continue to be a serious problem in this country.

The international world's attention to these crimes originates from the possibility of disturbing the balance and security of the country, as well as threats to the democratic code of ethics, human resources and the rule of law. Thus, law enforcement agencies are expected to be able to encourage the public to participate in providing information and knowledge, reporting violations of the law, and helping establish the law. Joint Regulations between Law Enforcement and LPSK

The collective agreement aims to unify understanding and opinion regarding the implementation of the duties of the police agency in the settlement of structured individual criminal cases, and the agreement can become a reference or guideline for the police agency in establishing cooperation with perpetrators, reporting witnesses, etc. the perpetrators. Witness, cooperation in criminal proceedings.

The regulation also seeks to strengthen cooperation between law enforcement agencies in the resolution of non-criminal cases that are organized to report witnesses who will report or cooperate with the law. law enforcement agency. Through LPSK, journalists, reporting witnesses, and witnesses who work together receive protection and comfort, both physically and mentally. In addition, citizens who provide information about serious and organized crimes are rewarded so that criminal prosecutions are actually carried out in those cases.

4. Conclusion

Based on the description above, the author concludes:

- 1) The criminal responsibility given to the Justice Collaborator is in the form of legal protection and special treatment. In order for a justice collaborator to testify in defense of another person, he must do so voluntarily and not because he is forced to. There are rules and procedures governing the rights and obligations of justice collaborators. Their testimonies focused more on reporting other people's crimes than on exposing their own doings. There are definite benefits for justice collaborators when they work closely with law enforcement authorities.
- 2) The forms of criminal responsibility and legal protection that a Justice Collaborator gets, namely.
- 3) Life and mental protection.
 - a) Legal protection in the form of relief from criminal imposition and parole.
 - b) Additional exceptions and other rights of convicts according to statutory regulations relating to witnesses, special treatment in punishment and awards

5. Suggestion

The author suggests that law enforcers are expected to be more pro-active in providing socialization regarding Justice Collaborators and to be fairer in imposing sentences and criminal liability for Justice Collaborators. In addition, the government is expected to be able to introduce the community about Justice Collaborators.

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