

## THE IMPORTANCE OF RENEWING THE WHISTLE BLOWER REGULATION FOR CORRUPTION CRIMES IN INDONESIA

**Vincentius Patria Setyawan**

Faculty of Law, Universitas Atma Jaya Yogyakarta

[vincentius.patria@uajy.ac.id](mailto:vincentius.patria@uajy.ac.id)

### *Abstract*

The existence of whistleblowers in disclosing corruption plays a very important role considering that corruption is carried out in a very neat and organized manner. Disclosure of corruption by a whistleblower certainly carries huge risks because the testimony given by the whistleblower is detrimental to the corruptor. The role of the whistleblower certainly needs to be provided with adequate legal protection. The purpose of writing this article is to analyze the concept of updating legal protection for whistleblowers in the future.

This article was written using normative legal research methods with a statutory approach and a conceptual approach. The results of this research show that comprehensive protection is not only limited to legal protection and special protection that applies during the criminal justice process but also needs to be implemented after the criminal justice process has been completed, and it is necessary to reform institutional whistleblower protection.

**Keywords:** Whistleblower; Corruption; Legal Protection.

### **Abstrak**

*Eksistensi whistleblower dalam pengungkapan korupsi memegang peranan yang sedemikian penting mengingat korupsi dilakukan dengan modus yang sangat rapi dan terorganisir. Pengungkapan korupsi yang dilakukan oleh whistleblower tentu mengandung risiko yang sangat besar oleh karena kesaksian yang diberikan oleh whistleblower sudah pasti merugikan bagi koruptor. Peran whistleblower ini tentu perlu dibekali dengan perlindungan hukum yang memadai. Tujuan penulisan artikel ini adalah untuk menganalisis konsep pembaruan perlindungan hukum bagi whistleblower di masa yang akan datang.*

*Penulisan artikel ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Hasil dari penelitian ini menunjukkan bahwa perlindungan secara komprehensif tidak saja sebatas perlindungan hukum dan perlindungan khusus yang berlaku selama proses peradilan pidana saja, tetapi juga perlu diberlakukan setelah proses peradilan pidana sudah selesai, dan perlu dilakukan pembaruan terhadap kelembagaan perlindungan whistleblower.*

**Kata kunci:** Whistleblower; Korupsi; Perlindungan Hukum.

## A. Background

Corruption is a crime that is difficult to eradicate because it is carried out in a structured and organized manner by people who have strong positions. Corruption not only harms state finances but also has an impact on the development sector, reducing the quality of education, increasing poverty. Apart from that, criminal acts of corruption are also transnational in nature which robs people of their rights and human rights, so that criminal acts of corruption cannot be said to be ordinary crimes rather it is an extraordinary crime.<sup>1</sup>

The government has made various efforts, both through the formation of statutory regulations and in the form of policy regulations. Apart from using adequate regulations, eradicating corruption must also be followed by an effective strategy, bearing in mind that corruption is carried out by upper class people with a well-organized modus operandi. Revealing corruption is not as easy as uncovering conventional crimes that appear on the surface.

One strategy to optimally eradicate corruption is to utilize testimony from a whistleblower. A whistleblower is a reporting witness who has direct knowledge of the occurrence of corruption.<sup>2</sup> The existence of whistleblowers really helps law enforcers in uncovering criminal acts of corruption. The courage of a whistleblower should be appreciated considering that it is very rare for people to have the will and courage to reveal a criminal act of corruption which has such great risks.

Reporting and protecting whistleblowers is fraught with various challenges, amidst limited legal protection in Indonesia. In Indonesia itself, the public and law enforcers still pay little attention to whistleblowers.<sup>3</sup> This can be seen from the rules or legislation that regulate the form of protection for whistleblowers, even though whistleblowers have a very important role in uncovering major crimes such as criminal acts of corruption. Parties who feel aggrieved by the existence of a whistleblower because of their testimony will most likely make threats and take revenge, even these threats are not only against the whistleblower directly, but also against his family and it does not rule out the possibility of the aggrieved parties carrying out counterattacks against the whistleblower.

Regulations regarding providing protection to whistleblowers implicitly stated in the

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<sup>1</sup> Vincentius Patria Setyawan, & Gregorius Widiartana, "Urgensi Pendidikan Antikorupsi Terhadap Pencegahan Korupsi Pendidikan Dasar", *Mimbar Justitia* 6, no. 2 (Desember 2020): 179.

<sup>2</sup> Vincentius Patria Setyawan, "Criminal Sanctions Against Criminal Acts Of Fund Corruption Social Help", *Jurnal Ilmiah Multidisiplin* 1, no. 11 (Oktober 2022), <https://doi.org/10.56799/jim.v1i11.1019>.

<sup>3</sup> Lefrando S. Sumual, "Perlindungan Hak Asasi Manusia Bagi Pelapor Tindak Pidana (Whistleblower) Dalam Tindak Pidana Korupsi", *Lex Et Societatis* 8, no. 3 (2020), <https://Doi.Org/10.35796/Les.V8i3.29503>.

Criminal Procedure Code, Law Number 13 of 2006 concerning Protection of Witnesses and Victims which has now been amended by Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims and Government Regulation Number 71 of 2006 2000 concerning Procedures for Implementing Community Participation and Giving Awards in the Prevention and Eradication of Corruption Crimes, and regulated in Supreme Court Circular Letter Number 04 of 2011 concerning Treatment of Whistleblowers and Witnesses Collaborating Actors (justice collaborators) in Certain Criminal Cases.

Provisions regarding protection for whistleblowers listed in various regulations, but there are no regulations that specifically, clearly and firmly regulate the protection of whistleblowers. From this it can be seen how important protection is for a person whistleblower in his role in exposing a criminal case corruption. When the rules governing whistleblowers are inadequate, there will be concerns that corruptors will fight back against the whistleblower. Remembering that the corrupt are usually people with strong social status and economic status. They can build opinions, create false facts and slander the whistleblower as if he were a perpetrator of corruption. This article will discuss the concept of updating protection for whistleblowers, both special protection, during the judicial process and after the judicial process.

## **B. Theoretical Review**

In general, Whistleblower in English means "whistle blower", this whistleblower is said to be a whistle blower like a referee in the football or other sports, the referee is tasked with blowing the whistle if there is a problem mistakes or violations committed by these players, that's how it is with the Whistleblower whose role is to reveal the facts if there is one violations committed by certain individuals. In Law of Witness and Victim Protection Agency, the Whistleblower is referred to as the reporter who share reports, data, or explanations with law enforcement regarding actions a crime that will, is being, or has already occurred.<sup>4</sup>

In disclosing a criminal case, someone is needed witness or what is called a "Whistleblower", meaning a whistleblower of facts public is "a person who discloses facts to the public about a matter scandal, danger, malpractice, maladministration, or corruption which is called Whistleblower (Whistle Blower). A whistleblower is defined as a person who

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<sup>4</sup> Subhan Amin And Satria Unggul Prakasa Wicaksana, "Perlindungan Hukum Bagi Whistleblower Dalam Tindak Pidana Korupsi Di Indonesia", *Media Of Law And Sharia* 3, no. 3 (2022), <https://doi.org/10.18196/Mls.V3i3.14468>.

provides information to law enforcers, strong evidence, or statements under oath which can reveal a crime”. Basically a whistleblower is part of the crime that was taking place because he had direct knowledge of it the violation, but the Whistleblower cannot be said to be the perpetrator main thing is, because whistleblowers are only evidence that can help law enforcers in resolving a scandal or crime that is occurring.<sup>5</sup> So there needs to be legal protection for whistleblowers so that they can get all their rights fulfilled as a revealer of a fact.

### C. Research Methods

This article was written using a normative legal research method which discusses norms related to whistleblowers in disclosing criminal acts of corruption. The approach used in this research is a statutory approach and a conceptual approach. The legal materials used in writing this article are primary legal materials and secondary legal materials. The technique for collecting legal materials uses library research. Legal material analysis techniques use deductive logic.

### D. Results and Discussions

Guidelines regarding whistleblowers are regulated in the Supreme Court Circular Number 04 of 2011 (SEMA) concerning the Treatment of Criminal Whistleblowers (whistleblowers) and Cooperating Witnesses (justice collaborators) in Certain Criminal Cases. In the SEMA whistleblower is defined as a reporter of a criminal act, the perpetrators of a criminal act referred to in this SEMA are those concerned who are aware of and report a particular criminal act as regulated in SEMA and are not part of the perpetrators of the crime they are reporting.

Reporting criminal acts (whistleblower) as described in SEMA has two roles, namely as a reporter and also a witness who only reports a certain criminal act and the reporter is not part of the criminal act he is reporting. Technically, SEMA does not regulate in detail what protection can be given to a whistleblower, SEMA only regulates that if the reporter of a criminal act is also reported by the respondent, then the handling of the case regarding the report submitted by the reporter of the criminal act takes precedence over the report. from the reported party.

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<sup>5</sup> Yadi And Teddy Lesmana, “Perlindungan Hukum Terhadap Saksi Pelapor (*Whistleblower*) Tindak Pidana Korupsi Di Indonesia”, *Civilia: Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan* 1, no. 1 (Maret 2022), <https://doi.org/10.572349/civilia.v2i2.228>.

Apart from that, Government Regulation Number 71 of 2000 concerning Procedures for Implementing Community Participation and Providing Awards in the Prevention and Eradication of Corruption Crimes also regulates the reporting of criminal acts, especially for those reporting criminal acts of corruption, the regulations are contained in Article 2 paragraph (1) and (2), Article 5 paragraph (1) and (2) and Article 6 paragraph (2).

Article 2

- 1) Every person, community organization or non-governmental organization has the right to seek, obtain and provide information regarding allegations that a criminal act of corruption has occurred as well as convey suggestions and opinions to law enforcers and/or the Commission regarding cases of criminal acts of corruption;
- 2) Submission of information, suggestions and opinions or requests for information must be carried out responsibly in accordance with the provisions of applicable laws and regulations, religious norms, decency and civility.

Article 5

- 1) Every person, Community Organization, Non-Governmental Organization as intended in Article 3 paragraph (1) has the right to legal protection both regarding legal status and a sense of security;
- 2) Protection regarding legal status as referred to in paragraph (1) is not provided if the results of the investigation or investigation contain sufficient evidence that strengthens the involvement of the reporter in the reported criminal act of corruption.
- 3) Protection regarding legal status as intended in paragraph (1) is also not provided if the reporter is charged in another case.

Article 6

- 1) Law enforcers or the Commission are obliged to keep confidential the possibility of knowing the identity of the reporter or the contents of the information, suggestions or opinions conveyed;
- 2) If necessary, at the request of the reporter, law enforcement or the Commission can provide physical security for the reporter or his family.

Whereas this provision regulates that reporting a criminal act of corruption is any person, community organization or non-governmental organization who provides information regarding allegations that a criminal act of corruption has occurred to law enforcers and/or commissions regarding cases of criminal acts of corruption, as well as regulating the provision of good legal protection. regarding legal status and sense of security. The form of protection for this legal status technically includes not proceeding with a defamation report by a suspect of a criminal act of corruption against a whistleblower before there is a legal process of the corruption case is resolved first.<sup>6</sup>

Article 10 of Law Number 13 of 2006 which has now been changed to Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims, states:

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<sup>6</sup> I Wayan Putu Sucana Aryana, "Kedudukan Whistleblower Pada Tindak Pidana Korupsi Dalam Sistem Peradilan Pidana", *Jurnal Yustitia* 13, no. 1 (2019), <https://doi.org/10.62279/yustitia.v13i1.273>.

- 1) Witnesses, Victims, Perpetrator Witnesses, and/or Whistleblowers cannot be prosecuted legally, either criminally or civilly for testimony and/or reports that they will, are giving, or have given, unless the testimony or report is not given in good faith.
- 2) In the event that there is a legal claim against a Witness, Victim, Perpetrator Witness, and/or Reporter for testimony and/or reports that will be, is being, or has been given, the legal claim must be postponed until the case in which he or she is reporting or giving testimony has been decided by the court. and obtain permanent legal force."

In this Law, the rights and protection of whistleblowers are not explained in detail because the provisions focus more on the protection of witnesses and victims of criminal acts who provide testimony in the criminal justice process. Where witnesses and reporters cannot be legally prosecuted either civilly or criminally for the testimony and reports given and are not perpetrators of the criminal act and if there are legal demands against witnesses and reporters then the legal demands must be postponed until the case they report or give testimony has been decided by the court and has permanent legal force.

Articles 41 and 42 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes states as follows:

Article 41

- 1) The community can play a role in helping prevention efforts and eradicating criminal acts of corruption.
- 2) Community participation as intended in paragraph (1) is realized in the form of:
  - a) he right to seek, obtain and provide information regarding allegations that a criminal act of corruption has occurred;
  - b) the right to obtain services in seeking, obtaining and providing information regarding allegations that a criminal act of corruption has occurred to law enforcers who handle cases of criminal acts of corruption;
  - c) the right to convey suggestions and opinions responsibly to law enforcers handling corruption cases;
  - d) the right to obtain answers to questions regarding the report given to law enforcement within a maximum period of 30 (thirty) days;
  - e) the right to obtain legal protection in terms of:
    - (1) exercise their rights as intended in letters a, b and c;
    - (2) asked to be present in the process of investigation, investigation and at the court hearing as a reporting witness, witness or expert witness, in accordance with the provisions of the applicable laws and regulations.
- 3) The community as intended in paragraph (1) has rights and responsibilities in efforts to prevent and eradicate criminal acts of corruption.
- 4) The rights and responsibilities as intended in paragraph (2) and paragraph (3) are implemented by adhering strictly to the principles or provisions regulated in the applicable laws and regulations and by complying with religious norms and other social norms.
- 5) Provisions regarding procedures for implementing community participation in preventing and eradicating criminal acts of corruption as referred to in this article, are further regulated by Government Regulation.

Article 42



- 1) The government gives awards to members of the public who have contributed to efforts to prevent, eradicate or reveal criminal acts of corruption.
- 2) Provisions regarding awards as intended in paragraph (1) are further regulated by Government Regulation.

The existence of witnesses to criminal acts of corruption is regulated in Article 35 and Article 36 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes which states as follows:

Article 35

- 1) Everyone is obliged to provide information as a witness or expert, except for the defendant's father, mother, grandfather, grandmother, siblings, wife or husband, children and grandchildren.
- 2) People who are released as witnesses as intended in paragraph (1), can be examined as witnesses if they wish and are expressly approved by the defendant.
- 3) Without the approval as intended in paragraph (2), they can provide information as witnesses without being sworn in.

Article 36

The obligation to provide testimony as intended in Article 35 also applies to those who according to their work, honor and dignity or position are required to keep secrets, except for religious officials who according to their beliefs must keep secrets.

Regulations regarding reporting criminal acts of corruption are also regulated in Article 15 letter (a) of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Commission for the Eradication of Corruption Crimes which reads "providing protection for witnesses or reporters who report or provide information regarding the occurrence of criminal acts of corruption." In the explanation of this article, it is stated that what is referred to as providing protection in this provision also includes providing security guarantees by requesting assistance from the police or changing the identity of the reporter or carrying out an evacuation, including legal protection.

From the description above, basically several laws and regulations have recognized the existence of whistleblowers, but the confirmation is still contained in the Supreme Court Circular Letter Number 04 of 2011 concerning the Treatment of Criminal Whistleblowers and Cooperating Perpetrator Witnesses (justice collaborators). in certain criminal cases. This Supreme Court Circular is a guideline for courts of first instance and appellate level in implementing protection for whistleblowers. The existence of the Supreme Court Circular Letter is not binding as such law, its existence is used as a guide for subordinate courts.<sup>7</sup>

In connection with this Supreme Court Circular, it only applies to the court level, so for

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<sup>7</sup> Kadek Yolanda, *et. al.*, "Eksistensi Dan Perlindungan Hukum Terhadap Whistleblower Dan Justice Collaborator Dalam Upaya Penanggulangan Organized Crime Di Indonesia Pada Masa Mendatang", *Kertha Wicara: Journal Ilmu Hukum* 5, no. 2 (2016).

other law enforcers there are still no implementing regulations regarding the protection of whistleblowers. However, equality of perception among law enforcers is very important so that there is no overlap in authority. To align the vision and mission regarding whistleblowers, a joint regulation was created which was signed by the Minister of Law and Human Rights, the Attorney General, the National Police Chief, the Corruption Eradication Committee and the Chair of the Witness and Victim Protection Agency Number: M.HH-11.HM.03.02. th. 2011 Number: PER-045/A/JA/12/2011, Number: 1 of 2011, Number: KEPB- 02/01-55/12/2011, Number: 4 of 2011 concerning Protection for Whistleblowers, Reporting Witnesses and Perpetrator Witnesses who collaborate. There are 4 rights and protections regulated in this joint regulation, namely physical and psychological protection, legal protection, special treatment, receiving awards and all these rights can be obtained if you get approval from law enforcement.

So far, the development of criminal acts of corruption is increasingly widespread and rampant in various sectors and eradicating criminal acts of corruption is very difficult to carry out, so the existence of whistleblowers is very important and helps law enforcers in carrying out efforts to eradicate these criminal acts of corruption.<sup>8</sup> Therefore, it is important to guarantee legal protection and special protection for them. This protection for whistleblowers of criminal acts is a reflection of appreciation for parties who contribute to efforts to reveal criminal acts so that special treatment and incentives are required for those who contribute. The reward for them is commensurate with the burden of suffering they experience when they consistently participate in helping law enforcement officers.

In fact, it is not easy to become a whistleblower, there are several very high risks that must be taken and these risks include, the whistleblower will be hated by his colleagues because he is considered to be a source of disgrace, the whistleblower and his family will be threatened both physically and psychologically, the whistleblower will be killed. career and livelihood (dismissal from position, transfer, or demotion, etc.). Thus, quite a few whistleblowers experience a decline in their quality of life due to the lack of respect and protection after the criminal justice process is completed. Therefore, the protection given to whistleblowers must be comprehensive, not only limited to legal protection and special protection that applies during the criminal justice process, but also needs to be implemented after the criminal justice process has been completed. If this can be implemented well, there is great hope that criminal acts of corruption can be eradicated optimally.

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<sup>8</sup> Yasmin Khairiyah, & Dwiyantri Agustina, "Konsep Hukum Whistleblower Dalam Hukum Positif Indonesia", *Lambung Mangkurat Law Journal* 5, no. 2 (September 2020): 219. <https://doi.org/10.32801/Lamlaj.V5i2.163>.



According to Satjipto Raharjo, legal protection is providing protection for human rights that are harmed by other people and this protection is given to the community so that they can enjoy all the rights granted by law. Law can be used to create protection that is not only adaptive and flexible, but also predictive and anticipatory. Law is needed for those who are weak and not yet strong socially, economically and politically to obtain social justice.<sup>9</sup>

There should be comprehensive legal protection for whistleblowers applies to all stages of the judicial process starting from reporting, investigation, investigation, prosecution and examination at trial. Apart from that, protection for whistleblowers must also be provided after the judicial process is complete, this is because sometimes under certain conditions in certain criminal acts, threats and terror for whistleblowers will continue to follow after the judicial process is completed.<sup>10</sup>

The emergence of feelings of hurt from the party whose criminal act has been exposed by a whistleblower does not rule out the possibility that a counterattack or revenge will arise. This is a threat and creates discomfort not only for the whistleblower but also for his family's life. Related to this, there are 4 (four) forms of protection for a whistleblower, namely physical and psychological protection, special treatment, legal protection and rewards.

Protection from the discomfort experienced by whistleblowers can take the form of physical protection and psychological protection. Physical and psychological protection here is not only applied to one's own security but also guarantees protection for the family of a whistleblower. By giving definite protection for whistleblowers and their families Whistleblowers will feel safer, calmer and without burden in providing reports, testimony and information related to criminal acts of corruption that they will uncover at all stages of the judicial process. This physical and psychological protection is in line with the provisions contained in Article 5 paragraph (1) of Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 concerning Protection of Witnesses and Victims, namely:

1. Obtain protection for personal security, family and property, and be free from threats relating to testimony that will be, is being, or has been given;
2. Participate in the process of selecting and determining forms of security protection and support;
3. Provide information without pressure;

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<sup>9</sup> Ilham Rahmansyah, "Perlindungan Hukum Saksi Pelapor Tindak Pidana Korupsi Dalam Konteks Peraturan Perundang-Undangan," *Jurist-Diction* 3, no. 6 (2020), <https://doi.org/10.20473/Jd.V3i6.22969>.

<sup>10</sup> Made Yulita Sari Dewi, & Nyoman Mas Ariyani, "Perlindungan Hukum Terhadap Saksi Dan Pelapor Pada Tindak Pidana Korupsi," *Kertha Wicara* 5, no. 3 (2016).

4. Get a translator;
5. Free from ensnaring questions;
6. Obtain information regarding case developments;
7. Obtain information regarding court decisions;
8. Obtain information in the event that the convict is released;
9. Identity kept secret;
10. Get a new identity;
11. Get temporary residence;
12. Get a new residence;
13. Obtain reimbursement for transportation costs according to needs;
14. Obtain legal advice;
15. Obtain temporary living expenses assistance until the protection period ends and/or
16. Get assistance.

Apart from being given physical and physical protection, a whistleblower may receive special treatment as stated in Article 10 of Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 concerning Protection of Witnesses and Victims such as:

1. Witnesses, Victims, Perpetrator Witnesses, and/or Reporters cannot be prosecuted legally, either criminally or civilly for the testimony and/or reports they will, are giving, or have given, unless the testimony or report is not given in good faith.
2. In the event that there is a legal claim against a Witness, Victim, Perpetrator Witness, and/or Reporter for the testimony and/or report that will be, is being, or has been given, the legal claim must be postponed until the case in which he or she is reporting or giving testimony has been decided by the court and obtain permanent legal force.

More specifically, regarding the special handling given to whistleblowers for criminal acts of corruption, it is contained in Article 31 paragraph (1) of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes which states that in the investigation and During court hearings, witnesses and other people involved in criminal acts of corruption are prohibited from mentioning the name or address of the reporter, or other things that make it possible for the identity of the reporter to be known. In the provisions of Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission also regulates the protection of whistleblowers that the Corruption Eradication Commission is obliged to provide protection for witnesses or whistleblowers who convey report or provide information regarding the occurrence of criminal acts of corruption in accordance with statutory

provisions.

Legal protection for whistleblowers is referred to in this case is protection for legal status as contained in the provisions of Government Regulation Number 71 of 2000 concerning Procedures for Implementing Community Participation and Giving Awards in the Prevention and Eradication of Corruption Crimes, where protection for this legal status includes, among other things, if there is a report of defamation by the suspect. corruption crime against a whistleblower, then the report cannot be continued before the legal process for the criminal act of corruption involving the suspect has been completed.<sup>11</sup> Thus, it can be said that the legal process in cases of criminal acts of corruption takes precedence over claims for defamation by the suspect against whistleblowers of criminal acts of corruption.

Protection in the form of awards for a whistleblower is important to be given, because the actions of a whistleblower in uncovering a criminal act of corruption have such a large role, law enforcers are greatly helped by the reports and testimonies given by a whistleblower. So it is natural that whistleblowers receive appropriate rewards for all their efforts to assist law enforcement in handling criminal acts of corruption.<sup>12</sup> By giving awards, it will encourage other people to have the courage to become whistleblowers in exposing something criminal acts of corruption. Rewards are regulated for whistleblowers in Government Regulation Number 71 of 2000 concerning Procedures for Implementing Community Participation and Giving Awards in the Prevention and Eradication of Corruption Crimes, this provision explains that awards can be in the form of certificates or premiums.

In some of the provisions previously stated above, they are not yet adequate and not optimal enough to be given to a whistleblower, because there is no clarity on the mechanism for providing this protection by the Witness and Victim Protection Agency (LPSK), where the LPSK itself has not been able to reach law enforcers. From this, it can have a broad influence on determining the position in which a person can be placed as a whistleblower, whether from the investigation stage or from the prosecution stage or trial stage or it can be a collaboration between several of these stages involving several institutions that handle cases of criminal acts of corruption involving whistleblower.

In connection with this, it is necessary to have a detailed mechanism for providing

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<sup>11</sup> Friskia Matondong, "Perlindungan Saksi Pelapor (*Whistleblower*) Dalam Tindak Pidana Korupsi Di Indonesia". *Lex Crimen* 4, no. 3 (Mei 2015): 125. <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/7963>.

<sup>12</sup> Bambang Arjuno, Masruchin Ruba'i, & Prija Djatmika, "Bentuk Perlindungan Hukum Terhadap Pelapor Tindak Pidana Korupsi (*Whistleblower*) Dan Saksi Pelaku Yang Bekerja Sama (*Justice Colllaboratos*) Di Indonesia", *Jurnal Selat* 4, no. 2 (2017).

technical protection to whistleblowers. Without normative-limitative provisions, the provision of protection from LPSK will not be optimal. Apart from that, if necessary, it would be important to provide a special division at LPSK to handle these whistleblowers.

## E. Conclusions and Recommendations

Positive law in Indonesia has indeed regulated legal protection for whistleblowers along with the rights that must be obtained when serving as a whistleblower. Whistleblowers also received awards for providing assistance to law enforcement officers in uncovering the occurrence of a criminal act. However, in law enforcement practices towards eradicating corruption, it is very rare to find whistleblowers.

The reason someone is reluctant to become a whistleblower is not only because of weak protection and a legal vacuum in the protection mechanism for whistleblowers. However, corruptor fightback makes someone reluctant to become a whistleblower. They are afraid of being slandered and thrown into prison because what they are facing is a person with a high social and economic position. Thus, apart from adequate regulations, the government needs to pay attention to the capabilities of law enforcement officers in dealing with whistleblowers. So that this reporter does not turn into a perpetrator because he was slandered.

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