


## Legal Review Of The Role Of Witness And Victim Protection Institutions Under Indonesian Law

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Article Info	ABSTRACT
<p><b>Keywords:</b> Legal Review, Witness and Victim Protection Agency (LPSK), Human Rights, Criminal Justice System.</p>	<p>This research examines the role of witness and victim protection institutions in the legal context in Indonesia. The role of this institution is becoming increasingly important in handling criminal cases involving witnesses and victims, who are often vulnerable to threats, pressure and intimidation. This research uses a normative legal analysis method by referring to statutory regulations, court decisions, and related legal literature. The results of this research show that the Witness and Victim Protection Agency (LPSK) has a vital role in providing protection, assistance and support to witnesses and victims of criminal acts in Indonesia. Through the various roles it carries out, such as providing legal assistance, providing physical and psychological protection, and promoting cooperation with related institutions, LPSK plays a role in ensuring that witnesses and victims can face the justice process more safely and with dignity. However, there are several challenges that need to be overcome, including budget constraints and the need for increased inter-agency collaboration. Therefore, joint efforts from LPSK, the government, related institutions and the community are needed to increase protection and security for witnesses and victims, so that they can obtain equal and dignified justice in the criminal justice system.</p>
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### INTRODUCTION

Indonesia as a legal state faces increasingly strong demands to pay attention to human rights (HAM) in line with developments in global dynamics (Pardede, 2016). In the reform era, this big agenda has become the main focus for changing the order of national and state life, where the protection of citizens' rights related to human rights is one of the important points that stands out. In facing this change, Indonesia must understand that human rights are not just a rhetorical concept, but are principles that must be realized in every aspect of social and national life (Prasetyo & Herwati, 2022). This requires fundamental changes in the legal system, public policies, and social and political practices to ensure that every citizen has equal access and protection to their rights, without discrimination or oppression (Zaini, 2020).

These developments encourage Indonesia to continue to adapt to international standards in protecting human rights, both those that are universally recognized and those that are in accordance with local contexts and values (Marzuki, 2010). This includes improving legislation governing human rights, increasing the capacity of law enforcement institutions,

and increasing public awareness of their rights (Junaidi et al, 2023). Through these efforts, Indonesia can strengthen its legitimacy as a country that adheres to human rights principles, build public trust, and create a strong foundation to realize the vision of a fair, democratic and just country for all its citizens (Rahayu, 2010).

Legal protection for the Indonesian population is an obligation that cannot be ignored because it is an inseparable part of human rights, which are regulated both by the country's constitution and international human rights documents that have been approved by the government (Sinaga, 2018). Human rights are a very broad concept, because human rights issues are universal and not limited by geographical, political, economic, social, cultural or legal boundaries. As a gift, human rights are basic rights given by God to all human beings, regardless of differences in social, cultural, political or economic backgrounds. Apart from that, law also acts as a tool to protect legal subjects (Hidayat, 2016).

Protection of witnesses is currently an urgent need, especially at every stage of examination in cases that are deemed to require special attention and extra tight security (Pangestuti, 2017). Even though Indonesia has laws that regulate witness protection, such as Law Number 13 of 2006, its implementation has not fully met expectations, especially in the context of the Witness and Victim Protection Agency (LPSK) which has the authority to provide protection to witnesses and victims. victims (Suradi, 2019). Apart from that, there is also Government Regulation Number 2 of 2002 concerning Procedures for Protection of Victims and Witnesses in Serious Human Rights Violations (PP No. 22 of 2002). In this regulation, the word "victim" is added together with the word "witness", indicating that protection is not only aimed at witnesses, but also at victims (Wahyuningsih, 2016). Protection in this context can be interpreted as a service action carried out by law enforcement or security officers to provide a sense of security, both physically and mentally, to victims and witnesses from threats of disturbance, terror and violence that may be carried out by related parties, especially at the inspection stage (Prasetyo & Kameo, 2019).

In the context of Criminal Procedure Law (KUHAP) provisions, several articles have been designed to accommodate the protection of witnesses. One of them is Article 108 paragraph (1), which firmly emphasizes that every individual who experiences, witnesses, or is a victim of a criminal act has the right to provide a report or complaint to investigators, either verbally or in writing (Waskito, 2018). This article provides a basis for witnesses to have the courage to express their experiences without fear of possible pressure or intimidation from related parties. Furthermore, Article 117 paragraph (1) of the Criminal Procedure Code emphasizes that witnesses have the right to provide information to investigators without pressure from anyone and in any form. This right aims to ensure that witness testimony can be obtained objectively and is not influenced by external factors that might threaten the witness' honesty (Mokorimban, 2013).

Apart from that, in the process of evidence before a court hearing, Article 166 of the Criminal Procedure Code regulates that questions asked of witnesses must not be of an ensnaring nature. This is intended to protect witnesses from questions that could be confusing or misleading, as well as ensuring that witnesses provide accurate and reliable testimony (Ariska, 2015). These steps are part of a systematic effort to ensure that witnesses

feel safe and protected when giving testimony in the judicial process, so that the truth can be revealed without any obstacles or intimidation. Nevertheless, the implementation of these articles still requires strict supervision and continuous efforts to ensure that the rights of witnesses are truly respected and protected at every stage of the legal process (Abidin, 2022).

The aim of this research is to investigate in depth the role and implementation of the Witness and Victim Protection Agency (LPSK) in the legal context in Indonesia, as well as to analyze the obstacles faced in carrying out its duties. Through this research, it is hoped that a better understanding of the effectiveness of the protection provided by the LPSK for witnesses and victims can be obtained, as well as recommendations for improving legal policies and practices in order to increase the protection of their rights and strengthen the integrity of the justice system in Indonesia. The benefit is that it makes a significant contribution to the development of a more inclusive and just legal system, as well as increasing public confidence in the judicial process in this country.

## METHOD

This research uses a normative juridical approach, a legal research method that relies on analysis of library or secondary materials. This normative juridical approach is carried out by collecting data through reviewing various primary, secondary and tertiary legal sources, such as documents and statutory regulations that are relevant to the analysis carried out (Soekanto, 2007). The data used in this research is secondary data, obtained through literature study, namely by reading books and literature related to the problems studied. Through this approach, researchers seek solutions to problems that have been formulated by referring to relevant theories and concepts from various reference sources. Data analysis is carried out qualitatively, which produces an analytical description of the collected data, without using numbers or measurements. This approach provides a deep understanding of the problem being studied and provides a basis for more detailed discussion and conclusions (Ariawan, 2013).

## RESULTS AND DISCUSSION

The legal review confirms that the Witness and Victim Protection Agency (LPSK) has a very important role in the criminal justice system in Indonesia. Through the various services provided, such as physical and psychological protection, legal assistance, and coordination with security forces, LPSK plays a role in ensuring that witnesses and victims feel safe and protected when giving testimony in court. The involvement of LPSK is often a key factor in ensuring that the testimony given by witnesses and victims can be trusted and used as strong evidence in the judicial process. In many cases, witness testimony is the central point in winning a case and ensuring that justice is achieved. Thus, the role of LPSK is not only to influence the outcome of individual cases, but also to contribute to the integrity and trust of the public in the justice system as a whole.

Through the support and assistance provided to witnesses and victims, LPSK also helps uphold human rights (HAM) in the context of criminal justice. The protection provided by LPSK to witnesses and victims not only covers physical aspects, but also psychological and

social aspects, which are important to maintain their welfare during the judicial process. Thus, LPSK not only plays a role as an institution that facilitates the judicial process, but also as a guardian and protector of individual basic rights in the legal system. The existence of LPSK is an important foundation in ensuring that every individual, especially those who are vulnerable or victims of crime, can receive equal protection before the law, so that the creation of a fair and just justice system can be realized.

Even though the Witness and Victim Protection Agency (LPSK) has a vital role in the criminal justice system in Indonesia, it still faces a number of challenges that affect the implementation of its duties. One of the main challenges faced is limited budget and resources. As a non-structural institution, LPSK is often limited in its ability to mobilize and allocate sufficient resources to meet the protection needs of witnesses and victims. Additionally, the lack of law enforcement powers to compel certain parties to provide support and resources is also a significant obstacle. Another challenge is in terms of coordination and cooperation between LPSK and other institutions in the criminal justice system. Although there have been efforts to improve this coordination, further steps are still needed to ensure that collaboration between institutions can be effective, so that protection for witnesses and victims can be significantly improved. By overcoming these challenges, it is hoped that LPSK can carry out its duties more effectively and efficiently, and provide better protection for those involved in the criminal justice process.

To overcome the challenges faced by the Witness and Victim Protection Agency (LPSK), efforts are needed to increase public understanding of the importance of protection for witnesses and victims of criminal acts. This increase in awareness can be done through outreach, campaigns and broad education about the role and contribution of LPSK in maintaining justice and security for individuals involved in the criminal justice process. In addition, cooperation between LPSK and other institutions in the criminal justice system needs to be strengthened. This involves improving interagency coordination, effective information exchange, and collaboration in designing and implementing holistic protection programs.

Furthermore, the government has an important role in providing support to LPSK by increasing the budget and resources available to the institution. This can be done by allocating more funds to expand the reach of protection services, increase human resource capacity, and update the infrastructure needed to carry out LPSK functions optimally. By paying more attention to LPSK, the government can help ensure that this institution can carry out its duties effectively and provide adequate protection for witnesses and victims of criminal acts. In Law Number 13 of 2006 concerning Protection of Witnesses and Victims, it is explained that LPSK has several important functions, namely:

1. Provide protection and security to witnesses and victims who feel threatened or vulnerable to threats or violence.
2. Providing legal assistance to witnesses and victims, including during the trial process.
3. Coordinate with relevant security forces in terms of providing protection and security to witnesses and victims.
4. Carrying out advocacy and outreach regarding the rights of witnesses and victims.

5. Promote cooperation between institutions related to witness and victim protection.

Furthermore, the results of the legal analysis of Law Number 13 of 2006 concerning Protection of Witnesses and Victims show that LPSK has several important roles. The first role that the Witness and Victim Protection Agency (LPSK) must carry out is to provide legal assistance and consultation to witnesses and victims. In carrying out this task, LPSK must have the capacity to provide comprehensive and reliable legal assistance to witnesses and victims. This involves providing clear information about their rights, the legal processes involved, as well as the options available to them in facing a criminal case. The legal assistance and consultation provided by LPSK aims to ensure that witnesses and victims have a strong understanding of their rights and are able to fight for these rights fairly and equally in the justice system.

Apart from that, LPSK is also expected to be able to provide emotional and psychological support to witnesses and victims during the judicial process. Criminal cases often cause significant stress and trauma for those involved, and sensitive and empathetic assistance from LPSK can help reduce the mental and emotional burden they experience. By providing holistic assistance, LPSK not only ensures that witnesses and victims have access to the legal assistance they need, but also feel supported emotionally throughout the justice process. Thus, this role is key in ensuring that the needs and rights of witnesses and victims in the criminal justice system can be met adequately and fairly.

The second role that must be carried out by the Witness and Victim Protection Agency (LPSK) is to provide protection and security to witnesses and victims. This protection and security is an important aspect in ensuring the safety and welfare of those involved in the criminal justice process. LPSK can carry out this task by providing safe housing facilities, personal security, and protection against threats or violence that may occur. This ensures that witnesses and victims feel safe and protected while they are involved in the justice process, and are able to provide testimony or participate in the justice process without fear of threats or harassment.

In carrying out its duties, LPSK must prioritize the safety and welfare of witnesses and victims as its main priority. This involves identifying and evaluating the risks that witnesses and victims may face, as well as taking appropriate action to reduce or eliminate those risks. LPSK also needs to collaborate with various related parties, such as the police and correctional institutions, to ensure the implementation of effective protection and security. By providing adequate protection, LPSK can help create a safe and supportive environment for witnesses and victims in undergoing the judicial process, and ensure that they can provide the necessary testimony or information without being hindered by external factors that threaten their security and welfare.

The third role that must be carried out by the Witness and Victim Protection Agency (LPSK) is to assist witnesses and victims in obtaining their rights, including the right to receive compensation and restitution from perpetrators of crimes. LPSK has the responsibility to ensure that witnesses and victims understand the rights they have in accordance with applicable legal regulations. This includes rights such as the right to obtain compensation for losses suffered as a result of a criminal act, as well as the right to obtain restitution from the



perpetrator of the crime as an effort to recover for the losses that have been experienced. LPSK can provide legal assistance and information needed to witnesses and victims in submitting requests for compensation and restitution, as well as providing support in related administrative and legal processes.

In carrying out this role, LPSK must ensure that witnesses and victims obtain their rights fairly and equally, without discrimination and with due regard to the principles of justice. This involves working with other institutions in the justice system, such as the police, prosecutors, and courts, to ensure that the process of submitting and settling compensation and restitution claims runs smoothly and transparently. Apart from that, LPSK can also provide legal assistance and advocacy to witnesses and victims to ensure that their rights are fully recognized and respected. Thus, this role is important in ensuring that witnesses and victims receive justice and adequate recovery for the losses they experience as a result of criminal acts.

The fourth role that must be carried out by the Witness and Victim Protection Agency (LPSK) is to develop and implement training and education programs for witnesses and victims. This program aims to increase their knowledge and skills in understanding the legal process, recognizing their rights, and fighting for those rights effectively. Through this training, witnesses and victims can gain a better understanding of their roles and obligations in the justice process, as well as how to interact with the legal system effectively. In addition, educational programs can also help strengthen the courage and self-confidence of witnesses and victims, so that they are better able to face challenges and stress that may arise during the justice process.

In carrying out this role, LPSK can collaborate with various parties, including educational institutions, civil society organizations, and legal practitioners, to design and implement relevant and effective training and education programs. These programs can cover a variety of topics, from understanding the rights of victims and witnesses, to communication skills and stress management. With this program, it is hoped that witnesses and victims can become more empowered in undergoing the judicial process, and more able to participate actively in the search for justice. As a result, the protection and support provided by LPSK to witnesses and victims can become more holistic and effective. Top of Form Role

The fifth role that must be carried out by the Witness and Victim Protection Agency (LPSK) is to promote cooperation with related institutions in providing protection and security for witnesses and victims. LPSK needs to actively coordinate and collaborate with institutions such as the police, courts and other legal aid institutions to ensure that witnesses and victims receive optimal protection. This involves effective exchange of information, coordination of actions to address risks and threats to witnesses and victims, and collaboration in designing and implementing effective and sustainable protection programs.

In carrying out this role, LPSK can facilitate inter-institutional coordination meetings, hold discussion forums, or form cross-institutional working teams to discuss witness and victim protection issues. This cross-institutional collaboration is very important to ensure that the protection efforts carried out by LPSK can run synergistically with various other related institutions in the justice system. Apart from that, LPSK can also promote cooperation with

non-governmental organizations, civil society organizations and international institutions to support efforts to protect witnesses and victims more broadly. By strengthening inter-agency cooperation and integrating various available resources, LPSK can increase the effectiveness and impact of the protection programs they implement, as well as provide better protection for witnesses and victims of criminal acts.

The sixth role that must be carried out by the Witness and Victim Protection Agency (LPSK) is to convey suggestions and opinions to the government and related institutions regarding witness and victim protection policies. In carrying out this task, LPSK must ensure that every suggestion and opinion conveyed is based on accurate facts and objective analysis. LPSK can do this by conducting in-depth evaluations of trends and challenges faced by witnesses and victims, as well as collecting the latest data and information related to their protection and security in the criminal justice system.

Furthermore, LPSK can use this information to develop concrete and sustainable policy recommendations for the government and related institutions. These recommendations may include proposed improvements or enhancements to existing regulations or procedures, as well as suggestions for the development of more effective and sustainable protection programs. In this way, LPSK can act as an agent of change that promotes improved witness and victim protection policies, as well as making a positive contribution to the realization of a fairer and more just justice system. By supporting LPSK's role in conveying suggestions and opinions based on facts and objective analysis, the government and related institutions can gain deeper insight into the problems faced by witnesses and victims, as well as steps that can be taken to improve protection. they are in the judicial process.

## CONCLUSION

The Witness and Victim Protection Agency (LPSK) plays a very important role in the criminal justice system in Indonesia. Through the various roles it carries out, LPSK aims to provide protection, assistance and support to witnesses and victims of criminal acts. These roles include providing legal assistance and consultation, providing physical and psychological protection, assisting in obtaining their rights, developing training and education programs, promoting cooperation with relevant institutions, and conveying suggestions and opinions to the government and other institutions. related to witness and victim protection policies. Even though LPSK has an important role, it still faces a number of challenges, including limited budget and resources, as well as the need to increase inter-institutional cooperation and strengthen witness and victim protection policies. To overcome this challenge, joint efforts are needed from LPSK, the government, related institutions and the community to increase understanding, support and implementation of witness and victim protection. In this way, it is hoped that better protection can be provided to witnesses and victims, so that they can face the judicial process more safely, fairly and with dignity.

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