

## Reconstruction of Legal Protection for Witnesses and Victims in Handling Extraordinary Crimes in Indonesia

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**Abstract:** Legal protection for witnesses and victims is a crucial element in the criminal justice system, particularly in handling extraordinary crimes such as corruption, terrorism, and human trafficking. Although regulated by Law Number 31 of 2014 concerning Witness and Victim Protection, its implementation still faces various structural and normative obstacles. This study aims to analyze the effectiveness of legal protection and reconstruct an ideal protection model. The research method used is normative juridical with statutory and conceptual approaches. The results indicate that existing protection is suboptimal due to weak inter-institutional coordination, limited authority, and the lack of strengthened protection for whistleblowers and justice collaborators. Therefore, a reconstruction of the protection system based on restorative justice and institutional strengthening is necessary.

**Keywords:** Legal protection, witnesses, victims, extraordinary crimes, LPSK.

## INTRODUCTION

Protection of witnesses and victims is a fundamental aspect of the modern criminal justice system. Witnesses and victims play a strategic role in uncovering criminal acts because their testimony often becomes an important source of evidence in the law enforcement process. However, in practice, witnesses and victims frequently face threats, intimidation, psychological pressure, and even the risk of criminalization. These conditions may discourage them from providing truthful testimony and can ultimately hinder the achievement of justice.

The urgency of witness and victim protection becomes more significant in the context of extraordinary crimes, such as terrorism, human trafficking, corruption, sexual violence, and gross human rights violations. These crimes are generally organized, systematic, and have broad social impacts. Therefore, witnesses and victims in such cases require stronger legal protection because they are often exposed to higher risks and pressure from perpetrators or criminal networks (Baehaki & Hadis, 2023).

In Indonesia, the state has provided a legal framework for witness and victim protection through Law Number 13 of 2006 concerning Witness and Victim Protection, as amended by Law Number 31 of 2014. This regulation guarantees several rights, including physical and psychological protection, legal assistance, restitution, compensation, and other forms of protection needed during the criminal justice process. The establishment of the Witness and Victim Protection Agency (LPSK) also represents a strategic institutional step to ensure that witnesses and victims receive adequate protection.

Nevertheless, the implementation of witness and victim protection in Indonesia remains suboptimal. Several studies indicate that protection mechanisms still face various obstacles, including weak coordination among law enforcement institutions, limited institutional authority of LPSK, inadequate resources, and uneven access to protection services (Mursito, 2024; Sari, 2023). These challenges show that the existence of legal norms alone is insufficient without effective institutional support and consistent implementation.

The problem becomes increasingly complex in extraordinary crime cases. Although the legal framework has been established, the implementation of protection still faces technical and institutional constraints (Silalahi, 2024). Empirical studies also show disparities in the protection of victims and witnesses, particularly in terrorism and human trafficking cases, where victims often experience difficulties in accessing comprehensive protection and recovery mechanisms (Pratama & Nugroho, 2024).

From the perspective of criminal law, the success of uncovering a crime greatly depends on the courage and willingness of witnesses to provide testimony freely and without pressure. However, many witnesses are reluctant to report or testify due to fear of retaliation, social stigma, and lack of trust in law enforcement institutions. In addition, protection for whistleblowers and justice collaborators still requires stronger legal certainty, especially because they often face serious legal, social, and personal risks after disclosing information related to criminal acts (Wulandari, 2025).

Theoretically, legal protection is closely related to the protection of human rights and the fulfillment of justice. According to Philipus M. Hadjon, legal protection functions to prevent violations of rights and provide mechanisms for resolving legal problems when such violations occur. In this context, witness and victim protection is a form of state responsibility to ensure that vulnerable individuals are not left without legal safeguards (Hadjon, 1987).

Furthermore, John Rawls' theory of justice emphasizes the importance of fairness, particularly for vulnerable groups in society. Witnesses and victims can be categorized as vulnerable groups because they are directly affected by criminal acts and may face further risks during legal proceedings. Therefore, adequate protection is necessary to ensure equal access to justice and prevent further victimization (Rawls, 2021).

In addition to preventive and repressive legal protection, the restorative justice approach is also relevant in strengthening victim-oriented protection. Restorative justice does not only focus on punishing offenders but also emphasizes victim recovery, restoration of rights, and social reintegration. However, this approach has not been fully integrated into the witness and victim protection system, resulting in suboptimal victim recovery in practice (Rahmawati, 2026).

Based on these conditions, this study is important to examine the effectiveness of witness and victim protection in Indonesia, particularly in extraordinary crime cases. This article aims to analyze the existing legal framework, identify obstacles in implementation, and formulate reconstruction efforts to strengthen witness and victim protection through regulatory improvement, institutional strengthening, technology-based protection systems, and the integration of restorative justice principles.

## **RESEARCH METHOD**

This research uses a normative juridical method, which examines legal issues based on statutory regulations, legal principles, legal doctrines, and relevant scholarly literature. This method is appropriate because the study focuses on the regulation and implementation of legal protection for witnesses and victims, particularly in the context of extraordinary crimes.

The approaches used in this research are the statutory approach and the conceptual approach. The statutory approach is applied by examining laws and regulations related to witness and victim protection, particularly Law Number 13 of 2006 concerning Witness and Victim Protection as amended by Law Number 31 of 2014. This approach is used to identify the extent to which existing regulations provide legal certainty and effective protection.

The conceptual approach is used to analyze concepts and theories related to legal protection, justice, human rights, and restorative justice. Through this approach, the study examines the relevance of legal protection theory and justice theory in strengthening the protection system for witnesses and victims.

The data used in this research consist of secondary legal materials, including primary legal materials such as laws and regulations, as well as secondary legal materials such as books, journal articles, research results, and other scholarly references relevant to the topic. The collected legal materials are analyzed qualitatively by interpreting legal norms, identifying implementation obstacles, and formulating reconstruction efforts to improve witness and victim protection in Indonesia.

## RESULTS AND DISCUSSION

### Legal Protection Regulations

Legal protection for witnesses and victims in Indonesia is primarily regulated under Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims. This regulation provides various forms of protection, including physical, psychological, and legal protection. In addition, victims are entitled to restitution and compensation as part of the effort to restore their rights and recover losses resulting from criminal acts (Rusdi, 2025). Nevertheless, the implementation of these protections remains less than optimal due to various structural, institutional, and socio-cultural constraints.

In cases of extraordinary crimes, such as terrorism, corruption, human trafficking, and gross human rights violations, witness and victim protection becomes increasingly important because these crimes are generally organized, systematic, and have broad societal impacts. The law grants authority to the Witness and Victim Protection Agency (LPSK) to provide protection measures. However, the institution's role remains largely administrative and lacks strong executorial authority in several aspects of protection implementation. Compared to witness protection systems in several developed countries, which include identity relocation, witness relocation programs, and long-term protection mechanisms, Indonesia's protection framework still requires significant improvement.

Normatively, the legal framework for witness and victim protection has shown considerable progress. However, previous studies indicate that regulatory disharmony and implementation limitations continue to hinder the effectiveness of protection, particularly regarding technical protection mechanisms, restitution procedures, and inter-agency coordination (Putri, 2023; Santoso, 2024).

### Effectiveness of Legal Protection

The effectiveness of legal protection is determined not only by the existence of legal regulations but also by the extent to which such regulations are effectively implemented in practice. Several studies have identified key obstacles, including limited institutional resources within LPSK, inadequate infrastructure, and weak coordination among law enforcement agencies (Halim, 2023). Furthermore, access to protection services remains unequal across different regions, resulting in disparities in the level of protection received by witnesses and victims (Utami, 2025).

From a structural perspective, limitations in human resources, financial support, and institutional capacity hinder the optimal implementation of protection programs. From a substantive legal perspective, regulatory gaps remain regarding the protection of whistleblowers and justice collaborators who often face significant risks when disclosing criminal activities. Meanwhile, from a cultural perspective, fear of retaliation, social stigma, and a lack of public trust in legal institutions discourage many witnesses and victims from seeking legal protection.

These challenges demonstrate that strengthening legal protection requires not only regulatory reform but also improvements in institutional capacity, public awareness, and inter-agency collaboration.

### Theoretical Analysis

According to Philipus M. Hadjon, legal protection serves as a mechanism to safeguard individual rights from arbitrary actions by authorities or other parties. In this context, legal protection for witnesses and victims represents an important manifestation of the state's obligation to guarantee fundamental rights and access to justice.

Furthermore, John Rawls' theory of justice emphasizes fairness in the distribution of rights and opportunities within society. Witness and victim protection reflects the principle of distributive justice because it seeks to provide equal legal safeguards for individuals who are particularly vulnerable during legal proceedings.

Contemporary criminal justice theories increasingly emphasize victim-oriented approaches rather than focusing solely on the punishment of offenders. Modern justice systems recognize the importance of victim recovery, rehabilitation, and empowerment as essential components of justice (Wibowo, 2023). Consequently, restorative justice has gained increasing relevance as an alternative approach that seeks to restore relationships, repair harm, and facilitate victim recovery (Setiawan, 2024).

Therefore, legal protection should incorporate both preventive measures, through comprehensive regulations and early intervention mechanisms, and repressive measures, through effective law enforcement and remedies. A balanced combination of these approaches is necessary to ensure comprehensive protection for witnesses and victims.

### **Reconstruction of Legal Protection**

The reconstruction of witness and victim protection is necessary to establish a more effective, responsive, and sustainable protection system. Several strategic measures can be proposed, including:

1. Strengthening the legal and regulatory framework;
2. Enhancing institutional authority and capacity;
3. Integrating technology-based protection mechanisms; and
4. Expanding the implementation of restorative justice approaches.

Regulatory reform is needed to provide clearer legal guarantees and stronger protection mechanisms, particularly for whistleblowers and justice collaborators. Institutionally, LPSK should be strengthened through expanded authority, increased budget allocation, improved human resources, and stronger coordination with law enforcement agencies.

In addition, the integration of digital technologies is essential to improve the security of witness data, facilitate confidential reporting mechanisms, and enhance communication between protected individuals and protection agencies. In the context of victim recovery, restorative justice approaches should be further developed to prioritize the restoration of victims' rights and well-being rather than focusing solely on punitive measures.

Previous studies indicate that comprehensive legal reform combined with institutional strengthening represents a critical factor in improving the effectiveness of witness and victim protection systems in Indonesia (Siregar, 2024; Prasetyo, 2025).

### **CONCLUSION**

Legal protection for witnesses and victims constitutes an essential component of the criminal justice system, particularly in addressing extraordinary crimes that involve significant risks and complex criminal networks. Although Indonesia has established a legal framework through Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, its implementation has not yet achieved optimal effectiveness. Various challenges, including limited institutional capacity, weak inter-agency coordination, regulatory gaps, and socio-cultural barriers, continue to hinder the provision of comprehensive protection.

The findings of this study indicate that the effectiveness of witness and victim protection requires not only adequate legal regulations but also strong institutional support and consistent implementation. Theoretical analysis based on legal protection theory and justice theory further confirms that witnesses and victims, as vulnerable groups, are entitled to special protection to ensure equal access to justice and the fulfillment of their fundamental rights.

Therefore, the reconstruction of witness and victim protection should focus on strengthening the legal framework, enhancing the authority and capacity of the Witness and Victim Protection Agency (LPSK), improving coordination among law enforcement institutions, integrating technology-based protection systems, and expanding the implementation of restorative justice principles. Through these efforts, a more effective, responsive, and sustainable protection system can be established to ensure legal certainty, justice, and the recovery of witnesses and victims in Indonesia.

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