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# The Crucial Role of Justice Collaborators in the Disclosure of Legal Facts in Corruption Cases

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## *Abstract*

This study seeks to examine the disclosure of legal facts in cases of corruption through the crucial role of justice collaborator. This study uses a prescriptive normative research type. The research approach uses a statutory approach and a case approach. Based on the interpretation of Article 1 paragraph (1) of Law No. 13 of 2006 in conjunction with Law No. 31 of 2014 concerning Protection of Witnesses and Victims, perpetrator witnesses are in three types of scope, namely as suspects, defendants and convicts. Thus, someone who can be said to be a justice collaborator is the determinant which is regulated in Article 55 paragraph (1) of the Criminal Code and in number 9 SEMA No. 04 of 2011 concerning the Treatment of Criminal Whistleblowers (Whistleblowers) and Witnesses of Cooperating Perpetrators (Justice Collaborators). The contribution of the witness of a justice collaborator in uncovering corruption cases is the ability to provide information for other offenders and engage in revealing legal facts.

***Keywords:*** *Corruption; Justice Collaborator; Legal Fact; Whistleblowers*

## *Introduction*

The majority of Indonesian criminal law regulations have been contained in a law book titled "KUHP" or criminal law book (*wetboek van strafrecht*) (Moeljatno, 2002). Discussing the legality and prohibition of an act, as well as the crime itself, there is a notion known as the legality principle. This implies that there are no illegal actions or behaviors that can be penalized if they are not specified in advance by laws and regulations. The premise is also known in Latin as *nullum delictum nulla poena sine praevia lege* which means that “no crime, no punishment without prior regulation”.

Any single person or group of people can conduct a crime, and under some circumstances even more than one person can commit the same crime at the same time. To put it another way, a crime can be committed by more than one person at the same time. When several persons get involved in criminal activity, it is typically referred to as a *deelneming* or criminal act of inclusion (Gilang et al., 2011).

However, corruption is not a new phenomenon in Indonesia; it has occurred in our lives, evolved into a system, and eventually been absorbed into the state government. The organizations set up to eradicate corruption via Law 31 of 1999 jo. Law 20 of 2001 about the Eradication of Criminal Acts of Corruption failed because they were ineffective, the legal instruments were relatively weak, and law enforcement officers were unaware of the repercussions of corruption (Chaerudin et al., 2008). Many legal subjects in Indonesia's criminal justice system do not tell the truth because of fears of retribution or other considerations. As a result, law enforcement may struggle to prove a corruption case because of this (Wijaya, 2012).

The Indonesian system of criminal justice acknowledges the concept of "justice collaborator." Since the word "Justice collaborator" is not defined in the Criminal Procedure Code or other legislation governing the presence of cooperating actors or reporting witnesses in Indonesia, it is not a legally binding concept within the country. Nevertheless, this concept has been utilized and refined in Indonesian legal practice, which is shown in a wide variety of statutes. Researchers have found preliminary evidence that suggests this law is intended to protect people who report crime (whistleblowers) or who work with authorities. In order to effectively deal with a criminal situation, it is essential to carry out this step as a type of persuasion.

In order to safeguard those who work together for justice, this persuasive model is one of several possible legal frameworks. All parts of the criminal justice system (Darmawati, 2019) will work together smoothly if this model is implemented. If a Justice collaborator has shared sensitive material with an institution, for instance, that institution must take all necessary precautions to ensure the safety of its constituent parts. The Justice collaborator function is routinely and frequently utilized in Indonesia's procedure of uncovering corruption cases As the Justice collaborator itself might disclose the ringleader or schemer of a larger corruption crime, it is expected to be able to solve criminal activities, specifically corruption, with relative ease, making their function crucial and necessary in the combat of corruption. Unfortunately, the state has not provided adequate recognition and protection for those who work in the justice system. Some people who help the Justice Department are also handed the same penalty for criminals. This means that law enforcement officers pay no attention to the importance of reporting illegal activity or to the rules that regulate such reporting (Wahyudi, 2021).

In light of what has been discussed thus far, the following is an outline of the problem:

1. How is the construction of criminal law related to unlawful acts and abuse of authority in the involvement of perpetrators of corruption as justice collaborators?
2. How does the statement of a justice collaborator contribute to the disclosure of a corruption case?

## *Method*

This is doctrinal legal study, which means it is based on the conceptualization and development of law according to the doctrine accepted by the concept and/or developer (Irianto, 2009). This study has adopted a prescriptive paradigm for the reason that the ontology of this legal study takes the shape of the involvement of justice collaborators in the investigation and prosecutorial phases of unveiling legal facts. Justice collaborators' disclosure of relevant legal facts will be studied using both a statutory and a case-based approach, with the goal of combining the relevant procedural law. Secondary data is used in this study, which refers to data or information gleaned from a review of previously conducted research documents, such as books, literature, newspapers, journals, and archives.

In this legal study, we use primary legal materials, namely “the 1945 Constitution of the Republic of Indonesia, Law no. 13 of 2006 concerning the Protection of Witnesses and Victims”. Secondary legal materials, namely those that provide an explanation of primary legal materials such as the results of

scientific works of scholars and legal experts and the results of legal journals. Tertiary legal materials for example; material from internet media, dictionaries, encyclopedias, cumulative indexes and so on. This study employs library research methods or "collecting by library" to acquire and synthesize the necessary data (Lexy, 2005). The reasoning method was a deductive syllogism, namely things with general formulations and followed by detailed elaboration at the next stage. In this study, we also use the doctrine and principles related to the existence of a justice collaborator.

## *Results and Discussion*

Construction of criminal law related to unlawful acts and abuse of authority in the involvement of perpetrators of corruption as justice collaborators

To paraphrase what Syed Husein Alatas (1987) has to say about corrupt practices that every instance of corruption involves a group of individuals. In most cases, corrupt activities take place behind closed doors, Corruption of all stripes will use the cover of the law to conceal their activities. There is always some combination of duty and gain involved in corrupt behavior. Those that engage in corrupt practices do so because they seek to exert undue influence over decision-makers. Both private and public institutions, as well as the general people, are susceptible to corruption, which includes fraud.

Corruption perpetrators' modus operandi might involve what's called "participation" in the criminal law system, which is when two or more people work together to commit a (*deelneming*). For illustration, in a relationship between a job or project's executor and a third party, wherein the working parties raise the price of goods and services to the mutual benefit of the job's employer and the job's recipient, the initiative to do so may originate with either or both of the parties involved. Corruption crime is often carried out by what is described as "participation," or mutual cooperation, amongst the perpetrators (*deelneming*). One such manner of initiative can come from either the employer or the employee, as in the case where the price of goods and services is raised as a result of the work done.

Multiple people in various positions can be engaged in corrupt acts, and each of these individuals will face varying degrees of criminal liability. A leader or person in a position of leadership in this situation has even more criminal responsibility than the actual offender (*pleger*) or person who gave the order to do the crime (*doen pleger*). In contrast, subordinates or those with less power will be charged as medepleger. More importantly, the concept of Justice collaborator as taught is essentially identical to the concept of participation in the terms of Article 55 of the Criminal Code, where someone is participating in corruption and they (justice collaborators) voluntarily disclose corruption instances to the law. There are many types of corrupt law enforcement personnel, including those who commit corruption themselves, those who advise others to commit corruption, and those who act as lookouts for others who do so (Manalu, 2015).

One of the conditions of being a Justice collaborator is acting as a suspect rather than the primary actor, and in this context, criminal law is introduced as a means of involvement. Articles 55 and 56 of the Criminal Code govern many forms of participation, including the "person who does or perpetrator (*pleger*)," "who is directed to do (*doen pleger*)," "those who participate in doing (*medepleger*)," "those who create an advocate for those who do (*uitlokker*)," and "those who help in doing (*medeplichtigheid*)".

Compared to other types of engagement, *medepleger* stands apart in three primary ways. To begin, there must be at least two people involved in order for the crime to be committed. Second, in a criminal act, all participants are involved in the actual bodily carrying out of the act. Finally, there is already a prearranged cooperation before any real cooperation even occurs.

The next type of order is *uitlokker*, which likewise requires the presence of two or more persons, each of whom is a person who recommends or is also known as an intellectual actor and a recommended person or is also known as a materialist actor. Advocates are intellectual actors, but those who encourage others are material actors committing illegal acts. Advocates, as defined by Article 55 paragraphs 1 and 2 of the Criminal Code, are those who encourage others to perform criminal acts and whose actions lead others to carry out those action plans. From this description, we can deduce the following four features of *uitlokker*:

1. Involving two people, one of whom acts as an intellectual actor by encouraging others to commit crime, and the other of whom behaves as a materialist actor by committing crime on the intellectual actor's recommendation.
2. Those who play the role of intellectual actors attempt to persuade the actor to commit a crime by appealing to his or her sentimental or materialistic side in one of the following ways:

    a. Make a promise or offer something in exchange.
    b. Misuse of intellectual actors' authority.
    c. Making materialized actors believe they are under threat by using deceptive language.
    d. Aid materialist actors by giving them access to resources, media, and knowledge.
    e. Employing violence or intimidation, but not until it is also a force, so that material actors retain the ability to choose their attitude.

3. There must be some intellectual actors influencing or persuading materialist actors to commit criminal acts.
4. Mainly, materialist perpetrators are those who can be held criminally liable for the crimes they commit.

Considering the complicated nature of the corruption issue that has been so commonplace in Indonesia, the term "participation" is employed as a point of reference in the process of uncovering the truth about corruption. To uncover all activities that are structured by corrupt perpetrators, article 55 of the Criminal Code requires the cooperation of Justice collaborators. Physical and psychological safeguards are required for information provided by Justice collaborators under Article 55 of the Criminal Code. Justice collaborators must feel safe in knowing that the state will protect them if they are ever under investigation. The current criminalization has an effect on the fear of Justice collaborators who help law enforcement officers expose illegal acts of corruption.

There is a high risk of harm or death for those who work with the justice system or who are witnesses to criminals who are working with authorities (Justice collaborator). This is because those who work in the field of justice can aid law enforcement in their quest to find answers about illegal activities and identify those who are primarily responsible for them. In SEMA Number 4 of 2011, addressed to the Head of the High Court and Head of the District Courts throughout Indonesia and signed by Chief Justice of the Supreme Court of the Republic of Indonesia Harifin A. Tumpa in Jakarta on August 10, 2011, the guidelines for determining a person as a witness to a collaborating perpetrator (justice collaborator) were first regulated. The following are the rules:

1. The individual in question is one of the people responsible for specific criminal activities as alluded to in this SEMA, has admitted to the crime he has committed, is not the main actor of the crime, and is willing to give evidence as a witness in court;
2. The Public Prosecutor argues in his indictment that the defendant has offered crucial information and evidence that will allow law enforcement to effectively uncover the crime. Disclose additional parties with a more significant role and/or return stolen property or money.

A Joint Regulation of the Minister of Law and Human Rights, the Attorney General's Office, the Chief of Police, the Corruption Eradication Commission, and the Head of the Witness and Victim Protection Agency, No. m.hh-11.hm.03.02.th.2011, No. per-045/a/ja/12/2011, No. 1 of 2011, No. kepb-02/01-55/12/2011, No. 4 of 2011 concerning Protection of Whistleblowers, Reporting Witnesses, and Collaborative Perpetrator Witnesses, was enacted in Jakarta on December 14, 2011. The following are the conditions set forth by the Joint Regulations for receiving protection as witnesses from cooperating perpetrators: The offenses that must be reported are either very serious or highly organized; Contribute significant, pertinent, and trustworthy data toward the identification of major and/or structured criminal activity; One of the primary criminals involved will not be identified; a written statement declaring the defendant's willingness to return various items gained during the commission of the crime at issue; As things stand, there is legitimate cause for alarm about the potential for physical and psychological harm to come to any cooperating witnesses of the criminal or their families should the crime be exposed.

Witnesses are afforded limited protection from LPSK perpetrators under Law No. 13 of 2006 and Law No. 31 of 2014 on the Protection of Witnesses and Victims. Justice collaborators have rights that are codified in a number of different statutes and rules, including but not limited to the following:

1) Law Number 7 of 2006 concerning Ratification of the United Nations Convention Against Corruption, 2003. Article 32 affirms that:
   a) “Each participating country is obliged to take appropriate action in accordance with the legal system in force in its country, and by all means provide effective protection and the possibility of retaliation or threats/intimidation against witnesses and expert witnesses who provide information on criminal acts determined under this convention, and to the extent necessary for their family and others close to them.”
   b) “The acts described in paragraph (1) of this article may include: without (reducing or eliminating) the rights of the accused, including the right to a fair trial.”
   c) “Establish procedures for the physical protection of such persons, to the extent necessary and the possibility of relocating them and permitting, if necessary (non-disclosure) or restrictions on the disclosure of information about the identity and whereabouts of such persons.”
   d) “Provide evidence laws that allow witnesses and experts to testify in a manner that ensures the safety of these persons, such as allowing testimony to be given using communication technology, video, or other appropriate means.”
   e) “The participating countries are obliged to consider entering into agreements or arrangements with other countries regarding the relocation of people as referred to in paragraph (1).”
   f) “Law Number 5 of 2009 concerning Ratification of the Convention Against Transnational Organized Crimes/UNCATOC (UN Convention Against Transnational Organized Crime).”

The legal protection of justice collaborators has been provided for in Article 24 paragraph (1) which states that "each state party shall take appropriate measures within its means, to provide effective protection and the possibility of retaliation or intimidation of witnesses in criminal proceedings testifying to the crimes set forth in this Convention and where appropriate for their family members and others close to them."

2) Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 concerning Protection of Witnesses and Victims.

Regulations related to the rights of justice collaborators are regulated in several articles, namely:

Article 10

1) Witnesses, Victims, Perpetrators, and/or Whistleblowers cannot be legally prosecuted, both

criminal and civil, for testimonies and/or reports that will be, are being, or have been given, unless the testimony or report is not given in good faith;

2) In the event of a lawsuit against a Witness, Victim, Witness Perpetrator, and/or Reporting Party for information and/or reports that will be, are being, or have been given, the lawsuit must be postponed until the case reported or he/she gives testimony has been decided by the court and obtain permanent legal force.

Article 10 A

1) Perpetrator witnesses may be given special treatment in the examination process and award for the information provided;

   a) The special handling as referred to in paragraph (1) is in the form of: a place of detention or a place of detention between a witness to the perpetrator and a suspect, defendant, and/or convict whose crime is revealed;
   b) Separation of submissions between the perpetrator's witness file and the suspect and defendant's files in the process of investigation, and prosecution of the crimes he disclosed, and/or; c. Provide information in front of the trial without dealing directly with the defendant whose crime is revealed.

2) The award for the testimony as referred to in paragraph (1) is in the form of:

   a) Leniency,
   b) Conditional release, additional remission, and the rights of other prisoners in accordance with the provisions of the legislation for the Perpetrator Witness who is a prisoner.

3) Government Regulation Number 99 of 2012 concerning Conditions and Procedures for the Implementation of Correctional Rights.

In Government Regulation (PP) No. 99 of 2012, for prisoners convicted of criminal acts of terrorism, narcotics, corruption, crimes against state security, serious human rights violations, and other transnational organized crimes, the requirements for granting pardons to perpetrators of criminal acts of corruption have been introduced and narrowed. Only convicts who are willing to assist law enforcement in unraveling their own criminal cases (justice collaborators) and who have paid all court-ordered fines and restitution in full are eligible for a pardon for corruption.

4) Joint Regulation No: m.hh-11.hm.03.02.th.2011, No: per-045/a/ja/12/2011, No: 1 of 2011, No: kepb-02/01-55/12/ 2011, No: 4 of 2011 concerning Protection of Whistleblowers, Reporting Witnesses, and Cooperative Actors. Witnesses of perpetrators who cooperate are entitled to physical and psychological protection; Legal protection; Special handling.
5) SEMA Number 4 of 2011 concerning the Treatment of Whistleblowers and Judicial Collaborators in Certain Criminal Cases.

In making the criminal decision mentioned in Article 9 letter C, the judge may take the following actions with the assistance of the justice collaborator: imposing a special conditional probationary sentence; and/or imposing a sentence in the form of the lightest sentence among the other defendants found guilty in the case concerned.

In material criminal law, especially the positive legal regulations for the crime of corruption, it was found that there was a lack of clarity and incoherence in the formulation of the basic norms, a reversal of the burden of proof in the provisions of Article 12B of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Corruption Crimes. Article 37, Article 37A can

also be used as related to the position used whether there is abuse or not (Wijaya, 2012).

The element against the law in Dutch is the word "*wederrechtelijk*" which indicates the illegitimacy of an action or an intention to use the word by lawmakers to show the illegal nature of an action that is found in the formulations of offenses in the article of the Criminal Code.as in Article 167 paragraph (1), 179, 180 and Article 190 of the Criminal Code. Meanwhile, the word to indicate the illegal nature of an intent can be found, such in the formulation of offenses in the articles of the Criminal Code such as Articles 328, 339, 362 and Article 389. Criminal law experts provide different meanings related to the meaning of the element against the law. Bemmelen defines against the law in two senses, namely as contrary to proper scrutiny in public relations regarding other people or goods and contrary to the obligations stipulated in the law. On the other hand, Hazewink el Suringa defines against the law with three meanings, namely without own rights or authority, contrary to the rights of others and contrary to objective law (Ali, 2013).

Being corrupt is described as a huge violation of the law under the law against corruption. For something to be considered a violation of formal law, it must be explicitly defined as such in the law and subject to criminal penalties. Moeljatno argues that an action is not considered illegal if it satisfies the requirements of the law. If an action is not specifically defined as a crime in the law, then it cannot be considered illegal. Despite how harmful it may be to society as a whole. Consequently, the law itself serves as the measure by which to evaluate whether or not a given action is illegal. The concept of breaking the law might be interpreted in two different ways. An act is said to be unlawful when the act has been formulated in the law as an act that is threatened with criminal law.

Offenses that are regarded illegal under the law are only those that have been explicitly defined as criminal acts. The only thing that can eradicate the character of illegality is law itself. Even if an act is not materially deemed to be against the law, it is not thought to be against the prevailing societal ideals. Nonetheless, even though it is not explicitly defined as a forbidden criminal act in the legislation, the act is still technically deemed to be illegal. Only by law can the unlawful nature of the conduct specified in the law be eliminated (Ali, 2013).

Laws that arise and develop in society, become a ground for legal discovery in legal reform. Therefore, judges must always equip themselves with the sociology of law and legal culture. The legal discovery method is not a legal science method, because the law discovery method can only be used in legal practice (Darmadi, 1998). The method of discovery of law is also not a theory of law. The legal discovery method consists of legal interpretation, such as: grammatical interpretation; systematic interpretation; and teleological or sociological interpretation. Legal discovery methods also include legal construction, such as: analogy; argumentum a contrary, and legal refinement (Mertokusumo, 2007).

The rule of law of proof states that only those aspects of a crime that are explicitly stated in the offense's formulation need to be proven. According to Article 2 of Law No. 31 of 1999 and Law No. 20 of 2001 concerning the Eradication of Corruption Crimes, in addition to proving the existence of an act of abuse of authority, the prosecutor is required to prove the unlawful element of the act of enriching. To the extent that it can be demonstrated, the illegality of the authority abuse will be taken into account. Corruption, as defined in Article 3 above, is a criminal conduct because of the presence of an undiscovered illegal element in the behavior it describes.

The prosecutor must first reveal facts about various written provisions that have been violated, discussed, or analyzed in requisitor, before the court can rule that Article 2 of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption is unlawful. Defining what constitutes illegal elements is the first step in examining the evidence. Generally speaking, prosecutors always define what it means to break the law. Prosecutors almost always have to look for written sources that declare or establish that rewarding the defendant is against the written law.

The source of the written law is sought outside of the corruption law (Chazawi, 2008).

The core part of the offense contained in Article 2 of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption is against the law, enriching oneself or another person or corporation and can harm state finances or the state economy. This unlawful act can be used as a core part of the offense or the nature of a special law. Thus, if it is not proven against the law, then the judge's decision is free. This is different from the formulation of Article 3 where legal acts against the law are not made a core part of the offense (the nature of which is against the general law or secretly). Hence, even though the defendant's formulation of the offense has been fulfilled, but if there are justifications or excuses for the defendant's actions, the judge's decision is to release the defendant from all lawsuits (Musta'in, 2017). For the indictment which is prepared on a subsidiary basis, in principle, the primary charge must be proven first, if it is proven then the subsidiary indictment will not be considered again. If the primary charge is not proven, then the subsidiary charge is proven. In Article 2 it is referred to as "*pasal karet*" or "waste basket article". This means that all acts of corruption can be included in Article 2 because there is a formulation against the law. Article 3 will also fit into Article 2 because the element of abuse of office or authority is actually an act against the law. By placing Article 2 as the primary indictment for corruption cases, it will automatically close the opportunity to prove Article 3 as a subsidiary charge because of the abuse of authority or position in Article 3 it will also fulfill the unlawful element of Article 2 in the primary indictment. This has implications for the difficulty of determining the status of criminal law. Determination of being a suspect and a defendant will actually be hampered by legal rules, both formal and material. Another obstacle is if the criminal act of corruption is carried out by more than 1 (one) perpetrator and they enter into a mutual agreement. This element of "unlawful acts" started before there were other elements that followed. Acts against the law are regulated in Article 2 of Law no. 31 of 1999 in conjunction with Law no. 20 of 2001 concerning the Eradication of Corruption Crimes. Between "unlawful conduct" and "abuse of authority" is an inseparable unity. Both are also a benchmark for the occurrence of criminal liability from the perpetrators of corruption.

The Role of a Justice Collaborator's Statement in Disclosing Cases of Criminal Acts of Corruption

After the amendment to the law concerning the eradication of corruption in 2001, the term reverse proof began to emerge and was applied in the practice of establishing legal sanctions against perpetrators of corruption. However, the reversal that refers in the law does not provide clarity. The words "must prove otherwise" and "right to prove" are used as references in reverse proof. It is only at first glance that it can be interpreted that there is a transformation of evidence no longer by prosecutors in the Corruption Eradication Commission (KPK) in proving indications of criminal acts of corruption committed by corruptors. Meanwhile, the evidence is left to the perpetrator. The definition of "perpetrator" here also does not have a clear formula when he becomes a suspect or whether he is a defendant. The meaning of proof of property owned with income can also be used as a parameter in the proof. In addition, there is also a normative debate regarding the position of the suspect and the defendant when "will and has" proven that their assets are the result of corruption or not. The word "against his property which has not been indicted, but is also suspected of originating from a criminal act of corruption" has become a legal loophole and a boomerang for all parties in proving that the property owned is the result of corruption or not. The addition of before getting a job at the same time as the position, authority and power will be a benchmark for calculating the assets of the suspects of corruption. In practice, the implementation of this reverse proof has not been able to run optimally and has not even been implemented.

The provisions of Article 38A of Law no. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption is very necessary in proving corruption crimes regarding gratification as regulated in Article 12 B paragraph (1) because in the formulation of Article 12B paragraph (1) it only mentions civil servants or state officials, there is no mention of defendants for corruption as in the formulation of

Articles 37, 38A, and 38B. Although the name of the defendant for the perpetrator of a criminal act of corruption is only applied at the time of examination in court, because as formulated in Article 1 number 15 of the Criminal Procedure Code (KUHAP) the perpetrator of a criminal act of corruption who is named as a defendant is a suspect who is prosecuted, examined and tried in court. The implication of the formulation of Article 38 A is the imposition of the burden of proof for cases of criminal acts of corruption regarding gratification as referred to in Article 12 paragraph (1) letter a and the imposition of a limited burden of proof for cases of criminal acts of corruption concerning gratification as referred to in Article 12B paragraph (1) letter b cannot be carried out at the time of examination in court. With the process of determining the perpetrators of corruption in the regions and the determination of legal offenses as a means of trapping the perpetrators, the final outcome will be determined in court. Dialectics and legal debate will be the benchmarks for decisions that will be handed down against the legal objectives to be achieved that must be carried out comprehensively, namely legal certainty, expediency and justice.

There is an arrangement for reversing the burden of proof in the provisions of Article 37 of Law no. 31 of 1999 in conjunction with Law no. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption with the offense of gratification in Article 12B, the correlation is that the reversal of the burden of proof in the provisions of Article 37 applies to the crime of bribery receiving gratification with a value of Rp 10.000.000,00 or more (Article 12B paragraph (1) letter a). Further, the correlation with Article 37A paragraph (3) that the reversal of the burden of proof according to the provisions of Article 37 applies in the aspect of proof regarding the source (origin) of the defendant's property and other main cases as stated in the provisions of Article 37A in case only against acts gratuity bribery corruption that is not mentioned in the provisions of Article 37A paragraph (3) (Mulyadi, 2015).

In relation to the dimensions of the judge's decision in Chapter I concerning General Provisions Article 1 point 11 of the Criminal Procedure Code, it is determined that a court decision is a judge's statement pronounced in an open court session which can be in the form of punishment or free or free from all lawsuits in and according to the method regulated in the law. It can be said that the judge's decision is the end of the criminal trial process for the examination stage in the district court. A judge's decision is only valid and has the meaning of legal force if it is pronounced in a trial that is open to the public (Article 195 of the Criminal Procedure Code) and must be signed by the judge and clerk after the judge's decision is pronounced (Article 200 of the Criminal Procedure Code). Then if it is seen from the provisions of the Criminal Procedure Code that the judge's decision can essentially be categorized into two types, namely final decisions and non-final decisions. When a case is examined by a panel of judges until the main point of the case is finished. This is based on the provisions of Article 182 paragraph (3) and paragraph (8), Article 197 and Article 199 of the Criminal Procedure Code called the final decision. In this type of decision, the procedural things that must be carried out are after the trial is declared open and open to the public, checking the identity of the accused and warning to hear and pay attention to everything in the trial, reading the indictment, objections, examining evidence, replicas and duplicates and then re-duplicating, closing the examination statement as well as deliberation of the panel of judges and the reading of the verdict. As for decisions that are not final decisions in practice, they can be in the form of stipulations or interim decisions based on the provisions of Article 156 paragraph (1) of the Criminal Procedure Code. This decision can formally end the case if the defendant or legal advisor and the public prosecutor have accepted the decision. However, materially the case can be reopened if one of the defendants or legal counsel submits a resistance and the resistance is justified by the high court, so that the high court orders the district court to continue examining the case in question. As a result, the decisions can be grouped into final decisions and not final decisions. The final decision can be in the form of sentencing (*veroordeling*), free from all legal charges (*onslag van alle rechtsvervolging*), free (*vrijspraak*) (Mulyadi, 2015).

There are several types of judge decisions based on the Criminal Code which are used as the basis for judges to give verdicts, namely as follows (Effendi, 2019): In Article 191 paragraph (1) of the Criminal Procedure Code, it is stated that "If the court is of the opinion that from the results of the examination at trial, the guilt of the defendant for the act of which he is accused is not legally and convincingly proven, then the defendant is acquitted". This is interpreted as an acquittal (*vrijspraak*). Based on the formulation of the article, there are several conditions, namely as follows: First, the guilt of the defendant is not legally proven. In this case, there are conditions that also relate to errors and are not proven and are legally final. The first element is error. The element of error in criminal law theory can mean that the act is considered responsible for its actions (there are no justifications and excuses). A defendant can be acquitted if his guilt is not proven. The error means that the defendant's actions, whether intentionally or culpable, were not proven. The guilt could not be proven either because there were justifications and excuses. Second, the defendant's guilt was not convincing. This means that the proof lies in two pieces of evidence that are valid and convincing to the judge, so if the judge is not sure that the defendant has committed a crime, the judge may not pass a criminal verdict.

In Article 191 paragraph (2) of the Criminal Procedure Code it is stated that "If the court is of the opinion that the act committed against the defendant is proven, but the act does not constitute a crime, then the defendant is dismissed from all charges". In this case, it is called the decision to escape all lawsuits (*Onslag Van Recht Vervolging*). It also requires that the defendant's actions be proven. That "the defendant's actions were legitimate and convincing" in the trial examination process. The facts revealed in the trial stated that the defendant's actions were proven legally and convincingly and legally according to the evidence in accordance with Article 184 of the Criminal Code and convinced the judge on the evidence to declare the defendant as the perpetrator of the act. Regarding “not a criminal act”, even though the defendant's actions are proven, but the act is not a crime. In fact, the scope of the case is a civil case. The existence of a decision to escape from all these lawsuits shows that there is an error in the stages of the criminal justice system starting from the process of investigation, investigation to prosecution. Whereas, it had been stated previously at the investigation and investigation level that the case being examined was a criminal act, but it turned out that in the trial examination the case was decided by the panel of judges, that the case was not a criminal act.

In Article 191 paragraph (3) of the Criminal Procedure Code it is stated that "In the case as referred to in paragraph (1) and paragraph (2) the accused who is in detention status is ordered to be released immediately unless there is another valid reason, the accused needs to be detained". The sentencing decision is decided by the judge if he has obtained the belief that the defendant committed the act that was charged and he considers that the act and the defendant can be punished as stated in Article 191 paragraph (1) of the Criminal Procedure Code. Sentencing decisions can be imposed beyond the maximum threat specified in the law. Every court decision is valid only if it is pronounced directly in a trial which is open to the public. Article 195 of the Criminal Procedure Code reads "all court decisions are only valid and have legal force if they are pronounced in a trial open to the public". Even if the case is closed. However, the reading of the decision must be carried out openly to the public”. In addition, the decision is pronounced in the presence of the defendant as referred to in Article 196 paragraph (1) of the Criminal Procedure Code, namely "the court decides the case in the presence of the defendant unless this law provides otherwise". One of the exceptions to this decision is that for more than one defendant in one case, as long as one defendant is present, the decision can be read out and declared valid according to law. In addition, the decision is pronounced in the presence of the defendant as referred to in Article 196 paragraph (1) of the Criminal Procedure Code, namely "the court decides the case in the presence of the defendant unless this law provides otherwise". One of the exceptions to this decision is that for more than one defendant in one case, as long as one defendant is present, the decision can be read out and declared valid according to law. In addition, the decision is pronounced in the presence of the defendant as referred to in Article 196 paragraph (1) of the Criminal Procedure Code, namely "the court decides the case in the presence of the defendant unless this law provides otherwise". One of the exceptions to this decision is

that for more than one defendant in one case, as long as one defendant is present, the decision can be read out and declared valid according to law.

## *Conclusion*

Considering Justice collaborators are criminals who can help discover a crime as they have the ability to have evidence to ensnare the main perpetrator and other suspects, it is crucial that they be granted legal protection for their cooperation with law enforcement during investigations of Corruption Crimes. As it stands, agreements for perpetrator witnesses who are prepared to collaborate with law enforcement cannot be used as a solid legal basis for the right to reduction of sentences for Justice collaborators and have several flaws, particularly in regards to leniency for Justice collaborators for their statements in aiding law enforcement officers. As a result, it is essential to have certain preparations in place at all stages of the process of prosecuting criminal acts of corruption in the absence of a binding force that obliges courts to grant criminal leniency. Article 55, paragraph 1, of the Criminal Code regulates the presence of a person who can be considered a collaborator with the court system. In addition, it is also specified in number 9 of SEMA No. 04 of 2011 concerning Treatment for Criminal Whistleblowers (Whistleblowers) and Witnesses of Collaborating Perpetrators (Justice Collaborators), namely the person concerned is one of the perpetrators of certain criminal acts, admits the crime he has committed, not the main perpetrator in the crime and provide testimony as a witness in the judicial process.

The contribution of a justice collaborator's testimony in uncovering corruption cases is the ability to provide evidence for additional illegal acts and participate in revealing the necessary legal facts for proving the case. In addition, the most critical role of testimony is to help law enforcement officials identify larger cases involving illegal activities. The optimal method of implementing the job of justice collaborator is highly dependent on the level of the apparatus's dedication to providing legal protection to them, as well as the determination of law enforcement officers and rule-makers to create clear and comprehensive legal laws. Concerning justice collaborators and the commitment of law enforcement agents to ensure that they receive rewards for revealing corruption instances. Various forms of protection for justice collaborators must be considered in order to enhance the number of parties who report incidents they are aware of. For each participant in the exposure of corruption instances, justice collaborators ought to be paid. In addition, the Corruption Crime Case requires a specific clause concerning their compensation.

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