



Legal Protection of Witness and Victim Protection Agency Against Reporting Witnesses (Case Study of Football League 3 Score Fixing Bribery)

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Abstract

Whistleblowers often face terror threats that can threaten their lives or families when revealing crimes or violations they know. The role of the whistleblower is significant in disclosing a case, especially in soccer in Indonesia, one of which is the case of match-fixing. This study aims to determine the legal protection of whistleblower reporting witnesses in the match-fixing case in the Indonesian football league three and the barriers to the protection of the whistleblower reporting witness in the match-fixing case in the Indonesian league three football. The author's method in this study uses a normative juridical method through a literature study that examines mainly secondary data in the form of legislation, court decisions, scientific journals, research results, and other references. The results show that Lasmi Indaryani as a whistleblower has received protection from the Witness and Victim Protection Agency (*Lembaga Perlindungan Saksi Dan Korban*, LPSK) through the mandate of Law No. 31 of 2014 concerning Witness and Victim Protection and strengthened by the Supreme Court Circular No. 4 of 2011 concerning Treatment For Whistleblowers (Whistle Blower). Obstacles often encountered in the implementation of duties and functions and the authority of LPSK in providing protection are barriers to legislation and cooperation between institutions, barriers to legislation, and cooperation between institutions.

Keywords: Protection, whistleblower, match-fixing

Abstrak

Saksi pelapor (*whistle blower*) seringkali menghadapi ancaman teror yang dapat mengancam jiwanya atau keluarganya ketika mengungkap kejahatan atau pelanggaran yang diketahuinya. Peran *whistle blower* menjadi sangat penting dalam pengungkapan suatu kasus, terlebih dalam olahraga sepak bola di Indonesia salah satunya pada kasus pengaturan skor atau *match fixing*. Penelitian ini bertujuan untuk mengetahui perlindungan hukum terhadap saksi pelapor *whistle blower* dalam kasus pengaturan skor *match fixing* di sepakbola liga 3 Indonesia dan hambatan perlindungan saksi pelapor *whistle blower* dalam kasus pengaturan skor di sepakbola liga 3 Indonesia. Metode yang digunakan penulis dalam penelitian ini adalah menggunakan metode yuridis normatif melalui studi pustaka yang menelaah terutama data sekunder yang berupa peraturan perundang-undangan, putusan pengadilan, jurnal ilmiah, hasil penelitian dan referensi lainnya. Hasil penelitian menunjukkan bahwa Lasmi Indaryani sebagai *whistle blower* telah mendapatkan perlindungan oleh Lembaga Perlindungan Saksi Dan Korban (LPSK) melalui amanah Undang-Undang No.31 Tahun 2014 Tentang Perlindungan Saksi Dan Korban dan diperkuat oleh Surat Edaran Mahkamah Agung No.4 Tahun 2011 tentang Perlakuan Bagi Pelapor Tindak Pidana (*Whistle Blower*). Hambatan yang sering ditemui dalam pelaksanaan tugas dan fungsi, dan kewenangan LPSK dalam memberikan perlindungan adalah hambatan peraturan perundang-undangan dan kerjasama antar lembaga, hambatan peraturan perundang-undangan dan kerjasama antar lembaga.

Kata Kunci: Perlindungan, whistleblower, match-fixing

I. Introduction

Indonesia is one of the law states (*Rechstaat*) that upholds the law, manifested in regulations in the form of laws and systematically arranged in specific codifications or compilations. In this increasingly advanced era, the condition of Indonesian society is overgrowing in line with the progress of the times, and this is directly proportional to the mindset and behavior of the community itself; with such rapid development, the community

needs regulations as a reference or guideline to control the development of society in the right direction. If the law is better, then the law plays a significant role in this case.¹ Likewise, the process of proving or punishing a criminal act that occurs must be based on the applicable law. The protection of the reporting witness, in this case, the whistleblower, is closely related to a criminal act that occurs in significant cases. The purpose of this connection is that most criminal acts can be solved by the testimony given by the reporting witness. So a witness must get protection with the aim that the witness can give his testimony both at the investigation and trial level.² Without a solid legal basis to guarantee protection against whistleblowers, the existing laws are still general for witnesses, reporters, and victims. The existence of this whistleblower is in the form of a Circular Letter from the Supreme Court of the Republic of Indonesia ("SEMA"), namely SEMA Number 4 of 2011, concerning the Treatment of Whistleblowers.³

Evidence of the importance of the existence of a whistleblower is urgently needed in disclosing criminal cases in Indonesia in the case of the Indonesian league three soccer sport in 2018, which was revealed by Lasmi Indaryani, who was used as a whistleblower in the match-fixing case. When disclosing a case of match-fixing or match-fixing, Lasmi Indaryani, the former manager of Persibara Banjarnegara, admitted that she often received terror and intimidation related to her efforts to dismantle the soccer mafia network. Lasmi Indaryani got this incident after attending an invitation to the Mata Najwa event on December 19, 2018; she often received threats through short messages. Lasmi Indaryani did not know who the perpetrators of terror and intimidation were. Lasmi Indaryani ensured that the terror and messages of intimidation came from parties who did not like it when she uncovered the case of the soccer mafia network. The terror experienced by Lasmi Indaryani led him to withdraw the case report he had made in the hope of not opening a case of alleged match-fixing and fraud in the Indonesian 3rd League.⁴

While the match-fixing case revealed by Lasmi Indaryani, besides meeting the elements contained in the PSSI disciplinary code, the crime also fulfills the elements in Indonesia's bribery law. Law No. 11 of 1980 concerning Bribery, based on articles 2 and 3 of the law, the crime of match-fixing is included in the criminal offense regulated in it.⁵ The National Police Chief, General Tito Karnavian, responded to the match-fixing case the handling of case, forming the Anti-Mafia Football Task Force, a unit specifically deployed to arrest the perpetrators of the match-fixing practice, and it was revealed that six suspects were arrested, and two of them were PSSI officials. The Banjarnegara District Court issued a decision with Decision Number: 49/Pid.Sus/2019/PN Bnr. The contents of the verdict stated that six defendants were found guilty because they were deemed to have violated Article 3 of Law Number 11 of 1980 concerning the Crime of Bribery.⁶

The Witness and Victim Protection Agency (LPSK) is one of the institutions with authority to protect whistleblowers according to their duties and functions as regulated in Law no. 31 of 2014 concerning the Protection of Witnesses and Victims. In practice, LPSK has

¹ Dewi Sari Sihotang. "Penerapan Undang-undang Nomor 13 Tahun 2006 Tentang Perlindungan Saksi dan Korban Dengan Undang-undang Nomor 31 Tahun 2014 Tentang Perubahan Atas Undang-undang Nomor 13 Tahun 2006 Dalam Perlindungan Whistle Blower Oleh Lembaga Perlindungan Saksi dan Korban". *Jom Fakultas Hukum* Vol. III, No.2, 2, 2016.

² Surafli Noho. "Perlindungan Hukum Terhadap whistle blower Berdasarkan UU No.31 Tahun 2014 Tentang perlindungan Saksi dan Korban". *Lex Crimen* Vol. 5 No. 5, 70, 2016.

³ Suratno. "Perlindungan Hukum Saksi dan Korban Sebagai whistle blower dan Justice Collaborators Pada Pengungkapan Kasus Korupsi Berbasis Nilai Keadilan". *Jurnal Pembaharuan Hukum*. Vol.4 No. 1, 70, 2017.

⁴ Wildan Ibnu Walid. "Bongkar Jaringan Mafia Bola, Lasmi Sering Dapat Teror dan Intimidasi". Retrieved From <https://www.jawapos.com/sepak-bola/sepak-bola-indonesia/27/02/2019/bongkar-jaringan-mafia-bola-lasmi-sering-dapat-teror-dan-intimidasi/> accessed on 28 April 2021 at 16.34. 2021

⁵ Achmad Subandi, Yana Indarwati. "Tindak Pidana Suap Pengaturan Skor (Match Fixing) Dalam Pertandingan Sepkbola di Indonesia". *Simposium Hukum Indonesia* Vol. 1 No.1, 51, 2019.

⁶ Prabowo. "Tok! Ini Hasil Sidang Putusan Kasus Mafia Bola dan Penipuan Persibara Banjarnegara". Retrieved From <https://www.indosport.com/sepakbola/20190711/tok-ini-hasil-sidang-putusan-kasus-mafia-bola-dan-penipuan-persibara> accessed on 24 April 2021 at 14.34. 2021

received several whistleblower protection requests because the concerned person also asked LPSK for assistance in reporting crimes they know to law enforcement officers. Therefore, the researcher is interested in conducting a research entitled " Legal Protection of Witness and Victim Protection Agency Against Reporting Witnesses (Case Study of Football League 3 Score Fixing Bribery).

II. Research Problems

1. How is the legal protection for the witness reporting the whistleblower in the case of match-fixing in the Indonesian 3 football league
2. What are the obstacles to legal protection for the reporting witness in the criminal act of the match-fixing of the Indonesian League 3 match-fixing?

III. Research Methods

The author's method in this study uses a normative juridical method through a literature study that examines mainly secondary data in the form of legislation, court decisions, scientific journals, research results, and other references. The legislation includes Law no. 13 of 2006 concerning the Protection of Witnesses and Victims, Circular Letter of the Supreme Court Number 4 of 2011 concerning the Treatment of Criminal Whistleblowers (whistleblowers) and Witnesses of Collaborating Perpetrators (justice collaborators). The court's decision is in the form of a decision from the Banjarnegara District Court Number: 49/Pid.Sus/2019/PN Bnr. Furthermore, the data that has been obtained is analyzed qualitatively.

IV. Research Results And Discussion

1. Legal protection for whistleblower reporting witnesses in the case of match-fixing in the Indonesian 3 football league

Legal protection is a service the government must provide to provide a sense of security to every citizen. Based on the Constitution of the Republic of Indonesia, the State responsible for protecting Human Rights is an essential matter. As clearly described in Article 28 I paragraph (4) of the 1945 Constitution of the Republic of Indonesia, it reads: "The protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government."⁷ One expert also expressed his opinion regarding the meaning of legal protection, such as Satjipto Raharjo, who defines legal protection as protecting human rights that are harmed by others and that protection is given to the community so that they can enjoy all the rights granted by law.⁸

Legislation that specifically regulates the protection of whistleblowers in Indonesia is implicitly contained in Law No. 31 of 2014 rules for amendments to Law no. 13 of 2006 concerning the Protection of Witnesses and Victims, and Circular Letter of the Supreme Court Number 4 of 2011 concerning the Treatment of Whistleblowers (Whistleblowers) and Witnesses of Cooperating Perpetrators (Justice Collaborators). Meanwhile, in SEMA Number 4 of 2011, (Whistle Blower) is defined as a party who knows and reports a particular crime

⁷ Saristha Natalia Tuage. "Perlindungan Hukum Terhadap Saksi dan Korban Oleh Lembaga Perlindungan Saksi Dan Korban". *Lex Crimen* Vol. II No. 2, 56, 2013.

⁸ Yuyut Prayuti dan Dede Husen. "Hukum Perlindungan Hukum Terhadap Konsumen Produk Elektronik Berlabel SNI Menurut Undang-Undang No. 8 Tahun 1999 Tentang Perlindungan Konsumen Yuyut Prayuti dan Dede Husen". *Pemuliaan Hukum*. Vol.I, No.1, 38, 2018.

and is not part of the perpetrator of the crime he reported. However, sometimes whistleblowers are involved and have a small role in the crime.⁹

The role of the whistleblower is significant in disclosing a case, especially in soccer in Indonesia, one of which is the case of match-fixing. The match-fixing case violates the rules in the football federation and in the phenomenon of match-fixing, where there are offenses or criminal acts of bribery committed by soccer mafia elements to make the match-fixing action successful. Bribery match-fixing, in addition to fulfilling the elements contained in the PSSI disciplinary code, the crime also fulfills the elements contained in the bribery law, namely Law No. 11 of 1980 concerning Bribery, based on Articles 2 and 3 of criminal acts score (match fixing) is included in the criminal offense regulated therein. The existence of a positive law that is violated, namely, in this case, the crime of bribery committed by elements of the soccer mafia, is, of course, the obligation of state law enforcement officers to carry out their duties in terms of enforcing criminal law in Indonesia because in this case criminal law is the state's jurisdiction to enforce the law. World football rarely experiences a setback phase, although sometimes there are dynamics that accompany its journey, including the issue of match-fixing.¹⁰

Indonesia regarding match-fixing is not new in the world of 2018 league soccer; Lasmi Indaryani is a figure in revealing a case of match-fixing. Lasmi Indaryani, a whistleblower or can also be called a whistleblower in the case of match-fixing in football, is a reporter, and Lasmi explained unjustified practices when she was the manager of Persibara Banjarnegara in the 2018 League 3 season. The National Police Chief General Tito Karnavian decided to form the Anti-Mafia Football Task Force, a unit deployed to arrest the perpetrators of the practice of match-fixing, and it was revealed that six suspects were arrested, and two of them were PSSI officials. The Banjarnegara District Court issued a decision with decision number Number: 49/Pid.Sus/2019/PN Bnr, in the contents of the decision, six defendants were found guilty, with the Defendant deemed to have violated Article 3 of Law Number 11 of 1980 concerning the Crime of Bribery.¹¹

Law No. 31 of 2014 amendments to Law No. 13 of 2006, the institution authorized to protect witnesses, victims, and reporters is LPSK. However, this law does not explicitly mention whistleblowers, nor does it explicitly state that this law protects whistleblowers.¹² Law Number 13 of 2006 Concerning the Protection of Witnesses and Victims was passed partly due to the significance of legal protection for every community. Law Number 13 of 2006, concerning the Protection of Witnesses and Victims, is also regulated by an institution responsible for providing protection and assistance to witnesses and victims, called the Witness and Victim Protection Agency (LPSK). LPSK has the duty and authority to protect and assist witnesses and victims. The scope of protection by LPSK is at all stages of the criminal justice process so that witnesses and victims feel safe when giving information.¹³

Protection is an important aspect that every citizen must own. Article 1 point 6 of Law no. 13 of 2006 concerning the Protection of Witnesses and Victims states that protection is all efforts to fulfill rights and provide assistance to provide a sense of security to Witnesses and/or Victims that LPSK or other institutions must carry out under the provisions of this Law.¹⁴ In Indonesia, based on Law No. 13 of 2006, which has now been amended by Law No.

⁹ Riung Friko Karek. "Perlindungan Hukum Terhadap Pengungkap Fakta (Whistle Blower) Berdasarkan Undang-Undang No.13 Tahun 2006 Tentang Perlindungan Saksi Dan Korban". *Lex Administratum*, Vol.4 No. 4, 30, 2016.

¹⁰ Achmad Subandi, Yana Indarwati. "Tindak Pidana Suap Pengaturan Skor (Match Fixing) Dalam Pertandingan Sepakbola di Indonesia". *Simposium Hukum Indonesia* Vol. 1 No.1. 2019, 46.

¹¹ Prabowo. "Tok! Ini Hasil Sidang Putusan Kasus Mafia Bola dan Penipuan Persibara Banjarnegara". Retrieved From <https://www.indosport.com/sepakbola/20190711/tok-ini-hasil-sidang-putusan-kasus-mafia-bola-dan-penipuan-persibara> accessed on 24 April 2021 at 14.34. 2021

¹² Monica Christian K, "Perlindungan Terhadap Whistlenlower Pada Tindak Pidana Korupsi Berdasarkan Undang-Undang Nomor 31 Tahun 2014 Tentang Perlindungan Saksi Dan Korban" *Lex Administratum*. Vol. V. No.9. 2017, 103..

¹³ Saristha Natalia Tuage. "Perlindungan Hukum Terhadap Saksi dan Korban Oleh Lembaga Perlindungan Saksi Dan Korban". *Lex Crimen* Vol. II No. 2, 2013, 56..

¹⁴ *Ibid.* 60.

31 of 2014, the institution authorized to protect witnesses and victims as well as whistleblowers is the LPSK which has a role in protecting the whistleblower status :

1. Protection Against Physical and Psychic

Article 5 of Law no. 13 of 2006, which is currently amended by Law no. 31 of 2014 concerning the Protection of Witnesses and Victims, regulates matters relating to the protection of reporting witnesses or whistleblowers such as Lasmi Indrayani, who is given physical and psychological protection due to receiving threats or terror in the disclosure of a score fixing case. Whistleblowers and being included in the whistleblower program have rights that can be granted. Based on Article 5 of Law No. 31 of 2014, it is clear that it can protect witnesses and victims, including those who report criminal acts (whistleblowers), which protects whistleblowers by providing security in their physical and psychological forms.

2. Legal protection

The legal protection in question is the protection of Lasmi Indaryani's "legal status," which is designated as a whistleblower, as referred to in PP Number 43 of 2018 concerning Procedures for Implementing Community Participation and Giving Awards in the Prevention and Eradication of Corruption Crimes as a substitute for PP Number 71 of 2000. The form of protection for Lasmi Indaryani's legal status, technically, is the discontinuation of the defamation report by the perpetrators of fixing the score of the Indonesian League 3 or by the suspect in the crime of bribery against the whistleblower or Lasmin Indaryani before there is a legal process for the bribery case. It finished first. In other words, the legal process of corruption cases must take precedence over the accusation of defamation by the suspect against the whistleblower (reporting witness) for the crime of bribery.¹⁵

The regulation of protection of legal status regulated in PP No. 43 of 2018 amendments to PP No. 71 of 2000 is in line with the arrangements in Article 10 paragraph (1) and paragraph (2) of Law No. 31 of 2014, which states that: (1) Witnesses, Victims, and Whistleblowers cannot be prosecuted by law, both criminal and civil, for reports, testimonies that will be, are being, or have been given, unless the testimony or report is not given in good faith. (2) If there is a lawsuit 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 lawsuit must be postponed until the case for which he is reporting or giving testimony has been decided by the court and obtain permanent legal force.

Legal protection can be in the form of immunity given to reporters and witnesses from being sued civilly or criminally prosecuted as long as the person concerned gives testimony or reports in good faith or the person concerned is not the perpetrator of the crime itself. Furthermore, if there is a lawsuit against the reporter, the report must be postponed until the case he reports, gives testimony, has been decided by the court, and has permanent legal force.

The forms of protection for whistleblowers in the Indonesian criminal justice system are:¹⁶

a. Repressive Protection

Utilizing already-existing organizations or agencies and enhancing their roles and powers might create a protective system that is either anticipatory or repressive. A breakthrough is needed as a protection model for witnesses and victims, especially whistleblowers. Activation of this institution can facilitate the protection of Lasmi Indaryani as a whistleblower. The Witness and Victim Protection Agency, established after the issuance of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, has not yet guaranteed maximum protection. Protection, both physical and legal, was not implemented

¹⁵ Monica Christian K, "Perlindungan Terhadap Whistle Blower Pada Tindak Pidana Korupsi Berdasarkan Undang-Undang Nomor 31 Tahun 2014 Tentang Perlindungan Saksi Dan Korban" *Lex Administratum*. Vol. V. No.9. 104. 2017.

¹⁶ Dian Eka Kusuma W. "Perlindungan Hukum Terhadap Para Pelaku whistle blower Pada Tindak Pidana Korupsi". *Al-Daulah* Vol. VI. No.2, 292, 2017.

effectively. Legal protection will not be carried out if there is no driving force to realize a guarantee of legal protection for Lasmi Indaryani, so an institution or body that can implement it is needed. On behalf of an agency with its own AD/ART, it is inappropriate to intervene in that institution. Good governance is a principle that is the basis for carrying out the duties and coordination of all institutions, and it is not allowed for an institution to intervene in other institutions. For this reason, as an institution, the Witness and Victim Protection Agency can use its rights and authorities to create legal protection for whistleblowers.

b. Preventive Protection

The following form of protection is the application of Restorative justice. Restorative justice aims to realize the recovery of the conditions of crime victims, perpetrators, and interested communities (stakeholders) through a case settlement process that does not only focus on prosecuting and punishing perpetrators. Stakeholders here include the witness, namely Lasmi Indaryani as a whistleblower. In the Indonesian criminal justice system, Lasmi Indaryani guarantees legal protection. The leniency that can be given in the criminal justice system can be in the form of not taking an oath in the whistleblower statement. To strengthen this, it is also necessary to have a legal instrument as a legal umbrella for protection so that legality appears in the regulation of a mechanism in criminal justice.

Lasmi Indaryani's status as a whistleblower received terror or intimidation when she testified in the match-fixing case. Lasmi admitted that she received much intimidation after reporting the match-fixing case to the police. Various threats called Lasmi Indaryani were directed at him through social media. Lasmi Indaryani's response as a whistleblower immediately asked for protection from the Witness and Victim Protection Agency (LPSK) to avoid an unwanted incident. After Lasmi Indaryani complained to LPSK, Lasmi Indaryani felt that her rights had been fulfilled under the duties and authority of LPSK in protecting her status as a whistleblower. LPSK has carried out its role by the rules described above, namely by PP Number 43 of 2018 and Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, especially in providing protection both physically and psychologically as well as legal protection. LPSK's protection had a positive impact in that Lasmi Indaryani felt confident and ready to testify in court at that time, which then LPSK protection affected the ease to disclose match-fixing cases to be smoother.¹⁷

2. Barriers to legal protection in the case of match-fixing for the third Indonesian league

In carrying out its duties and functions, LPSK cannot walk alone in protecting witnesses, while some parties want LPSK not to be able to carry out its duties and functions. Many things happened that caused problems in all LPSK activities in protecting witnesses, especially witnesses in criminal acts of corruption or bribery. One of the problems is the emergence of disagreements between LPSK and the relevant authorities. It will undoubtedly hinder the main task of the LPSK, namely protecting witnesses and/or victims. The biggest obstacle faced by the Witness & Victim Protection Agency is that LPSK's authority is considered too small. Therefore LPSK needs greater authority. If it is related to the law's mandate, this institution's authority is still inadequate.¹⁸ Protection practices that LPSK has carried out so far have encountered problems, such as problems of authority related to legal protection that may intersect with the authority of law enforcement officers. So far, Law No. 13 of 2006, which has been amended by Law No. 31 of 2014 concerning the Protection of Witnesses and Victims, has several problems that are often encountered in the

¹⁷ Ibnu Hariyanto. "Minta Perlindungan LPSK, Pelapor Pengaturan Skor Merasa Lebih Lega". Retrieved From <https://news.detik.com/berita/d-4449592/minta-perlindungan-lpsk-pelapor-pengaturan-skor-merasa-lebih-lega>. accessed on 1 March 2021 at 13.27. 2021

¹⁸ Mokodompis Ayu Karla. "Peranan Lembaga Perlindungan Dan Korban Dalam Melindungi Saksi Tindak Pidana Korupsi" *Lex Administratum* Vol.3.No.6, 101, 2015.

implementation of duties and functions, and the authority of LPSK in providing protection is as follows: following ¹⁹

a. Obstacles to Legislation

The obstacles to legal protection against whistleblowers in the legislation are still vague, partial, and sectoral, as seen at a glance in Law No. 13 of 2006 jo. Law No.31 of 2014, Law No.31 of 2009 jo. Law No. 20 of 2001, Government Regulation No. 71 of 2000. In Indonesia's positive law, laws and regulations have not been integrally regulated as a guideline for whistleblowers in disclosing these facts, whether they are prohibited, contradictory, or against the law. Exceeding authority and/or abuse of authority or actions that endanger the interests of the state or the public interest. The protection of a whistleblower from the criminality of the dangers of what has been exposed is not governed by any laws or regulations, according to this point of view. The case revealed by Lasmi Indaryani in revealing the case of fixing the Indonesian League 3 score did not rule out the possibility of getting various kinds of risks that were accepted as whistleblowers; these risks could be in the form of defamation, the possibility of getting heavier threats and searching for mistakes or other criminal acts. Ever done by a whistleblower. The regulation regarding Whistleblowers is only contained in the Circular Letter of the Supreme Court, but in the explanation regarding the provision of protection, it is not regulated.

b. Barriers to Inter-Agency Cooperation

The presence of Lasmi Indaryani as a whistleblower in revealing a bribery case that is organized crime is very much needed considering its very central and urgent role. Whistleblower cooperation with law enforcement officers can facilitate the task of disclosing a serious or organized crime that is organized crime, especially those related to public or state interests. One of the instruments that can be used to encourage disclosure or reporting of a criminal act is providing guarantees and protection to whistleblowers because without this role, and it is challenging to reveal organized crimes. The number of institutions that regulate the receipt of reports from a whistleblower with their respective authorities has the potential to cause different and overlapping problems in the process of handling reports, as well as overlapping aspects of who should be responsible for protecting a whistleblower or the mechanism has not yet been regulated. LPSK's efforts to coordinate with relevant authorized agencies in practice are still problems in its implementation, including, in this case, the understanding and interpretation of LPSK's partner agencies on the scope of LPSK's authority. There are different interpretations between the Witness and Victim Protection Agency (LPSK) and the Indonesian National Police Investigator regarding the meaning contained in the definition of "witness who is also a suspect," as confirmed in Article 10 paragraph (2) of Law No. 31 of 2014 concerning Witness Protection. and Victims, thus causing a dispute over authority between LPSK and the Police. Disputes occur when LPSK provides legal protection by requesting the termination of the investigation and/or detention of the whistleblower, but the police investigators do not fulfill it.

In Law Number 13 of 2006, Article 36, paragraph 1 reads: "In carrying out the provision of protection and assistance, LPSK can cooperate with the relevant authorities." However, in practice, LPSK does not appear to collaborate with other related institutions, if necessary, with universities to uncover very serious cases such as drugs, corruption, and trafficking cases that are increasingly occurring in the regions. LPSK cannot work alone, meaning that LPSK's hands are not so long to provide services to the provinces, districts, and cities. A harmonious relationship between the LPSK witness protection agency and the police as investigators needs to be encouraged at this time. Currently, it seems that the relationship between these two institutions is not yet harmonious in protecting witnesses. In practice, each of these institutions lacks coordination, especially considering the position of witnesses in criminal

¹⁹ Monica Christin Kusoy. "Perlindungan Terhadap Whistle Blower Pada Tindak Pidana Korupsi Berdasarkan Undang-Undang No.31 Tahun 2014 Tentang Perlindungan Saksi Dan Korban". *Lex Administratum*.Vol.5 No.9, 2017, 105,.

case investigations; each of them maintains its stand where the Police use the Criminal Procedure Code while the LPSK uses Law No. 13 of 2006 or the latest regulation, namely Law No. 31 2014 concerning the Protection of Witnesses and Victims. These differences are often the triggers for law enforcers and LPSK to be unable to work professionally so that, in the end, witnesses and victims become neglected and even criminalized. Suppose these obstacles are not immediately corrected both within the LPSK itself and the system of providing witness and victim protection as a complete concept carried out by all parties with the same goal of upholding law and justice and for the harmony of community members. In that case, the change toward a criminal justice system integrated is still far from expectations.²⁰

V. Conclusions

1. LPSK has performed its role under PP Number 71 of 2000 and Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, particularly in providing physical, psychological, and legal protection. The forms of protection for whistleblowers in the Indonesian criminal justice system are Repressive Protection, Anticipatory or repressive protection systems by utilizing existing institutions or bodies through additions and even strengthening the functions and authorities of these institutions. The second protection is preventive protection. The following form of protection is the application of Restorative justice. Restorative justice aims to realize the recovery of the condition of victims of crime, perpetrators, and interested communities (stakeholders) or witnesses. LPSK's protection had a positive impact in that Lasmi Indaryani felt confident and ready to testify in court at that time, which then LPSK protection made it easier to reveal the match-fixing case of the Indonesian League 3 to become more accessible.
2. Protection practices that LPSK has carried out so far have faced several obstacles, such as barriers to authority related to legal protection that may intersect with the authority of law enforcement officers. So far, Law No. 13 of 2006, amended by Law No. 31 of 2014 concerning the Protection of Witnesses and Victims, has several problems or obstacles that are often encountered in carrying out the duties, functions, and authorities of LPSK in providing protection are barriers to legislation and inter-institutional cooperation.

VI. Suggestions

1. Law enforcers will further enhance cooperation in legal protection for whistleblowers so that whistleblowers will feel more secure in testifying in court.
2. There is a need for more specific provisions governing the existence of whistleblowers.

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²⁰ Rendi Yun Trisna Putra. "Tinjauan Yuridis Perlindungan Hukum Terhadap Saksi Pengungkap Fakta (Whistle Blower) Terhadap Undang-Undang No.31 Tahun 2014 Tentang Perlindungan Saksi Dan Korban". *Jurnal Hukum*. Vol. 8 No. 2. 2019, 154.

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