

LEGAL PROTECTION FOR WHISTLEBLOWERS IN THE ERADICATION OF CORRUPTION CRIMES IN INDONESIA

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ABSTRACT

This study aims to analyze the forms and effectiveness of legal protection for whistleblowers based on Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, as well as Supreme Court Circular Letter (SEMA) Number 4 of 2011. The research employs a normative legal method with a statutory and comparative approach to examine the gap between legal norms and their implementation. The findings reveal that the existing regulations have not yet provided comprehensive protection for whistleblowers, as their legal status has not been explicitly regulated in the prevailing legislation. This situation has led many corruption reporters to face threats, intimidation, and even retaliatory criminalization. The Witness and Victim Protection Agency (LPSK) and the Corruption Eradication Commission (KPK) have developed reporting mechanisms through the Whistleblowing System; however, these efforts continue to encounter institutional limitations and a legal culture that does not yet encourage whistleblower courage. To achieve effective legal protection, regulatory reforms are needed to explicitly recognize whistleblowers as protected legal subjects, alongside strengthening the capacity of protection institutions and reinforcing an anti-corruption culture within society. An ideal form of protection should not only guarantee physical and legal security but also include moral, social, and economic support for whistleblowers who act in good faith, in order to uphold the rule of law and promote clean governance in Indonesia.

Keywords: Legal protection, whistleblower, corruption crime, LPSK, good governance.

Introduction

The presence of whistleblowers needs to be protected so that cases of corruption can be detected and exposed. However, in practice, this matter is not an easy issue due to the many aspects that must be examined, including how whistleblowers should be positioned in efforts to eradicate corruption. From a normative juridical perspective, based on Law Number 13 of 2006 as amended by Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, article 10 paragraph (2) does not provide a legal framework for the protection of whistleblowers. In fact, a witness who is also a suspect in the same case cannot be exempted from criminal charges if proven guilty beyond reasonable doubt; however, their testimony may be considered by the judge as a mitigating factor in sentencing (Nixon et al., 2013).

The issue of whistleblowers is not new globally, yet in Indonesia, whistleblowers have not received adequate recognition. Instead, their role as truth-tellers is often marginalized. This contrasts with the situation in other countries. For example, Cynthia Cooper, an internal auditor who revealed the WorldCom scandal, was celebrated as a hero. She became a successful agent of change, and her success in exposing the case earned her a place among Time Magazine's People of the Year. Cynthia's actions, along with other whistleblowers, helped save the company from further damage (Gunawan, 2019).

In contrast to other countries, the situation in Indonesia presents a different reality. One example is the case of *Khairiansyah Salman*, an auditor at the Audit Board of the Republic of Indonesia (BPK), who conducted an audit of the General Election Commission (KPU), resulting in the imprisonment of several KPU members for corruption. Similarly, the case of

Susno Duadji shows how a whistleblower can be marginalized; he was eventually dismissed through allegations related to the West Java regional election during his tenure as the West Java Regional Police Chief.

Whistleblowers in corruption cases in Indonesia have yet to receive maximum protection. One of the major obstacles lies within the law enforcement system itself. The lack of clear provisions regarding whistleblower protection and the limited understanding of law enforcement officers often result in individuals who expose crimes—who should be rewarded—being criminally punished instead.

The role of whistleblowers is crucial in the process of eradicating corruption. However, reports must not be based merely on rumors or gossip. Whistleblower disclosures must be supported by concrete facts, not anonymous letters or baseless allegations. Therefore, investigators or prosecutors must carefully verify any reports from whistleblowers before accepting them (Suwito, 2020).

Legal protection for whistleblowers is vital because individuals with good intentions who expose wrongdoing are often accused of criminal acts such as defamation or misconduct, even though they play a key role in uncovering corruption—particularly within government institutions. In the United States, there are special laws and mechanisms that provide comprehensive protection for whistleblowers against intimidation and threats. In contrast, Indonesia still lacks intensive attention toward whistleblower protection, whereas the United States prioritizes it as a cornerstone in combating corruption and fraud.

The fate of a whistleblower is often marked by risks and threats that arise from their moral awareness to report alleged crimes. Although whistleblowing is often described as an honorable act that exposes immoral and unethical conduct within organizations, not all whistleblowers receive recognition or appreciation. Several factors influence an individual's intention to engage in whistleblowing, including situational aspects and personal characteristics (demographic variables), which are often studied through the lens of prosocial behavior theory (Hatta, 2024).

Protection for whistleblowers contributes significantly to creating an environment that fosters decent work and sustainable development. The role of whistleblowers greatly helps minimize corruption, strengthens oversight institutions responsible for ensuring fair and equitable working conditions, and enhances transparency in financial transactions that affect the public and financial sectors.

Being a whistleblower means facing real risks and threats as a consequence of moral courage in reporting crimes. Even though whistleblowing is considered a noble act in revealing ethical violations, not every whistleblower receives proper recognition or reward. Factors that may influence a person's decision to become a whistleblower include both situational conditions and individual personality traits, which are commonly explored in studies related to prosocial behavior (Hatta, 2024).

Currently, Indonesia lacks a clear legislative framework to guide the legal protection of whistleblowers. No specific laws explicitly regulate whistleblowing; the existing provisions are only implicitly contained within the *Law on the Protection of Witnesses and Victims*. Another relevant regulation is the *Supreme Court Circular Letter (SEMA) Number 4 of 2011* concerning the Treatment of Whistleblowers and Justice Collaborators (Ariyanti & Ramadhan, 2023).

This Supreme Court Circular serves as an elaboration of Article 10 of the *Law on the Protection of Witnesses and Victims*. Its purpose is to ensure that organized crimes—typically concealed within closed systems—can be fully exposed when insider information is provided, enabling law enforcement authorities to investigate and prosecute the offenders (Muhammad, 2015).

However, Articles 10(1) and (2) of the *Law on the Protection of Witnesses and Victims* contradict the spirit of whistleblower protection because they do not safeguard whistleblowers who are also involved in the crime. Likewise, SEMA No. 4 of 2011 fails to provide adequate legal protection for whistleblowers and justice collaborators. Although intended to encourage such individuals to come forward, it still allows punishment for those deemed part of the criminal act (Listijowati, 2018).

For law enforcement officers—both police and prosecutors—neither the *Law on the Protection of Witnesses and Victims* nor SEMA No. 4 of 2011 offer substantial legal protection for whistleblowers. Moreover, SEMA No. 4 of 2011 applies internally within the judiciary, serving merely as a mitigating consideration for judges in cases involving whistleblowers and justice collaborators (Fahrul, Nawi & Badaru, 2022).

The absence of explicit legal protection for whistleblowers may discourage future individuals from speaking out. Yet, for the sake of law enforcement and the eradication of corruption in Indonesia, the role of whistleblowers and justice collaborators remains a powerful instrument for exposing organized corruption networks (Dwiasty, Pawennei & Badaru, 2024). Their contributions in uncovering major corruption cases are invaluable. For example, *Gayus Tambunan*, an ordinary tax officer in the Directorate General of Taxes, was revealed to possess billions of rupiah from tax-related corruption—a case that came to light thanks to whistleblower disclosures (Thalib, Rahman & Semendawai, 2017).

Based on the problems described above, this study focuses on examining the forms of protection provided to whistleblowers and justice collaborators, as well as identifying the ideal model of legal protection in Indonesia. It is expected that the establishment of comprehensive legal protection for whistleblowers and justice collaborators will serve as an effective measure in combating corruption within the country.

Research Method

This study employs a normative legal research method with statutory, conceptual, and comparative approaches. The main focus of this research is to analyze the legal norms governing the protection of whistleblowers within Indonesia's criminal justice system by examining Law Number 13 of 2006 in conjunction with Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, and the Supreme Court Circular Letter (SEMA) Number 4 of 2011. This approach is also supported by an analysis of legal protection theories, human rights principles, and the concept of good governance to assess the extent to which national regulations ensure the security and justice of individuals who report corruption offenses.

The legal materials used in this study consist of primary, secondary, and tertiary legal sources, collected through library research, including legislation, scholarly journals, textbooks, and relevant court decisions. The data obtained were analyzed descriptively and qualitatively by interpreting positive legal norms and identifying the gaps between regulation and implementation. The analysis process involved several stages: reduction of legal materials, presentation of legal arguments, and drawing of logical and systematic legal conclusions. The results of this research are expected to provide conceptual contributions and normative recommendations to strengthen the legal protection framework for whistleblowers in the ongoing efforts to eradicate corruption in Indonesia.

Discussion

The implementation of legal protection for whistleblowers in the context of eradicating corruption in Indonesia represents a strategic aspect in realizing a transparent and accountable

legal system. The existence of whistleblowers is a crucial element within modern social control and law enforcement mechanisms, particularly in uncovering crimes that are difficult to detect through conventional legal procedures. In practice, legal protection for whistleblowers is regulated under Law No. 13 of 2006 concerning the Protection of Witnesses and Victims, as amended by Law No. 31 of 2014. These provisions provide a legal foundation for individuals who report criminal acts to receive physical, legal, and psychological protection. Nevertheless, implementation continues to face significant institutional and cultural challenges.

The Witness and Victim Protection Act explicitly provide legal protection for witnesses or whistleblowers acting in good faith. Article 10 paragraph (2) stipulates that witnesses or reporters cannot be prosecuted either criminally or civilly for reports made in good faith. This legal assurance aims to prevent the criminalization of whistleblowers after submitting a report. However, in practice, several cases show that whistleblowers still experience intimidation, threats, and even criminal prosecution by the parties they report. This condition indicates a gap between the legal norm and its implementation.

The implementation of legal protection for whistleblowers in Indonesia is closely related to the role of the Witness and Victim Protection Agency (LPSK) as the main implementing institution. LPSK is mandated to provide physical, legal, and psychological protection to witnesses and reporters who face threats. According to the LPSK Annual Report (2022), the number of protection requests from whistleblowers in corruption cases has increased significantly over the past five years. However, budget limitations and human resource constraints often hinder comprehensive protection. This demonstrates that implementation still faces structural barriers that must be addressed through institutional reform and supportive policies.

In the context of anti-corruption efforts, the Corruption Eradication Commission (KPK) plays an important role through the development of the Whistleblowing System (WBS)—an internal and external reporting mechanism that allows individuals to report alleged corruption anonymously and securely. According to the 2023 KPK Report, this system has become an effective instrument for gathering preliminary information on corruption cases. Nevertheless, its effectiveness heavily depends on public trust. If individuals feel their identities are not adequately protected, public participation will drastically decline. Hence, strong legal protection for whistleblowers is key to maintaining the credibility of the WBS.

The effectiveness of legal protection for whistleblowers in Indonesia can be assessed through three main indicators: legal certainty, physical security, and psychosocial assurance. Legal certainty ensures that reporters feel safe when filing reports, while physical and psychological protection represent the state's tangible guarantee for citizens' courage. In reality, many whistleblowers still fail to receive comprehensive protection due to weak coordination among law enforcement agencies and LPSK. This creates legal uncertainty and may reduce public trust in the justice system. Therefore, the protection mechanism must be strengthened through integrated inter-agency cooperation.

In addition to coordination issues, another recurring challenge in implementing whistleblower protection lies in the legal culture. The "culture of silence" remains deeply embedded within Indonesia's bureaucratic and social environments. Many individuals who are aware of corrupt practices choose to remain silent due to fear of social or legal consequences. A 2020 study by ICW revealed that fear of retaliation and job loss are among the primary reasons individuals hesitate to become whistleblowers. Therefore, effective legal protection must go beyond legislation—it must also be supported by a transformation of legal culture and public attitudes.

Internationally, whistleblower protection has become an integral part of modern anti-corruption systems. Countries such as the United States, the United Kingdom, and South Korea

have established strong legal frameworks to protect whistleblowers, including financial rewards for those who expose major crimes. Indonesia has yet to adopt such incentive mechanisms, despite their proven effectiveness in encouraging public participation. By adopting international best practices, Indonesia could enhance whistleblower protection and strengthen early detection of corruption cases.

Effective implementation of whistleblower protection also requires clear differentiation between a “whistleblower” and a “justice collaborator.” In Indonesian law, a justice collaborator is a perpetrator who cooperates with law enforcement to expose crimes, whereas a whistleblower is an internal or external individual who reports a crime without being a participant (Mulyadi, 2014). Ambiguity between these two terms often leads to misapplication of policies. Therefore, regulatory harmonization is essential to ensure that whistleblowers receive protection consistent with their role as informants rather than offenders.

In the framework of good governance, state protection of whistleblowers aligns with the obligation to uphold accountability and transparency. Whistleblowers are a vital part of social accountability mechanisms that help detect and prevent bureaucratic misconduct. Thus, the state’s failure to provide adequate protection constitutes a violation of good governance principles. The United Nations Convention Against Corruption (UNCAC), particularly Articles 32 and 33, obliges member states to provide effective protection to witnesses and whistleblowers. These provisions must be realized through concrete and sustainable national policies.

Evaluation of Indonesia’s whistleblower protection system indicates that it remains partial and inconsistent. Numerous cases show that whistleblowers continue to face criminalization, especially in the public and private sectors. This reflects weak oversight of law enforcement institutions that are supposed to safeguard informants. According to Friedman’s (1975) theory of legal effectiveness, the success of law enforcement depends on three components: legal substance, institutional structure, and legal culture. When any of these elements fail, the entire protection system becomes ineffective.

In practice, whistleblower protection often encounters obstacles during investigation and trial stages. Although Law No. 31 of 2014 provides protection for witnesses and victims, the status of whistleblowers remains undefined. Law enforcement bodies, including the KPK, often rely on internal policies or principles of substantive justice to provide temporary protection. Consequently, whistleblower protection remains ad hoc and heavily dependent on institutional discretion (Suratno, 2017).

The main weakness of Indonesia’s current framework lies in the absence of a clear legal definition of a whistleblower. Existing laws focus primarily on witnesses and victims, while whistleblowers are ambiguously categorized within those frameworks. As a result, many whistleblowers face intimidation, social pressure, and even retaliatory criminal charges (Harahap, 2022). This situation creates a chilling effect that discourages potential whistleblowers and weakens anti-corruption efforts.

Institutionally, the KPK’s Whistleblowing System (WBS) has provided an internal reporting mechanism since 2012. However, its effectiveness remains limited due to insufficient physical and legal protection. Whistleblowers can still be traced or intimidated through informal channels, particularly in regions with high corruption levels and weak oversight.

A notable example is the e-KTP corruption case, where several key witnesses and whistleblowers faced severe threats and intimidation, revealing that existing protection mechanisms remain far from ideal.

Coordination between LPSK and other law enforcement agencies, such as the police and prosecutors, is also weak due to differing interpretations of whistleblower status. Some

agencies consider whistleblowers outside the scope of protected witnesses because they are not directly involved in the criminal act (Sunarti et al., 2025).

In judicial practice, whistleblowers also face counter-lawsuits, including defamation or breach of confidentiality. This indicates the lack of legal immunity for whistleblowers. In contrast, modern systems such as the U.S. Whistleblower Protection Act (1989) provide both protection and incentives for individuals who act in good faith (Guitar, 2021).

This situation shows that the effectiveness of whistleblower protection in Indonesia depends heavily on individual courage and public moral support. Many prefer to remain silent due to social and legal risks, while those who speak out often face abandonment when political or economic pressure rises (Hatta, 2024).

From a normative perspective, Law No. 31 of 2014 actually allows the expansion of protection to those who provide crucial information for law enforcement. However, the law does not explicitly mention "whistleblowers," resulting in inconsistent interpretation and implementation among institutions (Fasterling, 2014).

A concrete measure to strengthen protection is to amend the Witness and Victim Protection Law to explicitly include whistleblowers as a protected category. Civil society organizations such as ICW (Indonesia Corruption Watch) have proposed this amendment since 2019, but it remains unrealized.

The effectiveness of whistleblower protection also depends on public legal awareness. Without societal support, informants remain vulnerable. Thus, promoting an anti-corruption culture within both bureaucracy and society is crucial to frame whistleblowing as an act of heroism rather than betrayal (Dewi, 2023).

Implementation challenges also extend to the realm of technology and cybersecurity. In the digital era, a whistleblower's identity can easily be traced through digital footprints. Therefore, law enforcement agencies must adopt robust cybersecurity systems to safeguard confidentiality. Without such measures, legal protection will remain a mere administrative formality (Anwary, 2022).

In recent years, LPSK has attempted to integrate digital protection mechanisms such as data encryption and identity anonymization. However, due to limited funding and human resources, these measures remain partial and geographically restricted—especially in regions with low technological access.

The role of mass media and investigative journalism can be a double-edged sword: while media exposure may pressure authorities to act, it can also unintentionally reveal the whistleblower's identity. A strong journalistic code of ethics is therefore essential to maintain confidentiality.

Effective legal protection requires a cross-sectoral approach, including cooperation with international agencies. Countries such as South Korea and the United Kingdom have successfully established inter-agency protection systems that could serve as models for Indonesia.

Finally, effective protection must also ensure psychological and socioeconomic security. Whistleblowers need not only physical safety but also moral support, counseling, and social guarantees to prevent loss of employment or income (Priyastiwi & Halim, 2018). In Indonesia, such mechanisms are not yet comprehensive. LPSK's mandate is limited to temporary legal and physical protection, without addressing economic or social dimensions (Arjuno, Ruba'i & Djatmika, 2017).

In anti-corruption efforts, whistleblowers should be viewed as strategic national assets. They help uncover corruption cases that formal audits fail to detect. However, the absence of a strong reward system undermines their motivation. Other countries, such as the United States,

provide financial compensation of up to 30% of recovered corporate fines to whistleblowers (Callahan, 2020).

Indonesia could adopt a similar model tailored to its national legal framework. Offering incentives would not only motivate individuals but also recognize whistleblowers' contributions to public integrity—aligning with the principles of bureaucratic reform and good governance (Ayagre & Aidoo-Buameh, 2014).

Periodic evaluation by independent bodies is necessary to prevent stagnation in the protection system. The government must also open participatory channels for civil society, academia, and media to evaluate institutional performance. Ultimately, the effectiveness of whistleblower protection in Indonesia can only be achieved through synergy among legal frameworks, institutions, and supportive social culture. Legal reform must aim to create a safe environment where whistleblowers can speak out without fear.

Conclusion

Legal protection for whistleblowers in efforts to eradicate corruption constitutes a crucial pillar in building a fair, transparent, and integrity-based legal system. Such protection is not merely juridical in nature but also carries moral, social, and psychological dimensions, emphasizing the law's alignment with truth and justice. The state is obliged to ensure that every whistleblower acting in good faith receives adequate guarantees of safety, protection of rights, and social support. Therefore, the existence of legal protection for whistleblowers is not only a manifestation of legal responsibility but also a reflection of the state's commitment to the ideals of substantive justice and the supremacy of law within the framework of constitutional democracy.

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