

Asymmetry in Power Relations and the Role of the LPSK in Protecting Justice Collaborators: An Empirical Study of Criminal Cases Involving Law Enforcement Officials in Palangka Raya

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Abstract: This study was prompted by a criminal case in Palangka Raya City involving a cooperating witness (Justice Collaborator) who faced intimidation during the law enforcement process. This situation highlights asymmetrical power relations that potentially hinder investigations and reduce the effectiveness of legal protection. This study aims to analyze the legal considerations of the Witness and Victim Protection Agency (LPSK) in designating MH as a Justice Collaborator and to examine the role of the LPSK in providing protection during the trial process at the Palangka Raya District Court. Employing an empirical legal method with a qualitative approach, data were collected through interviews with an expert staff member of the LPSK's Protection Bureau and the Chair of the Genta Keadilan Legal Aid Institute, who served as MH's legal counsel. The findings indicate that MH's designation as a Justice Collaborator was based on the fact that he was not the principal perpetrator, the importance of his testimony in uncovering the offense, his good faith, and the need for protection due to intimidation and psychological trauma. The protection provided by the LPSK includes physical, psychological, legal, and family protection, enabling the witness to testify freely and safely throughout the judicial process. Theoretically, this study reinforces research on the importance of protecting Justice Collaborators in power imbalances, demonstrating that legal protection effectiveness depends on institutional implementation rather than statutory norms alone. Practically, these findings serve as an evaluative basis for the LPSK and law enforcement to strengthen protection mechanisms in cases involving unequal power dynamics.

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Keywords:

Justice Collaborator, LPSK, Perlindungan Hukum, Asimetri Kekuasaan, Penelitian Hukum Empiris.

Abstrak: Penelitian ini dilatarbelakangi oleh kasus pidana di Kota Palangka Raya yang melibatkan saksi pelaku yang bekerja sama (Justice Collaborator) yang menghadapi intimidasi selama proses penegakan hukum. Situasi ini menyoroti adanya hubungan kekuasaan asimetris yang berpotensi menghambat penyidikan tindak pidana dan mengurangi efektivitas perlindungan hukum. Penelitian ini bertujuan menganalisis pertimbangan hukum Lembaga Perlindungan Saksi dan Korban (LPSK) dalam menetapkan MH sebagai Justice Collaborator dan mengkaji peran LPSK dalam memberikan perlindungan selama proses persidangan di Pengadilan Negeri Palangka Raya. Penelitian ini menggunakan metode hukum empiris dengan pendekatan kualitatif. Data dikumpulkan melalui wawancara dengan staf ahli Biro Perlindungan LPSK dan Ketua Lembaga Bantuan Hukum Genta Keadilan selaku penasihat hukum MH. Temuan menunjukkan bahwa penetapan MH sebagai Justice Collaborator didasarkan pada fakta bahwa ia bukan pelaku utama, pentingnya kesaksiannya dalam mengungkap tindak pidana, adanya iktikad baik, serta kebutuhan perlindungan akibat intimidasi dan trauma psikologis. Perlindungan yang diberikan LPSK meliputi perlindungan fisik, psikologis, hukum, dan keluarga, sehingga memungkinkan saksi memberikan keterangan secara bebas dan aman sepanjang proses peradilan. Secara teoretis, penelitian ini memperkuat penelitian hukum pidana empiris mengenai pentingnya melindungi Justice Collaborator dalam situasi ketimpangan kekuasaan, sekaligus menunjukkan bahwa efektivitas perlindungan hukum ditentukan oleh implementasi institusional, bukan hanya norma undang-undang. Secara praktis, temuan ini dapat menjadi dasar evaluasi bagi LPSK dan aparat penegak hukum dalam memperkuat mekanisme perlindungan bagi Justice Collaborator dalam kasus-kasus yang melibatkan dinamika kekuasaan yang tidak seimbang.

INTRODUCTION

Developments in modern criminal law indicate that the investigation of criminal offenses can no longer rely entirely on conventional evidentiary mechanisms.¹ The complexity of criminal offenses particularly those involving power dynamics, organized networks, and systematic efforts to conceal crimes often makes it difficult for law enforcement officials to obtain evidence and find witnesses willing to testify

¹ I Made Kresna and Sanjaya Aditama, "Pembaharuan Hukum Pidana Di Indonesia : Analisis KUHP Baru Dan Implikasinya," *Perspektif Administrasi Publik Dan Hukum* 3, no. 1 (2026): 11–19, <https://doi.org/10.62383/perspektif.v3i1.907>.

freely. In such circumstances, the role of the Cooperating Witness (*Justice Collaborator*)² has become a crucial instrument within the criminal justice system. This concept provides an avenue for certain perpetrators who are not the principal offenders to cooperate with law enforcement authorities in order to uncover larger and more complex criminal offenses.

Normatively, the role of a “*justice collaborator*” in Indonesia is regulated under Article 1, point 2, of Law No. 31 of 2014 Amending Law No. 13 of 2006 on the Protection of Witnesses and Victims. A justice collaborator is a criminal who provides information and assistance to law enforcement officials. This provision states that a “Witness-Perpetrator” is a suspect, defendant, or convicted person who cooperates with law enforcement to uncover criminal acts in the same case. This regulation demonstrates that Indonesian criminal law has recognized the importance of the role of cooperative offenders in assisting the law enforcement process. The existence of the “*Justice Collaborator*” is essentially a form of *legal policy* designed to address the limitations of the evidentiary system within criminal procedure law.

Edwin Partogi Pasaribu explains that the formal legal limitations in the evidentiary process gave rise to the idea of having a criminal offender also serve as a witness to help law enforcement officials obtain information that cannot be accessed through ordinary mechanisms.³ In practice, the role of a *Justice Collaborator* becomes particularly crucial in certain cases involving unequal power dynamics. One example that has garnered significant public attention is the murder case of Brigadier Nofriansyah Yosua Hutabarat (Brigadier J), which involved the former Head of the Police’s Professional and Security Division (Propam), Ferdy Sambo. In that case, the facts regarding the premeditated murder would not have been easily uncovered without the role of Bharada Richard Eliezer as a Justice Collaborator. This case demonstrates that power dynamics in criminal acts can create psychological pressure and significant barriers for those who know the truth to provide testimony freely.⁴

The urgency of protecting *Justice Collaborators* is also reflected in Recital (b) of the Law on the Protection of Witnesses and Victims, which states that law enforcement officials often face difficulties in bringing witnesses and/or victims to court due to physical or psychological threats from certain parties. These conditions demonstrate that legal protection for *Justice Collaborators* is a critical necessity within the criminal justice system, particularly to ensure that witnesses have the courage to truthfully disclose criminal acts without pressure. Furthermore, the urgency of such protection

² Aditya Redaya et al., “Kedudukan Hukum Justice Collaborator Dalam Sistem Peradilan Pidana Di Indonesia,” *Parlementer: Jurnal Studi Hukum Dan Administrasi Publik* 1, no. 3 (2024): 1–18, <https://doi.org/10.62383/parlementer.v1i3.56>.

³ Edwin Partogi Pasaribu, *Justice Collaborator (Saksi Pelaku): Kajian, Praktik, Komparasi Dan Pembaharuan Hukum* (Jakarta: Alex Media Komputindo, 2025).

⁴ Isen Mulang, “Nota Pembelaan (Pledoi) Terdakwa Muhammad Haryono Als Heri Bin (Alm) Mulyono Perkara Pidana Nomor 50/Pid.B/2025/PN.Plk,” 2025.

also highlights the need to strike a balance between the interests of law enforcement, the protection of human rights, and the pursuit of substantive truth in criminal proceedings.⁵

Threats against witnesses and/or victims can take the form of intimidation, psychological pressure, violence, or even threats to the safety of their families. These conditions demonstrate that legal protection is an indispensable necessity in the criminal justice process so that witnesses can provide testimony freely without fear or pressure from any party.⁶ Therefore, the state established the Witness and Victim Protection Agency (LPSK) as the institution tasked with and authorized to provide protection and ensure the fulfillment of the rights of witnesses and victims within the criminal justice system.⁷ The protection provided by the LPSK includes not only physical protection but also psychological support, legal assistance, and other forms of protection to ensure the safety and confidence of witnesses in providing testimony throughout the criminal justice process.⁸

Nevertheless, in practice, the protection of *Justice Collaborators* still faces various obstacles. One of the main issues is the suboptimal implementation of legal protection for *Justice Collaborators*, particularly when cases involve parties holding power, office, or specific influence. These circumstances often place *Justice Collaborators* in a vulnerable position, making them susceptible to pressure, intimidation, or threats throughout the legal process.⁹ Furthermore, the uneven understanding among law enforcement officials regarding the rights, status, and protection mechanisms for *Justice Collaborators* also poses a barrier to their implementation. As a result, in some cases, *Justice Collaborators* are still treated as principal perpetrators even though their testimony is crucial for uncovering the broader scope of criminal acts.

This issue was evident in the case of the shooting of a delivery driver in Palangka Raya City, which involved a member of the Indonesian National Police (Polri) identified by the initials AKS and an online taxi driver identified by the initials MH. The case began with the discovery of an unidentified body in a palm oil plantation

⁵ Sukma Nurain, "Urgensi Perlindungan Hukum Justice Collaborator Dalam Penegakan Hukum Tindak Pidana Korupsi Di Indonesia," *Jurnal Usm Law Review* 12, no. 4 (2024): 1006–1017, <https://doi.org/10.26623/julr.v7i2.9507>.

⁶ Lailatus Sururiyah, "Perlindungan Hukum Terhadap Saksi Dan Korban Oleh Lembaga Perlindungan Saksi Dan Korban (Lpsk)," *Artemis Law Journal* 1, no. 2 (2023): 616–624, <https://doi.org/10.35508/alj.v1i2.15220>.

⁷ Putri Ramadhani Rangkuty, Muhammad Aldi Khoiri, and Mirna Syahfitri Rahmadani, "Perlindungan Hukum Terhadap Saksi Dan Korban Dalam Undang- Undang LPSK" 4, no. 1 (2026): 306–314. <https://doi.org/10.61722/jipm.v4i1.1886>.

⁸ Notarius Halawa et al., "Dalam Sistem Peradilan Pidana Di Indonesia," *Jurnal Retentum* 6, no. 1 (2024): 127–136, <http://dx.doi.org/10.46930/retentum.v6i1.4242>.

⁹ Cut Tiara Ananda, Zulfan Zulfan, and Fitria Mardhatillah, "Justice Collaborator Dalam Tindak Pidana Narkotika (Studi Putusan Nomor : 254 / PID . SUS / 2023 / PT PTK)," *Jurnal Ilmiah Mahasiswa Fakultas Hukum (JIMFH)* 8, no. 3 (2025): 1–14, <https://doi.org/10.29103/jimfh.v8i3.21943>.

area on Mansyah Street on December 6, 2024. At the time of discovery, police were unable to confirm the victim's identity or the cause of death. It was not until December 10, 2024, that MH went to the Palangka Raya City Police Station and reported that a delivery driver had been shot on Tjilik Riwut Road at KM 39 by AKS, and that the victim's body had been dumped in the oil palm plantation area. Based on MH's report, police were subsequently able to uncover the facts of a criminal act that had previously not been clearly established.

MH's role in uncovering this case was crucial because only he and AKS had firsthand knowledge of the sequence of criminal events. However, MH found himself in a highly vulnerable position. On one hand, MH was an ordinary civilian working as an online taxi driver and doing odd jobs, while AKS was a member of the Indonesian National Police (Polri) who possessed authority, symbols of power, and structural access within the law enforcement institution. This power imbalance subjected MH to severe psychological pressure. According to statements from MH and his legal counsel, MH experienced fear and trauma from witnessing the shooting carried out by AKS firsthand. Furthermore, during the investigation process, MH was allegedly subjected to intimidation and abuse in an attempt to force him to confess to being the primary perpetrator of the murder.

Previous research on *Justice Collaborators* has generally focused more on normative aspects regarding their legal status, legal certainty, eligibility criteria, and their role in the enforcement of specific criminal laws. One study emphasized *Justice Collaborators* from the perspective of legal certainty in Indonesia.¹⁰ Other studies have focused more on judges' considerations in adjudicating cases involving *Justice Collaborators*¹¹, while yet another study examined the strategic role of *Justice Collaborators* in the investigation of corruption offenses.¹² Unlike those studies, this research employs an empirical legal approach to examine the implementation of protection by the LPSK for *Justice Collaborators* during the trial process in criminal cases involving public officials in Palangka Raya. This study also highlights the impact of power asymmetry on the effectiveness of legal protection, thereby offering a new perspective on the implementation of protection for *Justice Collaborators* in the practice of the criminal justice system in Indonesia.

¹⁰ Al Amin Kurniawan et al., "Justice Collaborator Dalam Perspektif Kepastian Hukum Di Indonesia," *Ekasakti Jurnal Penelitian Dan Pengabdian* 5, no. 1 (2025): 112–119, <https://doi.org/10.31933/ejpp.v5i1.1240>.

¹¹ Amalina Fikriyah, Ali Masyhar, and Cahya Wulandari, "Justice Collaborator Dalam Pertimbangan Hakim Memutus Perkara," *Jurnal Hukum & Pembangunan* 53, no. 3 (2023), <https://doi.org/10.21143/jhp.vol53.no3.1558>.

¹² Ayu Wahyuning Sari, "Peran Justice Collaborator Tindak Pidana Korupsi Terhadap Penegakan Hukum," *Ranah Research : Journal of Multidisciplinary Research and Development* 8, no. 1 (2025): 644–652, <https://doi.org/10.38035/rj.v8i1.1886>.

Based on a request from MH's legal counsel, the LPSK subsequently designated MH as a *Justice Collaborator* through Decision Letter No. A.0208/KEP/SMP-LPSK/I/Year 2025. This designation is noteworthy because it was granted to an individual who holds the dual status of both defendant and witness in the same case. Furthermore, the case involves multiple criminal offenses simultaneously, namely alleged murder, theft, and concealment of a corpse. In this context, MH's status as a Justice Collaborator plays a crucial role in shedding light on a criminal case with limited evidence and marked by power dynamics.

Another issue worth examining concerns the implementation of protection by the LPSK during the trial proceedings at the Palangka Raya District Court. Institutionally, the LPSK is headquartered in Jakarta, whereas the case was heard in Palangka Raya, a city with limited resources and a considerable geographical distance. These conditions pose challenges in providing protection to the *Justice Collaborator*, particularly regarding the effectiveness of inter-agency coordination, limited resources and supporting facilities, oversight of witness security, and the provision of psychological and legal protection throughout the trial process. These findings align with the views of Djameludin and Arrasyid, who state that the LPSK's operations still face various obstacles, including limited resources, facilities, and coordination with law enforcement agencies, as well as ongoing intimidation of witnesses and victims, which can undermine the effectiveness of protection within the criminal justice system.¹³

Previous research on *Justice Collaborators* has generally focused more on normative aspects regarding their legal status, legal certainty, eligibility criteria, and the role of *Justice Collaborators* in the enforcement of laws concerning specific criminal offenses. One study emphasized *Justice Collaborators* from the perspective of legal certainty, while another focused more on judges' considerations when adjudicating cases involving *Justice Collaborators*.¹⁴ In addition, other studies examine the strategic role of *Justice Collaborators* in uncovering corruption offenses.¹⁵ Meanwhile, research specifically examining the implementation of protection by the LPSK for *Justice Collaborators* during the trial phase particularly in cases involving power dynamics between law enforcement officials and civil society remains relatively limited. Therefore, this study offers a novel perspective by focusing on the LPSK's legal considerations in designating MH as a *Justice Collaborator*, as well as the implementation of the protection provided during the trial process, based on empirical

¹³ Djameludin Djameludin and Yanuriasnyah Arrasyid, "Pemenuhan Keadilan Dalam Sistem Hukum Pidana Indonesia Melalui Tugas LPSK," *Jihk* 5, no. 2 (2024): 30–44, <https://doi.org/10.46924/jihk.v5i2.188>.

¹⁴ Fikriyah, Masyhar, and Wulandari, "Justice Collaborator...."

¹⁵ Sari, "Peran Justice Collaborator Tindak Pidana Korupsi Terhadap Penegakan Hukum."

data obtained through interviews with LPSK officials, MH's legal counsel, and a review of relevant documents.

Based on this description, this study is important because it not only addresses the normative aspects of *Justice Collaborator* protection but also examines the empirical implementation of such protection in a specific case involving a power dynamic between law enforcement officials and civil society. This study is expected to make an academic contribution to the development of criminal law and witness protection studies in Indonesia, while also serving as a practical evaluation tool for law enforcement officials and the LPSK in strengthening protection mechanisms for *Justice Collaborators*. Thus, this study focuses on analyzing the LPSK's legal considerations in designating MH as a *Justice Collaborator*, as well as the LPSK's role in providing protection during the trial proceedings at the Palangka Raya District Court, without assessing the judicial considerations of the Panel of Judges, which fall outside the scope of this study's empirical data.

RESEARCH METHOD

This study employs *empirical legal research* using a qualitative approach. Empirical legal research was chosen because this study not only examines legal norms regarding *Justice Collaborators* and witness protection but also analyzes their application in law enforcement practice. This approach aims to examine the alignment between existing legal provisions (*das sollen*) and the actual realities on the ground (*das sein*), particularly regarding the role of the Witness and Victim Protection Agency (LPSK) in providing protection to *Justice Collaborators* during court proceedings at the Palangka Raya District Court.

The research was conducted at the Witness and Victim Protection Agency (LPSK) office in Jakarta and the Genta Keadilan Legal Aid Institute (LBH GK) office at in Palangka Raya. These locations were selected purposefully because both institutions are directly involved in the case under study. The research at LPSK was conducted to obtain data on legal considerations and forms of protection for MH as a *Justice Collaborator*, while the research at LBH GK aimed to obtain supporting data regarding legal assistance provided to MH during the investigation and trial processes.

The data sources for this study consist of primary, secondary, and tertiary data.¹⁶ Primary data were obtained through interviews and direct observation with sources relevant to the study, namely Brig. Gen. (Ret.) Dr. Achmadi, S.H., M.A.P. and Abdanev Jopa, an expert staff member at the LPSK Protection Bureau, as well as Parlin Bayu Hutabarat, S.H., M.H., Chair of the Genta Keadilan Legal Aid Institute and MH's legal counsel. Secondary data was obtained through a literature review consisting of laws and regulations, academic journals, criminal law textbooks, official documents,

¹⁶ Muhaimin, *Metode Penelitian Hukum*, 1st ed. (Nusa Tenggara Barat: Mataram University Press, 2020).

and case files related to witness protection and *Justice Collaborators*. Tertiary data was obtained from official websites, electronic archives, and other digital information sources relevant to the study.

Data collection techniques included *in-depth interviews*, document analysis, and a literature review. Interviews were conducted to gather information regarding the LPSK's legal considerations, the forms of protection provided, and the challenges faced in implementing protection for MH during the trial. Document analysis involved reviewing LPSK decisions, case files, and other legal documents relevant to the study.

The data obtained were analyzed using qualitative analysis by classifying, organizing, and linking empirical facts to applicable legal provisions. The analysis was carried out through the stages of data reduction, data presentation, and drawing conclusions. To ensure data validity, this study employed source triangulation by comparing the results of interviews, legal documents, and relevant literature, thereby yielding credible and academically accountable data.¹⁷

RESULTS AND DISCUSSION

Legal Considerations by the LPSK in Designating MH as a *Justice Collaborator* and Granting Him Protection

The granting of "*Justice Collaborator*" status by the Witness and Victim Protection Agency (LPSK) is not a decision made lightly, but rather through complex legal deliberations, taking into account juridical, sociological, and psychological aspects. In this case, MH, an online taxi driver in Palangka Raya, was designated as a *Justice Collaborator* through LPSK Decision Letter No. A.0208/KEP/SMP-LPSK/I/Year 2025. This designation was made because MH was deemed to have played a crucial role in uncovering a shooting crime involving a member of the Indonesian National Police (Polri) identified by the initials AKS.¹⁸

Philosophically, the concept of the "*Justice Collaborator*" emerged as a response to the limitations of criminal procedure law in investigating certain crimes where evidence is scarce and power dynamics are involved. The existence of the "*Justice Collaborator*" is viewed as part of law enforcement efforts to achieve balanced justice in the criminal justice process. Edwin Partogi Pasaribu, a legal expert at the National Commission on Human Rights¹⁹, explained that the limitations of evidence in criminal law gave rise to the idea of designating certain perpetrators as witnesses to assist law enforcement officials in identifying the main perpetrators. This concept is evident in several high-profile cases in Indonesia, including the murder of Brigadier J, which was

¹⁷ Muhaimin, *Metode Penelitian Hukum...*

¹⁸ Pasaribu, *Justice Collaborator (Saksi Pelaku): Kajian, Praktik, Komparasi Dan Pembaharuan Hukum.*

¹⁹ Nur Afifah, Iqbal Kamalludin, and Yusril Bariki, "Politik Hukum Progesif Dalam Perkembangan Justice Collaborator Sebagai Upaya Penegakan Keadilan Berimbang Di Indonesia," *Crepido* 4, no. 2 (2022): 114–126, <https://doi.org/10.14710/crepido.4.2.114-126>.

successfully solved through the testimony of Bharada Richard Eliezer as a *Justice Collaborator*. Thus, the role of the *Justice Collaborator* is essentially a crucial tool for uncovering the material truth in complex criminal cases.

The normative framework regarding the protection of *Justice Collaborators* is regulated by Law No. 31 of 2014 on the Protection of Witnesses and Victims, Supreme Court Circular Letter No. 4 of 2011, and a Joint Regulation issued by five state institutions concerning the protection of whistleblowers and cooperating perpetrators. Based on an interview with Abdanev Jopa, an Expert Staff Member at the LPSK Protection Bureau, the mechanism for assessing protection requests involves both administrative and substantive verification processes, including verification of identity, documents, the chronology of the case, the significance of the testimony provided, and the level of threat faced by the applicant.²⁰

The research findings indicate that the intimidation experienced by MH was not solely due to his position as a witness, but rather stemmed from an imbalance of power between civilians and law enforcement officials. Based on the results of an interview with Abdanev Jopa, the LPSK assessed these conditions as the primary basis for granting protection to MH. This situation reinforces Philipus M. Hadjon's theory of legal protection, which positions the state as an instrument to protect those in a vulnerable position from the domination of those with greater power. In this case, the protection provided by the LPSK not only fulfills the mandate of Law No. 31 of 2014 but also serves as a corrective mechanism against power imbalances that could potentially hinder the law enforcement process. This finding aligns with the views of Djamaludin and Arrasyid, who state that the LPSK's duties are not only aimed at providing protection to witnesses and victims but also at ensuring the realization of justice within the criminal justice system through effective protection against intimidation, supported by interagency coordination, as well as the strengthening of resources and protective facilities.²¹

The LPSK's primary consideration in designating MH as a *Justice Collaborator* was the significance of the testimony MH provided in uncovering the criminal act. This case initially began with the discovery of an unidentified body in a palm oil plantation area on Mansyah Street on December 6, 2024. At that time, law enforcement authorities did not yet know the victim's identity or the cause of death. A breakthrough in the case occurred when MH visited the Palangka Raya City Police Headquarters on December 10, 2024, and reported a shooting incident committed by AKS against a delivery driver on Tjilik Riwut Road at KM 39. Based on this report,

²⁰ Wawancara Pribadi Dengan Abdanev Jopa (Tenaga Ahli Biro Perlindungan LPSK), Jakarta, 27 Februari 2026.

²¹ Sonbait Laack, Amalo, "Tantangan Dan Hambatan Lembaga Perlindungan Saksi Dan Korban (LPSK) Dalam Melaksanakan Tugasnya Di Kota Kupang," *Artemis Law Journal* 3, no. 2 (2026): 212–229. <https://doi.org/10.35508/alj.v3i2.22351>.

police were subsequently able to link the discovery of the body to a previously unsolved murder case.

Abdanev Jopa explained that the LPSK assessed that MH was able to reveal new facts that were previously unknown due to limited evidence. Furthermore, MH was deemed consistent in explaining the sequence of events, including details that aligned with other evidence such as the location, time of the incident, and communications between the parties.²² Thus, MH's testimony holds significant evidentiary value in identifying the principal perpetrator of the crime.

The second consideration is that MH is not the principal perpetrator. Based on the results of an interview with the LPSK, MH's designation as a *Justice Collaborator* is grounded in the fact that the dominant role in the criminal act was played by AKS, a member of the Indonesian National Police (Polri) who is suspected of being the principal perpetrator of the shooting. This is also reflected in the indictment filed by the Public Prosecutor, which charges AKS under Article 339 of the Criminal Code (KUHP) regarding murder preceded by or accompanied by another criminal act, whereas such charges were not brought against MH. This difference in the structure of the indictments indicates that MH is not positioned as the principal perpetrator, but rather as a party providing testimony to assist in uncovering the sequence of criminal events.

From the perspective of criminal procedure law, MH's testimony is of significant importance as evidence that assists investigators and prosecutors in reconstructing the sequence of criminal acts as charged under Article 339 of the Criminal Code. This testimony serves as the basis for uncovering the chronology of events, identifying the role of each perpetrator, and explaining the connection between the alleged crime of murder and the other accompanying criminal acts. Thus, MH's contribution not only serves as testimony regarding the events that occurred but also supports the proof of the elements of the criminal offense charged against the principal perpetrator, thereby strengthening the rationale for the LPSK's granting of *Justice Collaborator* status.

Another consideration is MH's good faith in cooperating with law enforcement authorities. MH voluntarily went to the Palangka Raya City Police Headquarters to report the shooting incident of which he was aware. This action demonstrates legal awareness and a willingness to assist in the law enforcement process, even though he himself was in a vulnerable position. Abdanev Jopa emphasized that MH's consistency in providing testimony from the investigation stage through the trial was one of the

²² Wawancara Pribadi Dengan Abdanev Jopa.....

key indicators in the LPSK's assessment. Verification was conducted by comparing the initial Interrogation Report (BAP), the follow-up BAP, and MH's testimony in court.²³

In addition to these substantive aspects, the LPSK also considered the urgency of protecting MH. This urgency arose due to the power imbalance between MH, as a civilian, and AKS, as a law enforcement officer. Based on interviews with MH's legal counsel, during the investigation process, MH experienced fear, psychological pressure, and was allegedly subjected to intimidation and abuse. These allegations were corroborated by the discovery of bruises on MH's face during an examination conducted by the Professional Standards and Security Division (Propam) of the Central Kalimantan Regional Police.²⁴ From the perspective of criminal procedural law, these conditions raise concerns regarding the fulfillment of the rights of suspects and witnesses to provide testimony freely, without physical or psychological pressure. If an Interrogation Report (BAP) is obtained through pressure or violence, such circumstances have the potential to undermine the evidentiary value of the testimony provided and contradict the principles of *due process of law* as well as the protection of human rights in the criminal justice process.

These findings indicate that legal protection in this case cannot be understood merely as procedural protection. As noted by Philipus M. Hadjon, legal protection is a state instrument to safeguard those in a weaker position from arbitrary actions by those in power. Interviews with MH's legal counsel revealed that the alleged intimidation and abuse experienced by MH occurred while the legal process was still in the investigative stage, meaning that formal legal protection mechanisms had not yet been able to effectively provide a sense of security. Under these circumstances, the LPSK serves as a state protection mechanism that not only guarantees MH's safety as a *Justice Collaborator* but also helps balance the power imbalance so that MH can continue to provide testimony freely, consistently, and without pressure throughout the judicial process.

In this context, the protection provided by the LPSK is intended not only to ensure MH's physical safety but also to ensure that the testimony provided as a *Justice Collaborator* is given voluntarily, free from intimidation, and has evidentiary value that can be relied upon in the judicial process. Thus, LPSK protection does not merely serve as a form of witness protection but also as an instrument to safeguard the integrity of

²³ Hadi Alamri, "Kedudukan Keterangan Ahli Sebagai Alat Bukti Menurut Kitab Undang-Undang Hukum Acara Pidana," *Lex Privatum* V, no. 1 (2017): 31–38, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/15109/14672>.

²⁴ Wawancara Pibadi dengan Parlin Bayu Hutabarat, S.H., M.H (Ketua Lembaga Bantuan Hukum Genta Keadilan), Palangka Raya, 27 Februari 2026.

the evidentiary process and ensure the realization of a fair criminal trial when a case involves an imbalance of power between law enforcement officials and civil society.²⁵ The process of designating MH as a *Justice Collaborator* also involved assessment and observation stages conducted directly by the LPSK. Based on interviews with MH's legal counsel team, the initial visits and support provided by the LPSK had a positive psychological impact on MH. The fear and trauma MH had previously experienced began to subside after MH learned of the state's protection. Additionally, the LPSK assessed the level of threats faced by MH including physical, psychological, and social threats ensuring that the protection provided was not merely formal but also substantive.²⁶

The designation of MH as a *Justice Collaborator* subsequently had significant implications for the judicial process. With protection from the LPSK, MH received physical and psychological support throughout the trial. MH's legal counsel explained that LPSK personnel actively provided security at the courthouse and offered support to MH and his family. This protection boosted MH's confidence to testify freely and honestly during the trial. In fact, the panel of judges presiding over the case allowed LPSK representatives to accompany MH throughout the examination process in court.

Based on this analysis, it can be understood that the LPSK's legal considerations in designating MH as a *Justice Collaborator* were based on several key aspects, namely: MH was not the principal perpetrator; MH's testimony was highly significant in uncovering the criminal act; there was a demonstration of good faith in cooperating with law enforcement authorities; and there were physical and psychological threats resulting from the power imbalance between MH and AKS. These considerations demonstrate that protection for *Justice Collaborators* is not only intended to protect specific individuals but also to ensure a fair and effective judicial process in uncovering the material truth.

The Role of the LPSK in Providing Protection to MH as a Justice Collaborator in Palangka Raya

After the Witness and Victim Protection Agency (LPSK) designated MH as a *Justice Collaborator* through Decision Letter No. A.0208/KEP/SMP-LPSK/I/Year 2025, the next critical step is the implementation of protection for MH throughout the criminal trial process. In this context, the LPSK's role does not end with the mere designation of administrative status but is realized through tangible protection aimed

²⁵ Petrus Kanisius Eko Kristanto and Kristiyadi, "Perlindungan Saksi Dalam Proses Penyidikan Berdasarkan Undang-Undang Perlindungan Saksi Dan Korban," *Verstek: Jurnal Hukum Acara* 11, no. 1 (2023): 78–87, <https://doi.org/10.20961/jv.v11i1.71424>.

²⁶ Muhammad Junaidi and Wenisa Zahara, "Perlindungan Hukum Oleh LPSK Terhadap Justice Collaborator Dalam Pengungkapan Tindak Pidana Pembunuhan Berencana Brigadir Nofriansyah Yosua Hutabarat," *Tahkim* 19, no. 1 (2023): 27–39, <https://doi.org/10.33477/thk.v19i1.4447>.

at providing a sense of security, guaranteeing MH's freedom to testify, and ensuring that the trial proceeds fairly.²⁷

Normatively, the existence of the LPSK is regulated under Article 1(1) of Law No. 31 of 2014 on the Protection of Witnesses and Victims, which states that the LPSK is an institution tasked with and authorized to provide protection and ensure the fulfillment of the rights of witnesses and/or victims within the criminal justice system. Such protection is provided at every stage of the judicial process, from the preliminary investigation, criminal investigation, and prosecution, through to the trial. In the context of a "Justice Collaborator," the protection provided includes not only physical protection but also psychological support, legal aid, and special treatment to ensure that the witness can provide testimony safely and free from pressure throughout the legal proceedings²⁸²⁹.

Based on an interview with Parlin Bayu Hutabarat, S.H., M.H., Chair of the Genta Keadilan Legal Aid Institute and legal advisor to MH, the role of the LPSK is crucial because MH is in a vulnerable position due to an unequal power dynamic with AKS, a member of the Indonesian National Police. Through protection from the LPSK, MH is guaranteed safety so that he can undergo the trial process without undue pressure.

Abdanev Jopa, an Expert Staff Member at the LPSK Protection Bureau, explained that the protection provided to MH includes physical protection, legal protection, psychological protection, monitoring during the trial, and protection for MH's family. This protection is provided actively and continuously, taking into account the level of threat faced by MH throughout the legal proceedings³⁰.

The first form of protection provided by the LPSK is physical protection in the form of direct escort by LPSK personnel during the trial at the Palangka Raya District Court. The presence of LPSK personnel in the courtroom serves a very important function, both physically and psychologically. Physically, LPSK personnel are tasked with providing security for MH against potential threats or disturbances during the trial. Psychologically, the presence of LPSK personnel provides MH with a sense of security, as he does not feel he is facing the trial alone. Abdanev Jopa noted that this physical protection includes close protection, escort services when attending court, and security for MH's residence.

²⁷ Wawancara pribadi dengan Parlin Bayu Hutabarat...

²⁸ Mihot Lenardo, Najwa Aulia Ramadhani, and Junifer Dame Panjaitan, "Keterbatasan Jangkauan dan Mekanisme Perlindungan Korban Oleh Lembaga Perlindungan Saksi dan Korban (LPSK) Terhadap Korban Pemerkosaan Di Indonesia," *Desentralisasi: Jurnal Hukum, Kebijakan Publik, Dan Pemerintahan* 2, no. 2 (2025): 115–125, <https://doi.org/10.62383/desentralisasi.v2i2.659>.

²⁹ Malau Laoly, "Analisis Yuridis Perlindungan Hukum Terhadap Saksi Dan Korban Dalam Perspektif Perkara Pidana," *Yurisprudencia: Jurnal Hukum Ekonomi* 6, no. 2 (2020). <https://doi.org/10.24952/yurisprudencia.v6i2.3095>.

³⁰ Wawancara pribadi dengan Parlin....

In addition to providing protection to MH personally, the LPSK also extends protection to MH's family, particularly his wife, who has attended court proceedings on several occasions to offer moral support to her husband. Based on the results of the research interviews, LPSK personnel also provided support to MH's wife while she was on the court premises. Protection for the family is crucial because family members are often the most vulnerable to pressure or threats resulting from a *Justice Collaborator's* courage in exposing criminal acts. Furthermore, LPSK provided psychological services to MH's wife to help her serve as *a support system* for MH throughout the legal proceedings.³¹

The next form of protection is psychological support. This protection is one of the most critical aspects of MH's case because, from the very beginning, MH suffered severe trauma from witnessing the shooting firsthand and the pressure he endured during the investigative phase of the proceedings. According to the legal advisory team, before receiving protection from the LPSK, MH was in a state of fear, trauma, and mental distress. However, after receiving psychological support from the LPSK, MH's mental condition began to improve, and his fear of AKS gradually diminished.

Abdanev Jopa explained that the psychological support was provided through ongoing counseling and psychological monitoring to aid in MH's recovery from trauma. This support was not only provided to MH but also to his family. Based on the interview findings, this psychological support contributed to the improvement of MH's psychological condition, so that when he was examined as a witness and defendant in court, MH was able to provide testimony in a calmer, clearer, and more consistent manner.³²

In addition to physical and psychological protection, the LPSK also fulfills a legal protection role by providing recommendations for special treatment to the Public Prosecutor and the Panel of Judges. These recommendations were formally issued as a form of recognition of MH's status as *a Justice Collaborator*. During the trial proceedings, these recommendations received a positive response from the Panel of Judges. MH's legal counsel explained that the panel of judges permitted LPSK personnel to sit alongside MH during the examination process in court. This special treatment demonstrates that the LPSK's presence is not merely administrative but also has a tangible impact on the dynamics of the trial.

In carrying out its protection of MH, the LPSK also coordinated with various relevant institutions, particularly the Genta Keadilan Legal Aid Institute (LBH Genta Keadilan) and the Palangka Raya District Court. This coordination was crucial because once the case was transferred to the court, authority over the defendant rested with

³¹ Lailatus Sururiyah, "Perlindungan Hukum Terhadap Saksi Dan Korban Oleh Lembaga Perlindungan Saksi Dan Korban (LPSK)," *Iuris Studia: Jurnal Kajian Hukum* 4, no. 3 (2023): 173–180, <https://doi.org/10.55357/is.v4i3.425>.

³² Ibid

the Panel of Judges. Based on the results of the research interviews, coordination between the LPSK and LBH Genta Keadilan proceeded quite smoothly and effectively. Communication took place through various technological means, such as *WhatsApp*, email, and *Zoom Meetings*, to overcome the geographical distance between Jakarta and Palangka Raya.³³

Coordination with the Palangka Raya District Court has also been positive. This is evident from the special treatment accorded to MH during the trial, including the permission for LPSK personnel to accompany him in the courtroom. These circumstances demonstrate the panel of judges' understanding of the importance of protecting *justice collaborators* in order to support the disclosure of the material truth.

The effectiveness of the protection provided by the LPSK can be seen in the change in MH's condition during the trial process. The legal counsel team assessed that the protection provided was able to instill a sense of security in MH and his family. Before receiving protection, MH was in a state of fear and trauma; however, after receiving support from the LPSK, MH was able to provide testimony more freely without pressure. These findings indicate that the protection provided by the LPSK contributed to creating a more conducive environment for MH to provide testimony during the judicial process.

Interviews with Abdanev Jopa, an expert staff member at the LPSK Protection Bureau, and Parlin Bayu Hutabarat, MH's legal counsel, revealed that the protection provided by the LPSK consisted not only of physical security but also fostered a sense of psychological safety, enabling MH to maintain consistent testimony throughout the trial proceedings. These findings reinforce Philipus M. Hadjon's theory of legal protection, which positions the state as a protector of those in a weaker position against the dominance of those holding greater power. In this case, the protection provided by the LPSK through legal representation, psychological support, physical escort, and interagency coordination served as an instrument to balance the power imbalance between MH, as a civilian, and AKS, as a law enforcement officer, thereby ensuring that the evidentiary process could proceed more fairly.

Although the protection provided to MH can be considered successful, this study also identified several obstacles in the implementation of such protection. The primary obstacle was geographical, as the LPSK's headquarters is located in Jakarta, while the case was heard in Palangka Raya. This situation affects the speed of monitoring and the intensity of in-person support provided to MH. Additionally, Abdanev Jopa noted that MH is the first *Justice Collaborator* in Palangka Raya, meaning

³³ Putri Ramadhani Rangkuti et al., "Analisis Efektivitas Lembaga Perlindungan Saksi Dan Korban (Lpsk) Dalam Menangani Kasus Kejahatan," *SULTAN ADAM: Jurnal Hukum Dan Sosial* 3, no. 2 (2025): 205–213, <https://doi.org/10.71456/sultan.v3i2.1552>.

some law enforcement officials still lack a shared understanding of the *Justice Collaborator* concept.³⁴

One empirical finding that highlights the limitations of protection for *Justice Collaborators* is the condition of the correctional facility in Palangka Raya. Based on interview results, there is only one correctional facility used to house MH and AKS; thus, although they are separated into different blocks, institutionally they remain within the same correctional environment. This situation indicates that the protection provided by the LPSK is not entirely determined by the agency's authority but is also influenced by the availability of correctional facilities and infrastructure in the region³⁵.

From a power dynamics perspective, separating them into different blocks does not necessarily fully eliminate the psychological pressure experienced by *the Justice Collaborator*. Even without direct contact, the presence of the main perpetrator in the same correctional facility has the potential to instill fear, trauma, and anxiety regarding the possibility of intimidation, whether direct or indirect. These conditions indicate that power imbalances do not always end after the trial process but can continue during the sentence enforcement phase if the protection system is not supported by adequate correctional facilities.

This finding reveals that the effectiveness of LPSK's protection has structural limitations, particularly in regions that do not yet have alternative placement options for *Justice Collaborators*. Thus, the success of protection depends not only on providing physical, psychological, and legal protection, as well as support throughout the judicial process, but also requires institutional support through closer coordination with the Directorate General of Corrections in determining the placement of inmates with *Justice Collaborator* status. Consequently, strengthening the protection system cannot be achieved through LPSK policies alone; it also requires the development of correctional facilities and placement mechanisms capable of minimizing the risk of intimidation against *Justice Collaborators* after a court decision becomes final and binding.

Based on these findings, several efforts are needed to strengthen the LPSK's role moving forward, particularly in protecting *Justice Collaborators* at the regional level. *First*, there is a need to decentralize protection services by establishing LPSK representative offices or liaison offices in every province so that protection can be provided more quickly and effectively. *Second*, there is a need to enhance law enforcement officials' understanding of the concept of *Justice Collaborators* through integrated training and outreach. *Third*, coordination between the LPSK, law enforcement officials, and the Directorate General of Corrections must be strengthened

³⁴ Aditya Redaya et al., "Kedudukan Hukum Justice Collaborator Dalam Sistem Peradilan Pidana Di Indonesia," *Parlementer: Jurnal Studi Hukum Dan Administrasi Publik* 1, no. 3 (2024): 1–18, <https://doi.org/10.62383/parlementer.v1i3.56>.

³⁵ Al Amin Kurniawan et al., "Justice Collaborator....."

to ensure that protection mechanisms continue to function optimally through the criminal sentencing phase.

CONCLUSION

The legal considerations of the Witness and Victim Protection Agency (LPSK) in designating MH as a *"Justice Collaborator"* are based on the fulfillment of the requirements set forth in the Witness and Victim Protection Act, namely that MH is not the principal perpetrator, plays a significant role in uncovering the criminal offense, demonstrates good faith through consistent testimony, and requires protection due to intimidation and psychological trauma. This designation also took into account the power imbalance between MH, as a civilian, and AKS, as a law enforcement official; thus, granting *Justice Collaborator* status serves as a tool to support the investigation of criminal acts while ensuring legal protection for those in vulnerable positions.

The LPSK's role is realized through the provision of physical, psychological, and legal protection, as well as protection for the family during the judicial process, thereby supporting MH in providing testimony freely. However, the implementation of protection still faces obstacles, including the limited reach of LPSK services in regional areas, the uneven understanding among law enforcement officials regarding *Justice Collaborators*, and the limited capacity of correctional facilities, which results in MH and the principal perpetrator still being housed in the same correctional facility, albeit in different blocks. These findings indicate that strengthening interagency coordination and developing protection systems in regional areas are necessary to ensure that protection for *Justice Collaborators* can be implemented more effectively.

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