



Justice Collaborator Analysis of Legal Justice in the Settlement of Corruption in the Case of Public Officers through Justice Restorative Model

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Abstract

This type of research used in this research is normative legal research. Corruption has become a chronic disease where no panacea has yet to be found to eliminate or reduce corrupt acts committed by almost every line of power, executive, legislative, and judiciary. This is a bad behavior or habit, resulting in corrupt crimes that can harm oneself and others and even state revenues. Therefore, the act of corruption arises because of the evil intention and will to commit acts and acts of abuse of power. Departing from what has been described above, in fact the determination of a (*justice collaborator*) is an attempt by an investigator to uncover the network of criminal acts of corruption, with the aim that the disclosure of criminal acts of corruption involving many parties can be unraveled and resolved complete, so that no person is protected and enjoys the result of the corruption committed by the congregation.

Keywords: *Justice Collaborator; Restorative Model*

Introduction

Corruption has become a chronic disease where no panacea has yet to be found to eliminate or reduce corrupt acts committed by almost every line of power, executive, legislative, and judiciary. This is a bad behavior or habit, resulting in corrupt crimes that can harm oneself and others and even state revenues. Therefore, the act of corruption arises because of the evil intention and will to commit acts and acts of abuse of power.(1)

The crime of corruption is indeed an extraordinary crime and it's well organized. Disclosing and finding organized crime is certainly not easy, therefore the colloquial used by the perpetrators is very neat and difficult to detect by law enforcement officials. On the other hand, the state is fully aware that disclosing organized corruption requires witness participation, in this case serving as a *justice collaborator*.(2) It can be said that witnesses played a key role in exposing serious crimes. Given the strategic position of witnesses in exposing organized corruption crimes, in several countries it's constructed by law as a form of witness and victim protection. The aim is to encourage someone who is aware of a corruption crime to be willing to report it to law enforcement officials. Of course the reward is a guarantee of security, safety and legal justice from the witness as a *justice collaborator*. The same

method was adopted by the Indonesian government, by enacting Law of Republic Indonesia Number 13 of 2006 concerning Protection of Witnesses and Victims.

In various cases related to public officials who committed acts of corruption and the companion actors who became *justice collaborators*, in the bribery case the election of the senior deputy governor of Bank Indonesia, Miranda S. Gultom. For information, Miranda Goveitom has been declared a convict in that case. He was sentenced to 3 years in prison in 2012. Miranda was accused of being involved in a bribery case against dozens of members of the House of Representatives Commission IX for the 1999-2004 period with 480 checks of travelers. The *justice collaborator* in the Miranda S. Gultom case was Agus Condro. Agus Condro skyrocketed in 2011 when he admitted to Corruption Eradication Commission investigators about the distribution of checks for travelers that occurred on June 8, 2004. The check distribution was carried out after Miranda Swaray Goeltom's victory as Senior Deputy Governor of Bank Indonesia in 2004.

As a result of Agus's confession, four members of the People's Representative Council for the period 1999-2004 were convicted and 20 were defendants. At the time, he himself was sentenced to one year and six months in prison. Agus' role as a *justice collaborator*, or an actor who collaborates with law enforcers, has received appreciation from the government. If you look more deeply that there is still no reformulation of laws and regulations which specifically regulates legal justice for a *justice collaborator* who fights for himself to eradicate corruption even as a secondary actor, but in essence it's very much needed to improve effectiveness and efficiency in law enforcement to eradicate corruption in Indonesia. This is the main focus of researchers to contribute ideas about legal justice for secondary actors as *justice collaborators*.(3)

Research Methods

This type of research used in this research is normative legal research.(4)

Discussion

Legal Protection for Justice Collaborators for Public Officials on Corruption Crimes

One of the interesting things as someone who participates in a *justice collaborator* is giving identity to a criminal who is willing to cooperate with law enforcement officials to reveal the veil of crime he knows. Strictly speaking, the perpetrators who cooperate are people either as witnesses, reporters, or informants who provide assistance to law enforcers in the form of providing important information, strong evidence or testimony or testimony under oath, which can reveal a criminal act which the person is involved in the crime it reports. (5)

In relation to corruption or the legal mafia, the existence of cooperating actors has a strategic, *nan-urgent* role, given the nature and character of corruption that is carried out systematically, covertly accompanied by a difficult colloquial.(6) The disclosure of this crime is strongly influenced by the availability of the perpetrators who cooperate. There are several reasons that negate the crucial role of cooperating actors. First, the criminal act of tap corruption is carried out in an organized manner. Second, the perpetrators get the same advantage so that it's difficult to expect reports from fellow perpetrators. Third, perpetrators of criminal acts often involve powerful parties (power, position, finance) so that people who know about the crime are afraid to report it to law enforcement officials. Fourth, the perpetrator knows the colloquial and uses more sophisticated methods to conceal the crime. (7)

If you look at some examples of *justice collaborator* participation in corruption cases, especially in public positions, they are: (1). The Corruption Eradication Commission (KPK) gave the status of *justice collaborator* to the defendant Charles Jones Mesang regarding the bribery case at the Directorate General of Development of the Transmigration Area (Ditjen P2Ktrans). The KPK assessed that during the investigation as a suspect, the Golkar politician was cooperative with the investigator. On the defendant's request, on August 15 2017, the KPK leadership determined the defendant to be cooperative perpetrator witness and (2) The corruption suspect PT Asabri Hari Setiono and Bachtiar Effendi were ready to become *justice collaborator*. They are ready to assist the Attorney General's Office investigators in uncovering the corruption case of PT Asabri. The legal adviser to the two suspect, Handika Honggowongso, said that two of his clients were ready to work together to uncover the folds that had occurred in PT Asabri's investment. It's suspected that this case caused the state to suffer a loss of IDR 23.73 trillion.

Legal Justice Against the Determination of Sanctions for Justice Collaborators for Public Officials through Restorative Justice in Corruption Crimes

As previously explained, *Justice Collaborator* has an important role in conveying information on perpetrators of criminal acts, especially to public officials who have committed corruption crimes, especially in corruption cases, of course they must also receive justice proportionally, such as: (1) Reducing Sanctions for Perpetrators *Justice Collaborator* as *reward*; (2) Settlement of various legal cases in every criminal act of corruption using *restorative justice* methods and approaches through deliberations, negotiations, administrative fitness, or through *justice collaborator* with mutual cooperation to reveal intellectual actors or perpetrators in criminal acts of corruption down to its roots. (8)

Departing from the foregoing, the need for legal awareness for the public who wants to disclose and convey information if sufficient evidence is found that fulfills the elements of a criminal act in corruption crimes, especially for public officials who have the position of *Justice Collaborator* Actors.(9) This is an alternative law enforcement when there are rules (laws and regulations) that are substantially in place, but when the legal structure doesn't work, the participation of public officials, especially *Justice Collaborator*, is needed by law enforcement officials. In addition to the things that were conveyed earlier by the researcher, namely the awareness to reveal corruption acts and crimes committed by public officials.(2)

Conclusion

Departing from what has been described above, in fact the determination of a (*justice collaborator*) is an attempt by an investigator to uncover the network of criminal acts of corruption, with the aim that the disclosure of criminal acts of corruption involving many parties can be unraveled and resolved complete, so that no person is protected and enjoys the result of the corruption committed by the congregation. For the sake of uncovering a case of organized corruption crime, the state should appreciate and appreciate the services of a *Justice Collaborator* by providing him with reduced prison terms and separation from other prisoners in similar cases.

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