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RECONSTRUCTION OF THE LAW ON THE PROTECTION OF WITNESSES AND VICTIMS OF SEXUAL VIOLENCE: AN ANALYSIS OF THE EFFECTIVENESS OF THE WITNESS AND VICTIM PROTECTION INSTITUTION (LPSK) FROM THE PERSPECTIVE OF MAQASHID SYARIAH

RECONSTRUCTION OF THE LAW FOR PROTECTION OF WITNESSES AND VICTIMS OF SEXUAL VIOLENCE CRIMES: AN ANALYSIS OF THE EFFECTIVENESS OF THE WITNESS AND VICTIM PROTECTION AGENCY (LPSK) FROM THE PERSPECTIVE OF MAQASHID SYARIAH

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DOI: https://doi.org/10.62567/micjo.v3i3.2482

Abstract

This research is motivated by the issue of the effectiveness of witness and victim protection within the Indonesian criminal justice system, which is considered not yet to fully reflect the values of restorative justice nor to be harmoniously integrated into the framework of the national legal system. Although regulatory frameworks have been established through Law Number 13 of 2006 as amended by Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, as well as various regulations related to whistleblower and justice collaborator protection, their implementation continues to face normative and structural weaknesses. The lack of synchronization between the Criminal Procedure Code (KUHAP), the Draft Criminal Procedure Code (RUU KUHAP), and other sectoral regulations has resulted in the suboptimal role of the Witness and Victim Protection Agency (LPSK) in guaranteeing the rights of witnesses, victims, perpetrator-witnesses, and reporters, particularly in criminal cases with broad and organized impacts. From the perspective of maqāṣid al-syarī'ah and the Pancasila Justice Theory, legal protection for witnesses and victims should not be merely procedural-formal in nature, but must be directed toward the restoration of dignity, the assurance of security, and the comprehensive protection of human rights. This study aims to analyze the regulatory weaknesses in witness and victim protection from the perspective of the criminal justice system and to reconstruct such regulations based on restorative justice values. Employing a normative legal research paradigm combined with conceptual, statutory, and theoretical approaches, this research positions the Pancasila Justice Theory as the grand theory, the Legal System Theory as the middle theory, and the Legal Protection Theory as the applied theory. The findings indicate that regulatory reconstruction is necessary through strengthening the institutional position of LPSK, harmonizing it with the Draft Criminal Procedure Code (RUU KUHAP), and reinforcing the protection of whistleblowers and justice collaborators in a more comprehensive and non-discriminatory manner.

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This reconstruction is directed toward establishing a witness and victim protection system oriented toward restoration (restorative justice), balanced interests among the parties, and the realization of social justice as mandated by the values of Pancasila and human rights principles.

Keywords : Witness and Victim Protection Agency, Criminal Justice System, Restorative Justice, Regulatory Reconstruction.

Abstrak

Penelitian ini dimotivasi oleh isu efektivitas perlindungan saksi dan korban dalam sistem peradilan pidana Indonesia, yang dianggap belum sepenuhnya mencerminkan nilai-nilai keadilan restoratif dan belum terintegrasi secara harmonis ke dalam kerangka sistem hukum nasional. Meskipun kerangka peraturan telah ditetapkan melalui Undang-Undang Nomor 13 Tahun 2006 sebagaimana diubah dengan Undang-Undang Nomor 31 Tahun 2014 tentang Perlindungan Saksi dan Korban, serta berbagai peraturan terkait perlindungan pelapor dan kolaborator peradilan, implementasinya terus menghadapi kelemahan normatif dan struktural. Kurangnya sinkronisasi antara KUHP (KUHP), Rancangan KUHP (RUU KUHP), dan peraturan sektoral lainnya telah mengakibatkan peran Lembaga Perlindungan Saksi dan Korban (LPSK) yang kurang optimal dalam menjamin hak-hak saksi, korban, pelaku-saksi, dan pelapor, khususnya dalam kasus pidana dengan dampak luas dan terorganisir. Dari perspektif maqāṣid al-syarī'ah dan Teori Keadilan Pancasila, perlindungan hukum bagi saksi dan korban tidak boleh hanya bersifat prosedural-formal, tetapi harus diarahkan pada pemulihan martabat, jaminan keamanan, dan perlindungan hak asasi manusia secara komprehensif. Studi ini bertujuan untuk menganalisis kelemahan regulasi dalam perlindungan saksi dan korban dari perspektif sistem peradilan pidana dan untuk merekonstruksi regulasi tersebut berdasarkan nilai-nilai keadilan restoratif. Dengan menggunakan paradigma penelitian hukum normatif yang dikombinasikan dengan pendekatan konseptual, hukum, dan teoretis, penelitian ini menempatkan Teori Keadilan Pancasila sebagai teori utama, Teori Sistem Hukum sebagai teori menengah, dan Teori Perlindungan Hukum sebagai teori terapan. Temuan menunjukkan bahwa rekonstruksi regulasi diperlukan melalui penguatan posisi kelembagaan LPSK, menyelaraskannya dengan Rancangan Undang-Undang Hukum Acara Pidana (RUU KUHAP), dan memperkuat perlindungan pelapor dan kolaborator keadilan secara lebih komprehensif dan non-diskriminatif. Rekonstruksi ini diarahkan untuk membangun sistem perlindungan saksi dan korban yang berorientasi pada pemulihan (keadilan restoratif), keseimbangan kepentingan di antara para pihak, dan terwujudnya keadilan sosial sebagaimana diamanatkan oleh nilai-nilai Pancasila dan prinsip-prinsip hak asasi manusia.

Kata Kunci : Lembaga Perlindungan Saksi dan Korban, Sistem Peradilan Pidana, Keadilan Restoratif, Rekonstruksi Regulasi.

1. INTRODUCTION

Indonesia as a state of law (rechtsstaat) constitutionally affirms its commitment to the rule of law and the protection of human rights as enshrined in the Preamble and Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The principle of equality before the law is not just a declarative norm, but a fundamental principle that demands fair, equitable, and non-discriminatory treatment for every citizen in the entire law enforcement process. Within this framework, criminal law is not only positioned as a repressive instrument to impose sanctions on the perpetrators of criminal acts, but also as a normative mechanism that ensures the protection, protection, and restoration of the rights of citizens harmed by crime. Thus, the existence of the criminal justice system must be understood as an integral and substantive justice-oriented system, not merely formal legal certainty.

However, in practice, the Indonesian criminal justice system still shows the dominance of the offender-oriented retributive paradigm, so that the position of victims and witnesses is often in a subordinate position. The legacy of the colonial legal system codified in the Criminal Code and the

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Criminal Code places the state as the main representative of legal interests, while the victim is only positioned as evidence in the evidentiary process. This condition has an impact on the reduction of victims' rights to obtain protection, recovery, and meaningful participation in the judicial process. In fact, in many cases, victims experience secondary victimization due to convoluted legal procedures, lack of sensitivity, and unresponsiveness to the suffering they experience.

In response to the need for protection, the state established a regulatory framework through Law Number 13 of 2006 concerning the Protection of Witnesses and Victims which was later updated with Law Number 31 of 2014. This regulation strengthens the position of the Witness and Victim Protection Agency (LPSK) as an independent institution that has the authority to provide physical, psychological, and legal protection to witnesses and victims. The presence of LPSK is a manifestation of the state's constitutional responsibility to ensure a sense of security, legal certainty, and respect for human dignity in the criminal justice process. Normatively, the strengthening of the role of LPSK reflects a paradigm shift from a retributive approach to a more humanistic and victim-protection-oriented approach. Despite this, the effectiveness of witness and victim protection still faces various normative and institutional challenges. The disharmony between the Law on the Protection of Witnesses and Victims and the Criminal Procedure Code, as well as the lack of optimal synchronization with the Draft Criminal Code, has caused disharmony in implementation practice. In addition, the regulations regarding whistleblowers and justice collaborators have not fully provided comprehensive guarantees of protection, especially regarding the delay of lawsuits and the awarding of awards for testimony given. This condition shows that regulatory reform is not enough to be carried out partially, but requires a thorough reconstruction within the framework of an integrated criminal justice system.

In the perspective of legal system theory proposed by Lawrence M. Friedman, the effectiveness of law is determined by three main elements, namely legal structure, legal substance, and legal culture. The problem of witness and victim protection in Indonesia does not only lie in the aspect of the substance of regulations, but also in the institutional structure and legal culture of society. Legal structures that have not been fully synergized, legal substance that still leaves normative gaps, and legal culture that is not responsive to the interests of victims are determining factors that affect the weak implementation of protection. Thus, regulatory reconstruction must pay attention to these three dimensions simultaneously.

The development of contemporary legal thought has driven a paradigm transformation from a retributive approach to a restorative approach. The concept of restorative justice places the victim as the main subject in the resolution of criminal cases by emphasizing the recovery of losses, dialogue, reconciliation, and responsibility of the perpetrator. This approach is not solely aimed at imposing punishment, but seeks to restore social relations that have been disrupted by criminal acts. In the context of an Indonesian society that upholds the values of deliberation and mutual cooperation, restorative justice has a strong sociological and cultural foundation to be integrated into the national criminal justice system.

The philosophical foundation of the reconstruction of witness and victim protection can also be traced in the Pancasila Theory of Justice. Pancasila as the basis of the state and the source of all sources of law contains the value of social justice that emphasizes the balance between rights and obligations, as well as respect for human dignity. Justice from the perspective of Pancasila is not only legal-formal, but also morally and socially charged with the aim of realizing common welfare. Therefore, the reconstruction of witness and victim protection regulations must be based on the values of Pancasila as a grundnorm in the formation and enforcement of national law. In addition to the Pancasila perspective, the maqāṣid al-syarī'ah approach in Islamic law provides an additional normative dimension that is relevant. Shari'a purposes such as the protection of soul (ḥifẓ al-nafs), property (ḥifẓ al-māl), and honor (ḥifẓ al-'ird) emphasize the importance of comprehensive protection of victims of crime. In the context of sexual violence and organized crime, the protection of witnesses and victims is a concrete manifestation of efforts to maintain the benefits and prevent damage (mafsadah). The

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integration of the perspective of maqāṣid al-syarī'ah with the national legal system enriches the ethical and philosophical basis for formulating just protection policies.

The phenomenon of increasing cases involving justice collaborators and whistleblowers shows the urgency of strengthening the role of LPSK in the criminal justice system. Without adequate protection, the perpetrator's reporter and witness have the potential to experience intimidation, counter-criminalization, or physical and psychological threats. Therefore, the state is obliged to guarantee security, identity secrecy, and proportionate appreciation for their contribution to uncovering criminal acts. Comprehensive protection of witnesses, victims, and whistleblowers is a prerequisite for the creation of a transparent, accountable, and fair criminal justice system.

Based on this description, this study is directed to analyze in depth the effectiveness of witness and victim protection regulations in the perspective of the criminal justice system and formulate a regulatory reconstruction based on the value of restorative justice. By integrating the Pancasila Justice Theory as the grand theory, the Legal System Theory as the middle theory, and the Legal Protection Theory as the applied theory, this research is expected to be able to make a conceptual and normative contribution to the reform of the national criminal law. The resulting reconstruction is expected not only to strengthen the position of LPSK, but also to realize a protection system that is humane, responsive, and oriented towards the restoration of human dignity as a whole.

2. RESEARCH METHOD

This research uses a paradigm of normative legal research (doctrinal legal research) which places law as a living norm or rule in the system of laws and regulations, court decisions, and the doctrine of legal scholars. In the epistemological framework of law, normative research is oriented towards the study of the internal structure of law as a coherent and logical system, so its main focus lies on the analysis of principles, principles, and synchronization of norms. The choice of a normative approach is based on the character of the research object which focuses on the reconstruction of witness and victim protection regulations in the criminal justice system. Thus, this research is not intended to test empirical hypotheses through surveys or interviews, but rather to build a prescriptive and systematic juridical argument regarding the renewal of legal norms that are relevant and responsive to the development of society.

As a prescriptive legal research, this study does not stop at the stage of describing the prevailing positive norms, but moves further towards a critical evaluation of the shortcomings and inconsistencies of existing regulations. This prescriptive dimension implies that the research seeks to formulate normative recommendations in the form of a more harmonious and equitable regulatory reconstruction model. In this context, legal research is not understood narrowly as an effort to inventory regulations, but rather as an intellectual process to find rational, logical, and value-based arguments. Therefore, an in-depth analysis is carried out on the structure of norms, the rationality of their formation, and their relevance to the principles of restorative justice and the protection of human rights. The approaches used in this study include the statute approach, the conceptual approach, and the philosophical approach. The legislative approach is carried out by systematically examining various regulations that regulate the protection of witnesses and victims, both in special laws and in the provisions of criminal procedure law in general. Conceptual approaches are used to examine fundamental concepts such as restorative justice, legal protection, whistleblower, and justice collaborator, which are developing in national and international legal literature. Meanwhile, the philosophical approach is directed at the study of the basic values that are the basis for the formation of national law, especially the values of Pancasila and maqāṣid al-syarī'ah as an ethical and normative basis in regulatory reconstruction.

In addition to these three approaches, this study also uses a limited comparative approach to enrich normative analysis. The comparative approach was carried out by examining the practices and regulations of witness and victim protection in several other jurisdictions as material for critical reflection. The purpose of using this approach is not to carry out a direct legal transplant, but to identify best practices that can be an inspiration for national legal reform. Thus, the comparative approach

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serves as an analytical instrument that helps assess the position of national regulations in the context of global legal developments. The source of legal materials in this study consists of primary, secondary, and tertiary legal materials obtained through a comprehensive literature study. Primary legal materials include relevant laws and regulations, court decisions relating to witness and victim protection, and official documents reflecting state policies in the field. Secondary legal materials include scientific literature in the form of books, journals, dissertations, and the results of previous research that provide conceptual and theoretical analysis of the issues being studied. The tertiary legal materials are in the form of legal dictionaries, encyclopedias, and bibliographic indexes that help clarify terms and make it easier to search for reference sources. This grouping is carried out to ensure the systematics and validity of the sources used.

The technique of collecting legal materials is carried out through the library research method with the stages of inventory, classification, and systematization of legal materials. The inventory is carried out by identifying all regulations and literature relevant to the focus of the research. Furthermore, legal materials are classified based on the hierarchy of norms and the relevance of the substance to the problem being studied. The systematization stage is carried out to compile legal materials in a structured analytical framework to facilitate the process of interpretation and argumentation. This method allows researchers to gain a complete understanding of the normative construction of witness and victim protection in the national legal system. The analysis of legal materials is carried out qualitatively using legal interpretation and legal construction. Grammatical interpretation is used to understand the textual meaning of a norm based on the redaction used by lawmakers. Systematic interpretation is carried out by placing norms in the context of the entire legal system in order to obtain a coherent understanding. In addition, teleological and sociological interpretations are used to explore the purpose of norm formation as well as its relevance to the needs of witness and victim protection in the development of modern society. Through the combination of these interpretation methods, this study seeks to produce a comprehensive and argumentative analysis.

In a theoretical framework, this study integrates the Pancasila Theory of Justice as a grand theory, Legal System Theory as a middle theory, and Legal Protection Theory as an applied theory. The Pancasila Justice Theory provides a value orientation that emphasizes the importance of a balance between legal certainty, utility, and substantive justice. Legal System Theory explains that the success of a regulation is not only determined by the substance of its norms, but also by the institutional structure and legal culture of society. Meanwhile, Legal Protection Theory is the operational basis in formulating an effective and responsive protection concept to the needs of witnesses and victims. The integration of the three theories provides a complete analytical framework for evaluating and reconstructing regulations. The analysis method used also includes legal reasoning techniques that are deductive and argumentative. Deductive reasoning is carried out by drawing conclusions from general premises in the form of legal norms and basic principles of justice towards specific conclusions related to the regulatory reconstruction model. Legal arguments are built through a process of syllogism that is logical, coherent, and supported by relevant doctrines and jurisprudence. This technique allows research to produce recommendations that are not only normative, but also rational and academically accountable. To ensure scientific validity and reliability, this study applies the principles of logical consistency and systemic coherence in each stage of the analysis. Each argument is tested through consistency with applicable norms and its conformity with the basic values that are the basis of national law. In addition, this study also pays attention to the principles of lex superior derogat legi inferiori and lex specialis derogat legi generali in assessing the relationship between regulations. Thus, the results of the research have theoretical legitimacy and practical relevance in the reform of criminal law policy.

This research is descriptive-analytical as well as prescriptive. The descriptive-analytical nature is reflected in efforts to systematically map the current conditions of witness and victim protection regulations, including their weaknesses and inconsistencies. Meanwhile, the prescriptive nature appears in the formulation of the proposed regulatory reconstruction model based on the results of

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theoretical and normative analysis. With this character, this study not only provides a factual picture of positive legal conditions, but also offers a direction of renewal oriented towards restorative justice and the protection of human rights.

Overall, the methodology of this research is designed to produce a comprehensive, systematic, and value-based normative construction in reconstructing witness and victim protection regulations. The approach used allows for an in-depth analysis of the substance, structure, and culture aspects of the law that affect the effectiveness of protection. With a strong theoretical foundation and structured analytical methods, this research is expected to be able to make a significant contribution to the reform of national criminal law that is more humane, responsive, and fair, while strengthening the position of witnesses and victims as subjects that must be protected in the Indonesian criminal justice system.

3. RESULT AND DISCCUSSION

The results of the study show that normatively Indonesia has a relatively progressive legal foundation in providing protection for witnesses and victims of criminal acts through Law Number 13 of 2006 which was later updated with Law Number 31 of 2014 concerning the Protection of Witnesses and Victims. The regulation affirms the position of the Witness and Victim Protection Agency (LPSK) as an independent institution responsible for providing physical, psychological, legal, and restitution and compensation facilitation to witnesses and victims. In a normative perspective, this arrangement reflects the state's recognition of the rights of victims as part of human rights that must be protected. However, the results of the systematic analysis show that the normative construction is still partial and has not been fully integrated into the overall construction of the criminal justice system. The position of the witness and victim protection law as a sectoral regulation means that its enactment often depends on coordination between law enforcement agencies that is not fully effective, so the protection provided is not optimal in practice.

This study found that there is a normative disharmony between the Law on the Protection of Witnesses and Victims and the Criminal Procedure Code (KUHAP) as a lex generalis in the criminal justice system. The Criminal Code, which was born in the context of the retributive paradigm, has not fully accommodated the perspective of victim protection comprehensively, especially in terms of victim participation, the right to information, and the restitution mechanism. As a result, there is a gap between the specific norms that provide protection and the general norms that govern judicial procedures. This inconsistency has an impact on implementation practices, for example in providing protection from the investigation stage to the decision execution stage. Furthermore, the absence of comprehensive harmonization with the Draft Criminal Procedure Code shows that the agenda for the reform of the criminal procedure law has not fully made the protection of witnesses and victims the main orientation in the reform of the national criminal justice system.

The results of the study also show that the regulation of justice collaborators and whistleblowers still faces substantial challenges. Although the law has provided recognition of the protection of perpetrator and whistleblower witnesses, the mechanism for its implementation often depends on the discretion of law enforcement officials and the internal policies of the institution. This condition has the potential to cause disparities in treatment and legal uncertainty, especially in cases of corruption, terrorism, and other organized crimes. In addition, the absence of standard standards regarding the award or reduction of punishment for justice collaborators causes the protection provided has not fully provided security guarantees and legal certainty. In the context of the state of law, this situation shows the need to strengthen stricter and more integrated regulations so that the protection of whistleblowers and witnesses of perpetrators is not only normative, but also effective in practice.

Using the perspective of Legal System Theory proposed by Lawrence M. Friedman, this study found that the issue of witness and victim protection does not only lie in the aspect of legal substance, but also in legal structure and legal culture. In terms of structure, coordination between LPSK and the police, prosecutor's office, and courts has not been fully synergistic, so the protection process is often hampered by bureaucracy and differences in perceptions of authority. In terms of legal culture, there

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are still views that marginalize victims as parties who are merely a means of proof, not as subjects who have the right to protection and recovery. Thus, regulatory reconstruction is not enough to only improve written norms, but must also be accompanied by an improvement in institutional structure and the transformation of society's legal culture.

This study emphasizes that the restorative justice paradigm has fundamental relevance in strengthening the protection of witnesses and victims. In contrast to the retributive approach that focuses on punishing the perpetrator, restorative justice puts the victim at the center of attention in the criminal case settlement process. This approach emphasizes the importance of dialogue, recovery of losses, and social reconciliation as part of the law enforcement process. In the context of witness and victim protection, restorative justice includes not only aspects of physical security, but also psychological recovery, economic restitution, and social rehabilitation. The integration of this paradigm in regulation will encourage a more humane and oriented criminal justice system that is oriented towards a balance of interests between perpetrators, victims, and the community. The results of the discussion show that the reconstruction of witness and victim protection regulations must be based on the values of Pancasila as the philosophical basis of the state and the source of all legal sources. The principle of a just and civilized humanity requires respect for the dignity of witnesses and victims as subjects of law who have constitutional rights. Social justice as the fifth precept contains the meaning of proportionate and non-discriminatory distribution of legal protection. Therefore, witness and victim protection regulations must be designed with an orientation to substantive justice that not only guarantees legal certainty, but also provides benefits and a sense of justice for the aggrieved party. In this perspective, regulatory reconstruction is an effort to actualize Pancasila values in law enforcement practice.

In the perspective of maqāṣid al-shari'ah, the protection of witnesses and victims has a strong relevance to the shari'a's goals of preserving the soul (ḥifẓ al-nafs), property (ḥifẓ al-māl), and honor (ḥifẓ al-'ird). This study found that the integration of maqāṣid al-shari'ah values in the formation of regulations can enrich the ethical and moral dimensions of legal protection. Protection of victims of violence, for example, is part of efforts to maintain human dignity and prevent social damage (mafsadah). Thus, the maqāṣid approach not only provides theological legitimacy, but also strengthens the normative argument that the protection of witnesses and victims is a moral and legal obligation of the state in realizing the public good.

Based on the overall results of the analysis, this study proposes a regulatory reconstruction model that includes comprehensive harmonization between the Law on the Protection of Witnesses and Victims with the Criminal Procedure Code and the RKUHAP, strengthening the authority of the LPSK in cross-agency coordination, and stricter regulation of the mechanism for protecting justice collaborators and whistleblowers. In addition, the integration of restorative justice principles in each stage of the criminal justice process is a key element in the proposed model. In practical terms, this recommendation is expected to be able to create an integrated, responsive, and victim-recovery-oriented protection system. Theoretically, the results of this study strengthen the argument that criminal law reform must be carried out comprehensively by integrating philosophical values, legal system theory, and principles of human rights protection in one coherent and equitable framework.

The results of this study also show that the effectiveness of witness and victim protection is highly determined by the level of integration between sub-systems in the criminal justice system, namely the police, prosecutor's office, courts, correctional institutions, and the Witness and Victim Protection Institute (LPSK). In practice, suboptimal coordination often leads to delays in the provision of protection, overlapping authority, and even differences in perceptions of the urgency of protection. Therefore, this study recommends strengthening the *integrated criminal justice system* model that places the protection of witnesses and victims as a common agenda, not as a purely sectoral responsibility. This can be done through the establishment of an imperative coordination mechanism, integrated operational standards, and a common information system that ensures a quick response to

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protection requests. Thus, regulatory reconstruction not only improves normative aspects, but also strengthens institutional dimensions structurally and functionally.

The study also confirms that the protection of witnesses and victims should be positioned as an integral part of the human rights protection regime. In various international instruments, victims of crimes are recognized as having the right to protection, restoration, and access to justice. Therefore, the reconstruction of national regulations needs to be aligned with the universal principles of human rights, including the right to security, the right to justice, and the right to effective remediation. The *rights-based approach* demands that the protection of witnesses and victims is not seen as a policy of state mercy, but rather as a constitutional obligation inherent in a democratic state of law. The integration of international standards also strengthens the normative legitimacy of national regulations in the context of global legal associations.

Academically, these additional findings emphasize that national criminal law reform cannot be carried out in a fragmentary manner, but must be designed within the broad framework of substantive justice-oriented reform of the legal system. The protection of witnesses and victims is an important indicator of the success of the reform, as it reflects the extent to which the legal system provides a proper place for those harmed by crime. Therefore, the reform agenda in the future needs to include the recodification of the criminal procedure law from the perspective of the victim, strengthening the capacity of law enforcement officials in a restorative approach, and increasing public legal literacy regarding victims' rights. With this step, the reconstruction of regulations does not stop at the conceptual level, but transforms into a sustainable legal reform movement oriented towards the protection of human dignity as the main goal of the law.

4. CONCLUSION

Based on the overall results of the research and discussion, it can be concluded that normatively Indonesia has a relatively progressive legal apparatus in providing protection for witnesses and victims through Law Number 13 of 2006 as amended by Law Number 31 of 2014. Strengthening the role of the Witness and Victim Protection Institution (LPSK) is a manifestation of the state's constitutional responsibility in guaranteeing the right to a sense of security, protection, and recovery for witnesses and victims of crimes. However, the construction of these regulations is still sectoral and has not been fully integrated in the construction of the criminal justice system as a whole. The disharmony between the special law and the Criminal Code as a general criminal procedural law, as well as the lack of optimal synchronization with the national criminal law reform agenda, shows that there is an urgent need to carry out a comprehensive and systemic reconstruction of regulations.

From the perspective of Legal System Theory, the problem of witness and victim protection lies not only in the substance of norms, but also in the aspects of institutional structure and legal culture. Coordination between criminal justice sub-systems that is not yet effective, as well as the law enforcement paradigm that still tends to be offender oriented, are factors that hinder the implementation of optimal protection. Therefore, regulatory reconstruction must be carried out simultaneously with strengthening institutional coordination mechanisms, establishing integrated operational standards, and transforming legal culture towards a more responsive approach to the interests of victims.

Philosophically, this study emphasizes that the reconstruction of witness and victim protection must be based on the values of Pancasila Justice as a norm in the national legal system, and enriched by the maqāṣid al-syarī'ah approach that emphasizes the protection of human souls, property, and honor. The integration of these values strengthens the orientation of substantive justice that guarantees not only legal certainty, but also utility and social justice. Within this framework, the restorative justice approach is a relevant paradigm to shift the orientation of the criminal justice system from mere punishment to victim recovery and social reconciliation.

Finally, this study concludes that the ideal regulatory reconstruction model should include comprehensive harmonization between the Witness and Victim Protection Law and the criminal

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procedure law, strengthening the authority and capacity of the LPSK, stricter regulation on the protection of justice collaborators and whistleblowers, and integrating the principles of restorative justice in each stage of the criminal justice process. Thus, the reform of the national criminal law is expected to be able to realize a humane, integrated, and fair witness and victim protection system, while reflecting the commitment of the state of law in protecting human dignity as a whole.

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