Siber International Journal of Advanced Law (SIJAL)
E-ISSN : 2987-5595
P-ISSN : 2987-5609
https://review.e-siber.org/SIJAL siberpublisher.info@gmail.com +62 812-1046-7572
DOI: https://doi.org/10.38035/sijal.v3i2

Comparison of Justice Collaborator Law in Indonesia and Thailand: Regulation and Case Handling

Luqmanul Hakim[1], Lina Sinaulan[2], Joko Sriwidodo[3]
[1]Universitas Bhayangkara Jakarta Raya, Indonesia, gushakim1945@gmail.com
[2]Universitas Bhayangkara Jakarta Raya, Indonesia
[3]Universitas Bhayangkara Jakarta Raya, Indonesia

Corresponding Author: gushakim1945@gmail.com[1]

Abstract: Justice collaborator is actually held to provide appreciation to perpetrators who cooperate in uncovering a crime in the form of reduced sentences or legal protection, so that the disclosure of a crime committed by law enforcement officers can be resolved more quickly. optimal, but in some countries there are states that regulate this Justice collaborator is specifically regulated in legislation specifically made regarding Justice collaborator, there are also those that regulate it generally in witness protection laws, such as those regulated in The Witness Protection Act BE 2546 of 2003, which is known in the regulation, the regulation regarding Justice collaborator is not regulated and mentioned specifically, however protection for parties who cooperate with law enforcement can receive special treatment ranging from physical protection, to reduced sentences if involved in a criminal act. This seems similar to the Justice Collaborator regulation regulated in Indonesia through Law Number 31 of 2014 and Circular Letter of the Supreme Court of the Republic of Indonesia Number 4 of 2011. However, there are actually many differences both in terms of legal regulations and the practice of Justice Collaborators between Indonesia and Thailand, and will be further discussed in this study. This study uses a normative juridical research method, with secondary data in the form of primary legal materials, secondary legal materials and tertiary legal materials. The results of the study indicate that there are differences in the existence of the term justice collaborator in regulations in Indonesia and Thailand, however, conceptually, both Indonesia and Thailand have the same concept and type of regulation and appreciation for justice collaborators. The differences in methods and implementation for perpetrators who cooperate or justice collaborators between Indonesia and Thailand are in the form of protection, institutions authorized to provide determinations, international cooperation, and the concept of submission by perpetrators who wish to request cooperation with law enforcement.

Keyword: Justice Collaborator, Comparison, Indonesia, and Thailand

INTRODUCTION

Indonesia, as a state founded upon the rule of law, continues to confront complex legal challenges that mirror those faced by other nations. Among the most persistent of these challenges is corruption, a white-collar and organized crime that has pervaded political, bureaucratic, and corporate structures from the Old Order through the Reform Era (Hatta et al., 2020). Crimes of this nature are inherently difficult to detect and prosecute because they are sophisticated, transnational, and often involve networks of individuals with access to power, influence, and resources.

Scholars have identified several recurring obstacles in the investigation of organized or white-collar crime. These include the difficulty of identifying the principal perpetrators, the reluctance of insiders to disclose information that could incriminate themselves or their associates, the absence of clear physical or forensic evidence, and the systematic concealment or destruction of documentary traces such as financial transactions and property records (Robert & Irawan, 2018). Moreover, perpetrators are often powerful individuals capable of obstructing justice through intimidation, interference, or manipulation of the legal process.

Given these realities, extraordinary measures are required to ensure the effective disclosure and prosecution of organized crime. One such mechanism is the justice collaborator system—a framework designed to incentivize offenders to cooperate with law enforcement by offering reduced sentences or legal protection in exchange for substantial assistance in uncovering criminal networks. In Indonesia, the justice collaborator concept emerged as a response to the entrenched challenges of corruption enforcement, where crimes typically involve multiple actors across government and private sectors (Waluyo, 2012). The system recognizes that in the absence of insider cooperation, the prospects for dismantling complex corruption schemes remain limited.

The justice collaborator model draws conceptually from Anglo-American legal traditions, particularly from U.S. practices that encourage plea bargaining and witness cooperation. Although the term itself does not appear in Indonesia's Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana), it has been incorporated into legal practice through interpretative and institutional mechanisms (Task Force for the Eradication of Legal Mafia, 2011). The Indonesian Supreme Court formalized this through Circular Letter No. 4 of 2011 on the Treatment for Whistleblowers and Cooperating Witnesses (Justice Collaborators) in Certain Criminal Cases.

According to the Circular, a justice collaborator is defined as an offender who (a) acknowledges his or her participation in a crime, (b) is not the main perpetrator, and (c) provides significant testimony or evidence that assists investigators and prosecutors in revealing the full scope of the offense and identifying higher-level offenders. In recognition of such cooperation, judges may impose mitigated penalties, including conditional or reduced imprisonment, relative to co-defendants (Semendawai, 2013).

The practical impact of this framework has been demonstrated in several high-profile Indonesian cases, including the traveler's cheque bribery case (Agus Condro), the e-KTP corruption case (Irman, Sugiharto, Andi Narogong), the Hambalang sports complex case (Muhammad Nazaruddin), and most recently, the premeditated murder of Brigadier J (Richard Eliezer). In each case, justice collaborators played a decisive role in exposing broader criminal networks and facilitating convictions of major offenders. However, their cooperation has also revealed challenges related to protection, consistency of treatment, and potential abuse of the collaborator status (Iskandar, 2022).

Consequently, scholars and policymakers have emphasized the need for a comparative understanding of how justice collaborator mechanisms operate in other jurisdictions. Thailand offers a particularly relevant example. As a constitutional monarchy, Thailand has developed comprehensive witness-protection regulations under the Witness Protection in Criminal Cases Act B.E. 2554 (2011). Although the Thai law does not explicitly employ the term "justice collaborator," it provides equivalent safeguards and incentives for individuals who assist law enforcement in criminal investigations (Wysong, 2020).

Given these convergences and divergences, this study seeks to analyze the comparative framework of justice collaborator regulation in Indonesia and Thailand, focusing on (a) the legal foundations governing cooperating offenders, (b) institutional mechanisms for protection and recognition, and (c) the practical challenges of implementation. The comparison aims to illuminate best practices and identify potential reforms to strengthen Indonesia's justice collaborator system within its broader commitment to upholding the rule of law and combating corruption.

METHOD

This study employs a normative juridical research design, which focuses on analyzing legal norms, doctrines, and statutory frameworks rather than empirical field data. Normative juridical research is appropriate when the objective is to evaluate the coherence, adequacy, and consistency of positive law in addressing specific legal issues (Fajar, 2013). Accordingly, this research emphasizes secondary data derived from authoritative legal materials, including statutes, court regulations, scholarly writings, and academic commentaries. The normative juridical approach enables the researcher to assess how the *justice collaborator* concept is constructed within the Indonesian and Thai legal systems and to identify points of convergence and divergence in regulatory principles, institutional mechanisms, and practical implementation.

The statutory approach involves a systematic examination of all relevant legislative instruments regulating justice collaborators and witness protection in both jurisdictions. This includes, among others, Indonesia's Law No. 31 of 2014 on Witness and Victim Protection (amending Law No. 13 of 2006), Government Regulation No. 24 of 2025 on Special Handling and Awarding of Witnesses and Perpetrators, and the Supreme Court Circular Letter No. 4 of 2011. For Thailand, the main reference is the Witness Protection in Criminal Cases Act B.E. 2554 (2011) and related procedural codes. This approach facilitates an assessment of each legal instrument's normative hierarchy and interpretive implications (Robert & Irawan, 2018).

The conceptual approach allows the analysis to move beyond textual interpretation toward a theoretical understanding of the legal concepts underlying justice collaboration. It examines how the principles of restorative justice, leniency, and legal reciprocity operate within the framework of criminal procedure. This approach clarifies how each legal system balances the moral, procedural, and utilitarian dimensions of rewarding offenders who assist in uncovering crimes (Waluyo, 2012). The analytical approach involves a detailed examination of how terms and provisions are applied in legal practice and judicial decisions. This includes interpreting the substantive meaning of legal norms and identifying how they are operationalized through institutional actions by courts, prosecutors, and witness protection agencies. By analyzing the interplay between legal texts and judicial reasoning, the study seeks to evaluate the effectiveness and fairness of the justice collaborator framework in practice (Semendawai, 2017).

RESULTS AND DISCUSSION

1. Conceptual Overview of the Justice Collaborator System

The concept of a *justice collaborator*—an offender who cooperates with law enforcement in uncovering criminal networks—has emerged as a pragmatic instrument in combating organized and transnational crimes such as corruption, narcotics, money laundering, terrorism, and human trafficking (Wijaya, 2012). The idea reflects a utilitarian rationale: the state rewards individuals who assist in the administration of justice by offering legal leniency or protection, thereby encouraging disclosure of crimes that would otherwise remain hidden (Iskandar, 2022).

In Indonesia, the *justice collaborator* framework developed incrementally through judicial and legislative processes. Initially introduced through the Supreme Court Circular Letter No. 4 of 2011, the concept was later codified in Law No. 31 of 2014 (amending Law No. 13 of 2006 on Witness and Victim Protection). These instruments formalized criteria for recognition as a cooperating offender, the types of protection available, and the mechanisms for granting leniency.

The law defines a justice collaborator as a person who admits involvement in a crime, is not the principal perpetrator, and provides significant information aiding the investigation or prosecution (Semendawai, 2013). Recognition of this status allows the individual to receive reduced sentencing, parole, remission, or other privileges, as stipulated in Article 10A of Law No. 31 of 2014. Protection extends to identity confidentiality, separate detention facilities, and the right to testify without facing the accused directly (Government of Indonesia, 2014). The introduction of the justice collaborator concept represents a paradigmatic shift from a purely retributive justice model toward a restorative and cooperative approach. It balances the goals of deterrence and rehabilitation by leveraging insider cooperation while upholding due process and fairness (Waluyo, 2012).

2. Legal Foundations and Institutional Frameworks

In Indonesia, several legal instruments collectively regulate the justice collaborator system:

a) Law No. 31 of 2014 on Witness and Victim Protection—provides the legal definition, scope of protection, and forms of appreciation for cooperating offenders.
b) Supreme Court Circular Letter No. 4 of 2011—specifies procedural criteria and judicial considerations in granting leniency.
c) Government Regulation No. 24 of 2025—details the mechanism for special handling, including separation of files and places of detention, and awards such as conditional release or remission (Government of Indonesia, 2025).

The institutional implementation involves multiple agencies: the Witness and Victim Protection Agency (LPSK), the Attorney General's Office, the Corruption Eradication Commission (KPK), and the judiciary. The LPSK holds a pivotal role in recommending sentence reduction and ensuring the safety of cooperating offenders (Semendawai, 2017). However, the multiplicity of actors often results in overlapping authority, leading to procedural uncertainty and inconsistent application (Tofik, 2022).

In contrast, Thailand's justice collaborator mechanism is embedded within a broader witness protection regime rather than a standalone statute. The Witness Protection in Criminal Cases Act B.E. 2554 (2011) constitutes the central legal instrument regulating witness protection, including cooperating offenders (Wysong, 2020). While the term *justice collaborator* is not explicitly used, the Act provides analogous measures for individuals who assist law enforcement in uncovering criminal activities, especially in cases of corruption, human trafficking, and organized transnational crime (Dairerkngam, 2015).

Thailand's system grants extensive authority to the Office of the Attorney General, which determines whether an offender's cooperation merits leniency or protection. The law also emphasizes international cooperation and coordination with bodies such as the United Nations Office on Drugs and Crime (UNODC) to ensure adherence to global standards of witness protection and anti-corruption measures (Wysong, 2020).

3. Comparative Analysis of Indonesia and Thailand

Despite their different legal traditions—Indonesia's civil law heritage and Thailand's hybrid constitutional-monarchy system—both countries share conceptual similarities in recognizing the value of offender cooperation. However, notable differences exist in their legal formulation, institutional structure, and practical enforcement.

a. Legal Recognition

Indonesia formally defines the *justice collaborator* in legislation, thereby granting it explicit normative status. The concept is linked to specific "extraordinary crimes" such as corruption, terrorism, and narcotics (Semendawai, 2013). Conversely, Thailand adopts a more flexible framework under its *witness protection law*, which applies broadly to any cooperating individual, not necessarily offenders. While this inclusiveness enhances accessibility, it lacks the definitional precision found in Indonesian law (Dairerkngam, 2015).

b. Institutional Authority

Indonesia's multi-agency approach—encompassing LPSK, KPK, the judiciary, and the police—creates a complex administrative web that can delay recognition of justice collaborator status. Each institution holds distinct mandates but limited coordination, occasionally resulting in overlapping jurisdiction (Tofik, 2022). Thailand centralizes authority under the Attorney General**,** streamlining the determination process and enabling more consistent application. The prosecutor evaluates the relevance, reliability, and impact of a collaborator's information in determining eligibility for leniency (Wysong, 2020). This centralized structure reduces bureaucratic fragmentation but may concentrate discretionary power in the hands of prosecutors.

c. Scope of Protection

Indonesian law guarantees comprehensive protection, including identity confidentiality, separate detention, and testimony without confrontation (Government of Indonesia, 2014). However, practical implementation remains inconsistent, particularly concerning long-term physical protection and social reintegration (Semendawai, 2017). Thailand's witness protection mechanism, on the other hand, emphasizes relocation, anonymity, and personal safety through coordination with law enforcement agencies and international partners. This broader protective mandate arguably provides stronger safeguards but is less developed in terms of sentence mitigation procedures (Dairerkngam, 2015).

d. Legal Incentives and Sanctions

In both jurisdictions, leniency is contingent upon the collaborator's degree of contribution. Indonesia codifies this in Article 10A of Law No. 31 of 2014, authorizing reduced sentences or parole for substantial cooperation. Thailand relies on prosecutorial discretion and judicial appreciation to determine the extent of reduction (Wysong, 2020). A critical distinction lies in the conditionality of leniency: Indonesian law requires both *substantive cooperation* and *good faith*, whereas Thailand's approach focuses on *utility to the case*. Consequently, Indonesia's framework is more formalized but potentially rigid; Thailand's is more pragmatic but risks inconsistency.

e. International Cooperation

Thailand's legislation explicitly references international conventions such as the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC)**.** These instruments encourage member states to provide leniency for cooperating offenders (United Nations, 2003, 2004). Indonesia has ratified both conventions—through Law No. 7 of 2006 and Law No. 5 of 2009—but implementation remains largely domestic and lacks active cross-border cooperation mechanisms (Juniarto et al., 2016).

4. Challenges and Policy Implications

Both Indonesia and Thailand face challenges in balancing justice, efficiency, and fairness in implementing justice collaborator mechanisms. In Indonesia, the key obstacles include:

a) Ambiguity in defining eligibility criteria for justice collaborators.
b) Fragmented institutional mandates among LPSK, prosecutors, and courts.
c) Public skepticism regarding perceived leniency toward offenders.
d) Limited resources for long-term witness protection and rehabilitation (Semendawai, 2017; Tofik, 2022).

In Thailand, despite stronger institutional centralization, challenges persist in ensuring transparency and preventing prosecutorial overreach. Moreover, absence of a dedicated justice collaborator statute may cause interpretive uncertainty, especially in high-profile corruption cases (Dairerkngam, 2015). From a policy perspective, both systems would benefit from harmonization with international best practices**.** Indonesia could emulate Thailand's centralized determination mechanism and international cooperation model, while Thailand might adopt Indonesia's explicit statutory definition and formalized reward structure. Ultimately, both jurisdictions must strengthen procedural safeguards to ensure that leniency does not undermine public confidence in justice but rather reinforces it as a tool for dismantling organized crime networks.

5. Normative and Theoretical Implications

The comparative findings underscore the importance of aligning *justice collaborator* mechanisms with broader principles of restorative justice and rule of law**.** As Yahman (2019) argues, collaborating offenders function as "agents of legal reconstruction," bridging the gap between punitive justice and cooperative truth-seeking. This dual role requires legal certainty, institutional integrity, and proportional reward mechanisms to prevent misuse. Theoretically, Indonesia's model illustrates a normative legal positivism approach—emphasizing codified rules, procedural uniformity, and hierarchical authority—whereas Thailand's system embodies a functional pragmatism**,** prioritizing flexibility and case-by-case discretion. The synthesis of these approaches could inspire an integrated regional framework for justice collaborator governance across ASEAN jurisdictions.

Table. 1. Summary of Comparative Findings

Aspect	Indonesia	Thailand
Legal Basis	Law No. 31 of 2014; SEMA No. 4 of 2011; Gov. Reg. No. 24 of 2025	Witness Protection in Criminal Cases Act B.E. 2554 (2011)
Definition	Explicit term "justice collaborator" recognized by law	Term not used; equivalent concept under witness protection
Authority	Multi-institutional (LPSK, KPK, Judiciary)	Centralized under Attorney General
Scope of Protection	Identity confidentiality, separation, non-face-to-face testimony	Physical protection, relocation, anonymity
Incentive Mechanism	Sentence reduction, parole, remission	Judicial and prosecutorial discretion for leniency
International Link	UNCAC, UNTOC (ratified but limited practice)	UNCAC, UNTOC (actively integrated in practice)

CONCLUSION

The comparative examination of justice collaborator frameworks in Indonesia and Thailand reveals a shared commitment to leveraging offender cooperation as an instrument for combating organized and extraordinary crimes. Both jurisdictions recognize that complex crimes—such as corruption, narcotics trafficking, terrorism, and money laundering—cannot be effectively addressed through traditional evidentiary and prosecutorial means alone. The justice collaborator system thus functions as a pragmatic bridge between law enforcement objectives and restorative justice principles. In Indonesia, the justice collaborator mechanism is formally institutionalized through Law No. 31 of 2014 on Witness and Victim Protection, Supreme Court Circular Letter No. 4 of 2011, and the recently enacted Government Regulation No. 24 of 2025. Together, these instruments establish a detailed framework encompassing the definition of cooperating offenders, criteria for eligibility, forms of protection, and mechanisms for leniency. The system's strength lies in its explicit legal codification and integration with Indonesia's broader anti-corruption and criminal justice policies. However, persistent challenges remain, including bureaucratic fragmentation, inconsistent interpretation among institutions, and limited public trust in the impartiality of leniency mechanisms.

By contrast, Thailand's model, anchored in the Witness Protection in Criminal Cases Act B.E. 2554 (2011), reflects a more integrated and internationally oriented approach. Although the term justice collaborator is not explicitly employed, the substance of the policy provides comprehensive witness protection and conditional leniency for cooperating offenders. Centralized authority under the Office of the Attorney General ensures administrative coherence and flexibility, enabling Thailand to align its domestic system with international norms under the United Nations Convention against Corruption (UNCAC) and the United Nations Convention against Transnational Organized Crime (UNTOC) (Wysong, 2020). Nevertheless, the lack of an explicit statutory category for justice collaborators may limit Thailand's transparency and accountability in applying prosecutorial discretion. From a comparative standpoint, both systems embody complementary strengths and weaknesses. Indonesia's justice collaborator framework offers normative certainty through explicit codification, while Thailand's approach provides functional efficiency through institutional centralization and international cooperation. A synthesis of these two models would yield an ideal balance: clear legal parameters combined with practical flexibility and transnational coordination.

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