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Legal Analysis of Implementation Justice Collaborators in The Indonesian Criminal Justice System in Corruption Criminal Acts (Study of Decision No. 110 K/Pid.Sus/2024)

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Abstract

Introduction: Corruption as an extraordinary crime requires innovative law enforcement strategies, one of which is through justice collaborators, namely perpetrators who work together to uncover other, more dominant perpetrators. In Indonesia, the regulation has been accommodated in various legal instruments, but its implementation still faces obstacles in the form of unclear criteria and inconsistencies in the granting of legal awards. This study uses a normative juridical method with a descriptive analytical approach through a literature study of regulations, doctrines, and court decisions as well as case studies that focus on court decisions. The focus of the study is to analyze the judge's considerations in Decision Number 110 K/Pid.Sus/2024 and the legal consequences of including criminal acts based on Article 55 paragraph (1) of the Criminal Code. The results of the study indicate that the application of justice collaborators is inconsistent. Cooperative defendants are not explicitly recognized as justice collaborators and instead receive increased criminal sentences at the cassation level. This reflects the gap between norms and practice. Therefore, strengthening regulations and clearer guidelines are needed so that their implementation guarantees justice, certainty, and legal benefits.

Keywords:criminal acts of corruption,*justice collaborators*, judge's considerations, Article 55 of the Criminal Code, court decision.

INTRODUCTION

The crime of corruption is an extraordinary crime which has a broad impact on the social, political, and economic stability of the country. The characteristics of corruption, which are organized, systematic, and involve abuse of power, make it difficult to uncover through conventional law enforcement mechanisms. Therefore, eradicating criminal acts of corruption requires a progressive, adaptive, and effective legal approach to penetrate the complexity of the perpetrators' networks and their increasingly evolving modus operandi. One important instrument in law enforcement against organized crime is the criminal justice system.*justice collaborators*This concept refers to criminals who are willing to cooperate with law enforcement officials to uncover other perpetrators who have a more dominant role. In the context of eradicating corruption, the existence of justice collaborators has strategic value because it enables law enforcement officers to obtain crucial internal information in proving cases.

In the Indonesian legal system, regulations regarding justice collaboration have been accommodated through various legal instruments, including the Corruption Eradication Law, the Witness and Victim Protection Law, and Supreme Court Circular Letter Number 4 of 2011. However, even though the normative framework is available, the implementation of justice collaborators. In criminal justice practice, various problems still arise, particularly regarding the unclear criteria for determining status, inconsistency in the provision of protection, and disparities in judges' decisions in awarding legal awards to defendants who are cooperative.

This situation is reflected in Decision Number 110 K/Pid.Sus/2024 concerning the corruption case involving the construction of a multi-purpose building in Ringin Anom Village, Kediri City. In this case, the defendant, Imam Atoillah, S.T., as the supervising consultant, demonstrated cooperation by returning the profits obtained and providing evidence supporting the involvement of other parties. However, at the cassation level, the Supreme Court actually increased the sentence imposed on the defendant, both in terms of the length of imprisonment and the amount of the fine.

The decision raises a legal issue regarding the extent to which the defendant's cooperative attitude has been considered as part of the system of justice collaborators. Mismatch between normative objectives and justice collaborators with its implementation in practice, has the potential to create legal disincentives for perpetrators who intend to cooperate, thus hindering the effectiveness of disclosing criminal acts of corruption.

In addition, there is no standard for assessing contributions of justice collaborators. This leads to judges' assessments being subjective. In practice, defendants' cooperation is often measured solely by the restitution of state losses, without considering non-material contributions such as providing significant information to identify the main perpetrator. Yet, these contributions have strategic value in uncovering collective and covert corruption crimes.

The relevance of applying Article 55 paragraph (1) of the Criminal Code in this case lies in the character of the crime of corruption which is carried out jointly (participation/deelneming), where there is more than one perpetrator with different roles and contributions. Article 55 of the Criminal Code regulates the parties who can be held responsible as perpetrators, whether as the main perpetrator, those who participated in the act, or those who ordered the act. In the context of this case, the application of this article is important to identify the role structure of each party and determine the level of criminal responsibility proportionally. The link with the concept of justice collaborator is even stronger because the perpetrator who cooperates is generally not the main perpetrator, but rather a party who has knowledge of the involvement of other, more dominant actors. Therefore, an analysis of Article 55 paragraph (1) of the Criminal Code is crucial to assess the extent to which the defendant's cooperation can provide a significant contribution in exposing the main perpetrator, as well as being the basis for the judge's consideration in providing lighter legal treatment as a form of appreciation for this cooperative attitude.

Based on this background, this research is important to be conducted to examine the consistency of judges' legal considerations in applying the system of justice collaborators, particularly in cases of corruption committed collectively. This research is expected to contribute to the development of criminal law and criminal procedure, as well as provide input for the development of fairer, more transparent, and more substantive justice-oriented judicial policies.

METHOD/IDEA

This research uses a normative juridical method with an analytical descriptive approach, which examines statutory regulations.invitations and case study approaches that focus on court decisions,legal doctrine, and court decisions as the primary legal materials. Data collection techniques were conducted through literature studies, while data analysis was conducted qualitatively to obtain systematic and comprehensive legal arguments.

RESULTS AND DISCUSSION

A. Judge's Considerations in Applying the Principles Justice Collaborators in Decision Number 110 K/Pid.Sus/2024

The case in Decision Number 110 K/Pid.Sus/2024 originated from a criminal act of corruption in the construction of a Multipurpose Building in Ringin Anom Village, Kediri City, which was carried out jointly. The defendant, Imam Atoillah, S.T., as the supervising consultant, was deemed to have played a role through negligence and abuse of authority, and to have profited from his actions. During the trial, the defendant demonstrated cooperation by admitting to the crime, returning the profits obtained, and providing information that helped prove the involvement of other parties. However, at the cassation level, the Supreme Court still increased the sentence against the defendant without explicitly determining his status as a justice collaborator.

Juridically, the judge's considerations have included the fulfillment of the elements of a criminal act based on Article 3 of the Corruption Eradication Law in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code as well as the assessment of evidence in accordance with the Criminal Procedure Code, so that it can be considered appropriate and legally valid. The application of Article 55 of the Criminal Code also shows that the judge has considered the aspect of participation (*deelneming*) by differentiating the roles of each perpetrator. This reflects the application of the principle of criminal individualization, where the defendant is not positioned as the main perpetrator, but as a participating party, so that his criminal responsibility is determined based on the level of error and his contribution to the crime.

However, from a non-juridical perspective, particularly regarding the assessment of the defendant's cooperative attitude, there are weaknesses due to the lack of clear parameters for assessing the defendant's contribution as a justice collaborator. Although indicators such as confession, cooperation, and restitution of losses were implicitly considered, the judge provided no qualifications or measurable reasons for the denial of this status. As a result, the considerations lack transparency and are potentially subjective, and provide no certainty regarding the standard for "significant contribution." This situation indicates that the decision was appropriate in terms of criminal accountability, but not optimal in applying the principle of justice collaborator, potentially reducing its effectiveness as an instrument in eradicating corruption.

B. Case Position and Relevance Analysis Justice Collaborators

Casein Decision Number 110 K/Pid.Sus/2024 related to the criminal act of corruption in the construction project of the Multipurpose Building in Ringin Anom Village in the 2019 Fiscal Year which resulted in a state financial loss of Rp969,639,620.20 based on the BPKP audit. The defendant Imam Atoillah, S.T. who acted as a supervisory consultant was deemed not to have carried out his supervisory function optimally and obtained a profit of Rp29,000,000.00. In the role structure, the defendant was in a non-dominant position compared to the work implementers and budget management officials. Although the defendant demonstrated a cooperative attitude through confession, return of profits, and provision of information, the Supreme Court considered his contribution only confirmatory and therefore did not meet the qualifications as justice collaborators and still impose a heavier sentence at the cassation level.

Legally, the defendant's actions have fulfilled the elements of Article 3 in conjunction with Article 18 of the Corruption Eradication Law and are linked to Article 55 paragraph (1) 1 of the Criminal Code regarding participation (*deelneming*). The application of this article shows the division of roles between the main perpetrator and the co-perpetrator, so that criminal responsibility can be differentiated based on the level of error. In addition, normatively, the concept of justice collaborator is regulated in Article 10A of Law Number 31 of 2014 and SEMA Number 4 of 2011, which requires that the perpetrator is not the main actor and makes a significant contribution in exposing other perpetrators. This principle is also in line with Article 37 of the UNCAC which emphasizes the importance of substantial cooperation as a basis for granting leniency.

The Supreme Court's decision to reject justice collaborator status can be considered normatively correct because it emphasizes that cooperation alone is insufficient without a significant contribution to exposing the main perpetrator. The assessment that the defendant's testimony was confirmatory indicates that the judge emphasized the quality and concrete impact of cooperation. However, a major weakness lies in the lack of clear parameters regarding the boundary between "confirmative" and "instrumental" contributions, thus creating the potential for subjectivity and a lack of transparency in the judge's deliberations. Furthermore, when compared with other judicial practices, there is an apparent inconsistency in the application of the justice collaborator standard. In some cases, contributions that strengthen the evidence are still valued, while in this case a stricter standard was applied. This discrepancy indicates the lack of uniform operational parameters for assessing "significant contributions." Thus, while this ruling is normatively correct, its approach tends to be restrictive and potentially creates legal uncertainty.so that more concrete standardization is needed so that implementation justice collaboration is more consistent, fair, and effective in eradicating corruption.

C. Legal Basis and Implementation Justice Collaborators and Its Criteria

Normatively, justice collaborators are regulated in Article 10A of Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, which provides opportunities for witnesses to obtain protection and reduced sentences. This provision is reinforced by Circular Letter Number 4 of 2011 as a guideline for judges in assessing the suitability of justice collaborators. In Decision Number 110 K/Pid.Sus/2024, the Supreme Court found no recommendations from the public prosecutor or the LPSK and considered the defendant's testimony not to be primary, therefore, this status was not formally granted. In addition, the legal basis of justice collaborators related to the Corruption Eradication Law, especially Article 2, Article 3, and Article 18 regarding state losses and the return of losses. Article 55 paragraph (1) point 1 of the Criminal Code is also relevant in determining participation (*deelneming*), so that a distinction can be made between the main perpetrator and the co-perpetrator as a basis for considering granting justice collaborator status.

Further technical regulations are contained in the 2011 Joint Regulation and the LPSK Regulation which regulates protection and the mechanism for providing recommendations. Justice collaborators must provide significant, relevant, and credible information and contribute to uncovering the main perpetrator. The roles of the LPSK and prosecutors are complementary, with the LPSK providing protection and recommendations, while the prosecutors integrate these into the charges. However, in practice, coordination between these two institutions is not optimal, often influencing the recognition of an individual's status as a justice collaborator in judicial proceedings.

The absence of recommendations from the LPSK or prosecutors in practice has a significant impact on judges' deliberations. Although not normatively binding, these recommendations serve as administrative legitimacy that strengthens the assessment of suitability justice collaborators. Without recommendations, judges tend to make independent judgments based on the facts of the trial, potentially tightening the standards for assessing the defendant's contribution. This indicates a gap between norms and implementation, as well as weak coordination between institutions.

Based on the legal procedural perspective, the statement of justice collaborators must meet the standards of proof as stipulated in the Criminal Procedure Code and be supported by other evidence. Internationally, this principle is also reinforced by the UNCAC, which encourages leniency for perpetrators who provide substantial cooperation. The first criterion justice collaboration is not the primary perpetrator, as determined by their position and role within the criminal structure. Perpetrators who lack control or a dominant role can be categorized as deserving of this status, although in practice, differences in interpretation often arise.

The second and third criteria include providing significant, relevant, and credible information, as well as an admission of guilt and a cooperative attitude. Information must have strong evidentiary value, be consistent, and be supported by other evidence, while cooperation demonstrates good faith in assisting the legal process. The fourth criterion is the tangible impact of the cooperation provided, such as helping to identify the main perpetrator, clarifying the case's construction, or uncovering new evidence. However, the lack of measurable standards for "significant contribution" has led to the application of justice collaborators still inconsistent, so clearer regulations are needed so that their implementation is fair and provides legal certainty..

D. Legal Consequences of Involvement in Criminal Acts of Corruption Based on Article 55 Paragraph (1) of the Criminal Code

In the a quo case, the Supreme Court qualified the defendant as a party who participated (medepleger) in the criminal act of corruption in the construction project of the Multipurpose Building in Ringin Anom Village in the 2019 Fiscal Year. The defendant as a supervisory consultant was deemed negligent in carrying out his supervisory function, thus contributing to state financial losses. Based on this, the Supreme Court increased the sentence from 1 (one) year at the *judex facti* level to 4 (four) years in prison at the cassation level, accompanied by an increase in the fine to Rp200,000,000.00.

Based on the legal analysis, the application of Article 55 paragraph (1) 1 of the Criminal Code shows that the defendant is seen as part of the perpetrator of the crime through the concept of participation (*deelneming*), even though he is not the main perpetrator. This is reinforced by Article 3 in conjunction with Article 18 of the Corruption Eradication Law and the authority of the Supreme Court based on Article 253 paragraph (1) of the Criminal Procedure Code to improve the application of the law, including in sentencing. In addition, the increase in criminal penalties also reflects efforts to maintain consistency in sentencing as regulated in SEMA Number 3 of 2015 in conjunction with SEMA Number 1 of 2017 in order to avoid disparities between perpetrators.

However, from a justice perspective, the application of Article 55 of the Criminal Code must be balanced with the principles of individualization and proportionality of punishment. Although the defendant can be held legally responsible as a co-perpetrator, the difference in role from the principal perpetrator should be reflected in a clear differentiation of punishment. Without adequate argumentation regarding the defendant's level of contribution, an increase in punishment has the potential to create an imbalance between sentencing consistency and substantive justice, particularly for non-principal perpetrators.

E. Theoretical Analysis: Utilitarianism and Proportional Justice

According to Decision Number 110 K/Pid.Sus/2024, the Supreme Court imposed a relatively heavy sentence on a defendant who played a non-primary role in a corruption crime, even though he had demonstrated cooperation throughout the trial. The defendant admitted his actions, returned some of the profits obtained, and provided information that assisted in the evidentiary process. However, this contribution was not followed by formal recognition as justice collaborators, thus not having a significant impact on the leniency of sentences imposed. This situation raises questions about the extent to which the criminal justice system provides real incentives for non-primary perpetrators to cooperate in uncovering complex and organized corruption.

Based on a legal perspective and criminal theory, this condition indicates a tendency towards the dominance of a retributive approach over a utilitarian approach in sentencing. Normatively, the concept of justice collaborators as stipulated in Article 10A of Law Number 31 of 2014 and reinforced in SEMA Number 4 of 2011, aims to encourage perpetrators to provide significant cooperation in uncovering the main perpetrator or a wider criminal network. However, in this decision, the Supreme Court considered that the defendant's statement was only confirmatory and not instrumental, and therefore did not meet this qualification. This approach is legally justifiable because it aligns with the requirement of significant contribution, but substantially shows that the aspect of providing incentives for cooperation has not been a primary consideration. From the utilitarian perspective developed by John Stuart Mill, punishment should be directed to produce the greatest benefit for society, including by encouraging non-main perpetrators to cooperate as an effective means of uncovering larger crimes. When such cooperation is not proportionally rewarded, the utility function of the mechanism of justice collaborators becomes weaker.

In addition, from the perspective of the theory of justice and the principle of proportionality of punishment, the application of Article 55 paragraph (1) of the Criminal Code which places all perpetrators as subjects of criminal responsibility should not eliminate differentiation in sentencing. Although the defendant is legally qualified as a co-perpetrator (medepleger), the difference in role with the main perpetrator must still be reflected in the severity of the punishment. In this case, the relatively heavy punishment for the non-main perpetrator has the potential to create tension between formal justice and substantive justice, especially because the defendant's cooperative attitude is not significantly accommodated as a mitigating factor. This shows that the application of the principle of individualization of punishment is not fully optimal in considering the level of culpability and contribution of each perpetrator.

From the perspective of the objectives of punishment, particularly special prevention, the failure to adequately accommodate the defendant's cooperative attitude also has the potential to hinder the perpetrator's rehabilitation process. In modern punishment doctrine, an admission of guilt and cooperation with law enforcement officials are important indicators of good faith and the potential for behavioral change. By not providing proportional rewards for these attitudes, this decision tends to discourage the perpetrator from playing an active role in supporting law enforcement in the future. Therefore, although this decision is normatively valid and reflects the objectives of punishment in terms of retribution and general deterrence, from a criminal law policy perspective, this decision is not fully optimal in supporting the effectiveness of justice collaborators as a strategic instrument in eradicating corruption.

F. Synthesis of Discussion

Based on the overall analysis, it can be concluded that Decision Number 110 K/Pid.Sus/2024 has legally correctly applied Article 55 paragraph (1) of the Criminal Code in prosecuting perpetrators of involvement in criminal acts of corruption. However, the application of the principal justice collaborators is still implicit and has not been realized formally or substantively.

This decision demonstrates the tension between legal certainty, proportional justice, and legal expediency. Therefore, strengthening the assessment mechanism is necessary. Justice collaborators which is firmer and more consistent, both through recommendations from law enforcement officers and explicit considerations from judges in decisions, so that this system can function optimally in eradicating criminal acts of corruption.

The application of Article 55 paragraph (1) of the Criminal Code in Decision Number 110 K/Pid.Sus/2024 shows that the Panel of Judges has used the concept of participation (*deelneming*) as a basis for assessing the involvement of more than one perpetrator in a criminal act, especially the crime of corruption. Legally, this provision provides a legal basis for ensnaring all parties involved, whether as the main perpetrator, those who ordered the act, or those who participated in the crime. This is in line with the view that criminal responsibility is not only imposed on the main perpetrator, but also on parties who have a real contribution to the occurrence of the crime (Masiliba et al., 2025).

The first impact of implementing this article is the strengthening of collective criminal liability. In corruption cases, which are generally carried out jointly, Article 55 paragraph (1) of the Criminal Code allows judges to comprehensively assess the involvement of each perpetrator. Thus, there is no loophole for perpetrators to avoid responsibility simply because they did not play a primary role. Law enforcement becomes more effective because the entire network of perpetrators can be reached by criminal law. This also emphasizes that the element of "participation" must be interpreted as active involvement that contributes to the occurrence of the crime (Sari, 2025).

The second impact is the increased demand for precision in proving the element of participation. The application of Article 55 paragraph (1) of the Criminal Code cannot be carried out uniformly without considering concrete facts in court. Judges must be able to prove the role of each perpetrator, whether in the form of direct action, giving orders, or structured cooperation. Without clear evidence, the application of this article can lead to injustice, especially if perpetrators with minor roles are treated the same as the main perpetrator. Therefore, a careful analysis of the legal facts is a must in every decision (Prasetyo & Effendi, 2023).

The third impact relates to the principle of proportionality in sentencing. Although all perpetrators are classified as criminals under Article 55 paragraph (1) of the Criminal Code, differences in role and level of culpability must still be reflected in the severity of the sentence imposed. In practice, the Supreme Court tends to consider the contribution of each perpetrator as a basis for imposing sanctions. This is important to maintain a balance between legal certainty and substantive justice. If not implemented properly, it can lead to disparities in sentencing that have the potential to reduce the sense of justice (Ibrahim, 2024).

The fourth impact is preventing normative errors in the construction of charges and decisions. Accurate application of Article 55 paragraph (1) of the Criminal Code demonstrates that law enforcement officers have correctly understood the concept of inclusion in criminal law. Conversely, errors in the application of this article can result in legal flaws in decisions, and even potentially lead to the annulment of decisions at a higher level. Therefore, accuracy in qualifying the perpetrator's role is a crucial aspect in maintaining the validity of decisions (Wibowo, 2024).

The fifth impact is increased consistency and preventive effects in enforcing corruption laws. The proper application of Article 55 paragraph (1) of the Criminal Code conveys the message that any form of involvement in a crime will be subject to criminal responsibility. This not only impacts enforcement but also serves as a deterrent effect for the public to avoid involvement in similar crimes. This consistency is important in building public trust in the criminal justice system (Masiliba et al., 2025). Overall, the application of Article 55 paragraph (1) of the Criminal Code in Decision Number 110 K/Pid.Sus/2024 can be considered legally appropriate if it is based on strong evidence regarding the involvement of each perpetrator and is followed by consideration of proportionality in sentencing. Thus, the application of the concept of inclusion not only fulfills formal legal aspects but also reflects substantive justice in criminal justice practices.

CLOSING

Based on the analysis of Decision Number 110 K/Pid.Sus/2024, it can be firmly concluded that the application of the concept justice collaborators. In criminal justice practice, there is still inconsistency and no clear legal incentives for non-principal perpetrators who are cooperative. Although the judge has considered the role of the defendant and his cooperative attitude, the absence of a formal status determination indicates the dominance of a repressive approach over legal benefits. On the other hand, the application of Article 55 paragraph (1) of the Criminal Code is normatively appropriate in holding all perpetrators criminally responsible, but has not been balanced by the application of the principles of individualization and proportionality of punishment. As a result, this decision reflects legal certainty, but has not fully fulfilled substantive justice and the effectiveness of corruption eradication based on perpetrator cooperation.

B. Suggestion

Based on these conclusions, the author suggests that the Supreme Court and policy makers establish more concrete technical guidelines regarding the implementation of justice collaborators, including standard criteria, recommendation mechanisms between prosecutors and LPSK, and the obligation of judges to state this status explicitly in their decisions. In addition, it is necessary to formulate measurable sentencing standards in the application of Article 55 paragraph (1) of the Criminal Code by integrating indicators of the role, level of error, and cooperative attitude of the perpetrator, so as to create consistency, proportionality of punishment, and legal certainty that supports the effectiveness of corruption eradication.

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