



Strengthening Justice Collaborator Protection Through LPSK-Managed Special Detention Facilities in Indonesia

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ABSTRACT

The feasibility of establishing special detention facilities for Justice Collaborators under the Witness and Victim Protection Agency (LPSK) was examined to address persistent failures in ensuring consistent physical and procedural security within existing detention centres. Separation of detention has long been recognized as a core component of protection, yet current institutional arrangements have left Justice Collaborators vulnerable to threats and operational inconsistencies. Using a doctrinal and conceptual legal approach supported by case-based assessment, the research identified clear normative gaps, institutional fragmentation, and practical constraints that undermine effective protection. The findings showed that LPSK holds structural advantages such as institutional independence, control over protection standards, and continuity of monitoring, while simultaneously lacking an explicit legal mandate and detailed operational framework to manage detention facilities. Results indicated that LPSK-managed detention centres are normatively justified but require a firm regulatory basis, standardized procedures, and coordinated mechanisms with law-enforcement agencies. The analysis concluded with recommendations for designing a legally grounded and operationally feasible model for such facilities.



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INTRODUCTION

Justice Collaborators (JCs) play a decisive role in revealing structured, systematic, and organized criminal cases in Indonesia. Their testimony is often the only entry point to expose intellectual perpetrators, power networks, and institutional involvement behind major crimes. Law No. 31 of 2014 on Witness and Victim Protection formally guarantees special measures for JCs, including separated detention, protected examination procedures, and access to sentence-related incentives. In practice, however, these guarantees have not been implemented in a consistent and secure manner. Existing detention facilities managed by law-enforcement authorities are frequently unable to ensure the physical and psychological safety of JCs, especially when their statements implicate senior officers or actors within the very institution detaining them.

Structural constraints in Indonesia's detention system further complicate JC protection. National correctional statistics from the Ministry of Immigration and Corrections in August 2025 show an overcapacity rate of around 90 percent. Such overcrowding limits the ability of detention centres to provide secure and properly separated rooms for JCs, even when LPSK requests special arrangements. At the same time, LPSK's 2021 Annual Report recorded 27,543 individuals categorized as Justice Collaborators inside correctional institutions. This number demonstrates the significant scale of JC involvement in criminal proceedings and reflects the magnitude of protection challenges faced by both LPSK and law-enforcement agencies. The combination of extreme overcapacity and the large

population of JCs creates an operational mismatch: the system is legally obligated to provide protection but structurally unable to deliver it consistently.

Although academic discussions have highlighted the strategic value of JC testimony and the statutory role of LPSK, the question of whether LPSK should manage its own special detention facilities has not been examined systematically. This gap is critical because LPSK possesses institutional independence and specialized expertise in protection management, yet does not currently have explicit legal authority to operate detention centres. Without a dedicated regulatory framework, JC protection continues to rely on fragmented cooperation with police and correctional institutions, creating vulnerabilities that could endanger witnesses and undermine the integrity of criminal proceedings.

This article addresses that gap by analysing the legal feasibility and institutional practicality of establishing LPSK-managed special detention facilities. The novelty of this study lies in combining doctrinal analysis of the regulatory framework with an evaluation of operational conditions reflected in national detention data. Through this approach, the paper aims to clarify whether granting LPSK direct authority over JC detention can strengthen protection outcomes, what challenges such an arrangement would face, and what regulatory instruments would be required to ensure compliance with Indonesia's criminal justice structure. The discussion ultimately seeks to contribute a clearer foundation for future policy development aimed at improving the protection of Justice Collaborators.

RESEARCH METHODS

This research employed a normative legal approach to examine the feasibility of establishing special detention facilities for Justice Collaborators under the authority of the Witness and Victim Protection Agency (LPSK). The analysis focused on identifying the regulatory foundation, institutional limitations, and operational requirements necessary for such facilities to be implemented within Indonesia's criminal justice system.

A doctrinal approach was used to analyse primary legal materials, including Law No. 31 of 2014 on Witness and Victim Protection, relevant government regulations, and statutory provisions governing detention and correctional management. These sources were examined to determine whether existing legislation provides sufficient authority for LPSK to operate detention facilities and to identify areas where regulatory gaps remain. A conceptual approach was integrated to interpret protection principles, institutional independence, and legal certainty as normative foundations relevant to JC protection.

A case-based assessment was incorporated to illustrate practical challenges faced by LPSK when providing protection within detention environments managed by other agencies. National correctional data, including overcapacity statistics from the Ministry of Immigration and Corrections and the reported number of Justice Collaborators in correctional institutions as stated in the LPSK Annual Report 2021, were used to evaluate the practical feasibility of implementing separated and secure detention rooms.

The methodological objective of this research was prescriptive. After identifying the normative and operational problems that arise under the current protection framework, the study proposed several recommendations to support the potential establishment of LPSK-managed special detention facilities. Through this design, the methods enabled a structured examination of both legal requirements and institutional capacity, ensuring that the conclusions are grounded in statutory analysis and practical realities.

RESULTS AND DISCUSSION

Protection Needs of Justice Collaborators

Justice Collaborators occupy a uniquely vulnerable position within Indonesia's criminal justice process, particularly when their testimony exposes high-ranking offenders or criminal networks. Law No. 31 of 2014 formally requires separated detention, protected examination procedures, and safeguards against intimidation. However, as noted in Semendawai (2016) and Mulyadi (2015), the effectiveness of these protections depends heavily on the existence of a secure and controlled environment where threats can be prevented, not merely responded to. Without such conditions, the legal guarantees provided to JCs cannot operate as intended.

Vulnerability increases significantly due to the structural pressures of Indonesia's detention system. Correctional data from the Ministry of Immigration and Corrections show an overcapacity rate

of approximately 90 percent as of August 2025, severely restricting the availability of isolated and secure detention spaces. At the same time, the LPSK Annual Report 2021 recorded 27,543 inmates categorized as Justice Collaborators. This combination of overcrowding and large JC population demonstrates a clear mismatch between legal obligations and institutional capability, making it difficult for detention facilities to comply with the separation requirements mandated by Law No. 31 of 2014.

Protection needs also extend beyond physical safety. Consistent and reliable JC testimony requires psychological security and protection from subtle pressure or retaliation within detention environments. LPSK's findings show that threats, intimidation, or even perceived risks can cause inconsistencies or withdrawal of cooperation. When this occurs, the disclosure of organized or high-level criminal activity becomes significantly hindered. For these reasons, a secure, independently managed detention setting becomes essential to maintaining the integrity of JC testimony and achieving effective law enforcement outcomes.

LPSK's Role and Existing Regulatory Limits

The mandate of the Witness and Victim Protection Agency (LPSK) is rooted in the state's commitment to safeguard individuals who contribute to the disclosure of criminal acts. Law No. 31 of 2014 explicitly affirms LPSK's authority to provide protection for Justice Collaborators through measures such as secure examination procedures, anonymity, physical protection, and separation of detention when necessary. These provisions strengthen the earlier formulation in Law No. 13 of 2006, which recognized that JCs cannot be exempted from prosecution but may receive leniency based on the value of their testimony. Despite this expanded mandate, the law does not grant LPSK direct authority to manage detention facilities, resulting in reliance on cooperation with law-enforcement institutions that may not always align with LPSK's protection standards.

Historically, the development of JC protection has been closely tied to LPSK's institutional evolution. The Joint Regulation of 2011 involving the Ministry of Law and Human Rights, the Attorney General's Office, the National Police, the Corruption Eradication Commission, and LPSK emphasized that JCs in serious and organized crimes must receive protection through coordinated mechanisms. However, these arrangements focus primarily on procedural cooperation rather than structural control. As academic analyses have noted, LPSK's independence in protection becomes compromised when JCs are placed in facilities operated by institutions whose personnel may be implicated in the cases being investigated (Mulyadi, 2015; Semendawai, 2016). This structural dependency creates a tension between the protective mandate of LPSK and the operational authority of detention institutions.

The absence of explicit legal authority for LPSK to manage detention facilities also generates regulatory uncertainty. While LPSK possesses the power to operate safe houses, such facilities differ fundamentally from detention centres, which restrict a person's liberty and require strict statutory authorization. Without a legal framework specifying LPSK's role, standards, and coordination mechanisms, law-enforcement agencies may be reluctant to place their detainees who remain under their legal jurisdiction, into LPSK-managed spaces. This regulatory ambiguity limits LPSK's ability to provide protection that aligns with its own standards and undermines the consistency of JC protection across institutions.

Strengths of LPSK Managing Special Detention Centres

Granting LPSK direct authority to manage special detention centres would significantly strengthen the integrity of JC protection. As an independent institution mandated to safeguard witnesses and victims, LPSK operates without hierarchical ties to investigative or prosecutorial bodies. This independence is essential when JCs provide testimony against individuals within law-enforcement agencies or powerful organizations. According to the protection principles outlined by Mulyadi (2015) and Semendawai (2016), protection is most effective when the protecting authority is structurally insulated from the actors whose interests may be implicated. LPSK-managed detention centres would ensure that JCs are shielded from institutional interference and retaliatory access.

The establishment of dedicated detention facilities would also enable LPSK to implement uniform standards of physical security, monitoring, and care that align with the agency's protection protocols. Current dependence on police or correctional detention exposes JCs to varying levels of oversight, inconsistent procedures, and environments that often fail to meet the separation requirements mandated by Law No. 31 of 2014. With autonomous facilities, LPSK could design controlled spaces

that reduce contact with potential threats, apply strict access procedures, and ensure 24-hour monitoring by trained protection officers. Such standardization would minimize the operational weaknesses that arise when protection relies on negotiation and coordination with multiple institutions.

Moreover, having direct control over detention management would allow LPSK to maintain continuous and uninterrupted protection throughout the entire legal process. One of the recurring challenges documented in protection cases is the fragmentation between stages of investigation, prosecution, and trial, each handled by different institutions with different practices. When JCs are placed in facilities not governed by LPSK, gaps in communication, administrative errors, and inconsistent supervision become more likely. LPSK-managed detention centres would eliminate these gaps by centralizing protection responsibilities, enabling coherent monitoring, and providing a stable psychological environment that supports the consistency of JC testimony.

Challenges and Constraints

Despite its institutional advantages, granting LPSK authority to manage special detention centres presents substantial legal challenges. The current regulatory framework does not provide explicit authorization for LPSK to detain individuals, as deprivation of liberty must be grounded in clear statutory provisions. While LPSK is permitted to manage safe houses, these facilities do not constitute detention centres and cannot lawfully restrict freedom of movement or substitute the formal status of detention administered by law-enforcement agencies. Without a dedicated legal basis outlining LPSK's authority, jurisdiction, and procedures, any attempt to establish special detention centres risks violating principles of legality and due process under Indonesia's rule-of-law framework.

Institutional coordination also poses significant practical constraints. Detainees who qualify as Justice Collaborators remain under the jurisdiction of the agencies handling their cases, including the Police, the Attorney General's Office, or the Corruption Eradication Commission. These agencies may be located far from potential LPSK-managed facilities, raising concerns about accessibility for examinations, case handling, and court proceedings. The absence of standardized procedures governing inter-institutional transfers, responsibilities, and operational boundaries could lead to administrative disputes or reluctance from law-enforcement bodies to place their detainees under LPSK's custody. Such uncertainty weakens the feasibility of implementing a centralized detention model.

Operational and infrastructural considerations further complicate the prospect of LPSK-managed detention centres. Compliance with general and technical standards for detention, as regulated by the Ministry of Immigration and Corrections, would require LPSK to meet stringent requirements regarding facility design, security systems, staffing ratios, and detainee rights. If these centres were conceptualized similarly to safe houses rather than fully regulated detention facilities, law-enforcement agencies might decline to use them due to concerns over legal recognition and sentence calculation for detained JCs. These challenges demonstrate that, while normatively desirable, the establishment of LPSK-managed special detention centres must be supported by a comprehensive regulatory and operational framework.

Feasibility Assessment

The feasibility of establishing LPSK-managed special detention centres depends on the extent to which legal authority, institutional capacity, and operational readiness can be aligned. From a normative perspective, the absence of explicit authorization for LPSK to operate detention centres represents the most immediate obstacle. Detention involves the formal restriction of liberty and therefore requires a firm statutory mandate. Without amendments to Law No. 31 of 2014 or the issuance of specific government regulations, the legal basis for placing Justice Collaborators under LPSK-managed detention would remain insufficient, limiting the enforceability and recognition of such facilities within the criminal justice system.

From an institutional standpoint, LPSK possesses strengths in independence and protection expertise, but its current infrastructure is not designed to support detention functions. Establishing special detention centres would require significant investment in secure premises, trained personnel, and operational systems that meet the standards applied to existing detention and correctional facilities under the Ministry of Immigration and Corrections. The high number of Justice Collaborators identified in the LPSK Annual Report 2021, combined with national overcapacity conditions, also suggests that

LPSK would need to adopt a selective approach, focusing on high-risk cases rather than accommodating all JCs. This selective model may increase practicality but must be clearly defined in regulation.

Feasibility is further influenced by the need for coordinated mechanisms between LPSK and law-enforcement agencies. Effective implementation requires clear procedures for transfer, jurisdiction, communication, and court access for detainees. Without uniform protocols, operational fragmentation could persist even with dedicated facilities. However, if supported by a robust regulatory framework and formalized inter-agency agreements, LPSK-managed special detention centres could provide a consistent and secure environment for high-risk JCs while relieving existing detention facilities of responsibilities they are structurally unable to fulfil. This indicates that the model is feasible, but only under conditions of clear legal authority, targeted implementation, and strong institutional coordination.

CONCLUSION

The analysis demonstrated that the protection of Justice Collaborators cannot be fully secured within Indonesia's existing detention infrastructure. Severe overcapacity, limited separation capabilities, and institutional conflicts of interest prevent detention centres managed by law-enforcement agencies from consistently meeting the protection standards mandated by Law No. 31 of 2014. LPSK, as an independent institution with specialised expertise in safeguarding witnesses, possesses structural advantages that could significantly strengthen the security and stability of JC protection if granted authority to manage dedicated detention facilities.

However, the feasibility of establishing LPSK-managed special detention centres depends on the presence of a clear legal mandate, compliance with technical detention standards, and strong coordination with law-enforcement institutions that retain jurisdiction over detainees. Without explicit statutory authorization, these facilities would lack legal certainty and operational recognition. With appropriate regulation, selective implementation, and defined inter-agency procedures, LPSK-managed centres could provide a more reliable and secure environment for high-risk JCs and enhance the integrity of complex criminal investigations.

This study recommends the development of a specific regulatory framework granting LPSK authority to operate special detention centres, the formulation of standardized procedures for inter-institutional coordination, and the adoption of technical and operational standards consistent with national detention regulations. These measures would enable LPSK to deliver protection that is legally grounded, practically feasible, and aligned with the objectives of Indonesia's criminal justice system.

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