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RECONSTRUCTION OF THE LEGAL PROTECTION MODEL FOR REPORTING WITNESSES IN DISCLOSING EXTRAORDINARY CRIMES

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Abstract

Legal protection for reporting witnesses is essential to uncovering serious crimes involving power imbalances, organized networks, or perpetrators capable of intimidation. Law Number 3 of 2026 on Witness and Victim Protection and Law Number 20 of 2025 on the Criminal Procedure Code provide a more explicit normative basis for protecting journalists. Nevertheless, statutory recognition alone does not ensure effective coordination, rapid responses to threats, identity confidentiality, or continuity of protection. This article examines the relationship between the two statutes and proposes an integrated, risk-based protection model through normative legal research. The proposed model includes early identification, risk assessment, expedited referral to LPSK, restricted access to identity data, inter-agency coordination, safeguards against retaliation, recovery support, and periodic review. The proposal requires further evaluation against institutional practice and implementing regulations.

Keywords: Witness Reporting, Legal Protection, LPSK, Extraordinary Crimes, Legal Harmonization

INTRODUCTION

Disclosing crimes depends not only on the authority of investigators and the availability of evidence, but also on the willingness of those with knowledge of relevant facts to report them and provide information. In cases known as extraordinary crimes, the whistleblower may face risks disproportionate to their protection. These risks can include physical threats, work pressure, social exclusion, retaliatory reporting, digital attacks, or pressure on family members. Risks can even arise before the whistleblower can testify as a formal witness.

Reporters, witnesses, victims, and perpetrator witnesses are related but not identical categories. Reporters provide information about an alleged crime; witnesses provide relevant information; victims experience suffering or loss as a result of the crime; and perpetrator witnesses have a special position due to their involvement in the case. A single person may fall into more than one category, but protection must be determined based on applicable law, the person's role in the criminal process, and the risks they face.

The main basis lies in 2 (two) regulations, namely: Law Number 3 of 2026 concerning Protection of Witnesses and Victims which has been in effect since May 20, 2026 and replaces Law Number 13 of 2006 and Law Number 31 of 2014. This law regulates the protection of reporters, witnesses, victims, informants, and other parties included in its scope and Law Number 20 of 2025 concerning the Criminal Procedure Code which has been in effect since January 2, 2026. Article 53 regulates the right to protection at every stage of the examination and coordination of law enforcement officers with witness and victim protection institutions; Article 54 regulates the financing of protection by the state.

Law No. 3 of 2026 explicitly includes whistleblowers within the scope of protection (Law No. 3 of 2026). The new Criminal Procedure Code states that every whistleblower, complainant, witness, and/or victim has the right to receive protection at every stage of the investigation (Law No. 20 of 2025). However, this norm needs to be operationalized through procedures for threat identification, risk assessment, referral to the LPSK (Lembaga Penitentiary Agency), identity security, and coordination as cases move through the legal process. This article examines these needs normatively and does not assume that all implementation issues have occurred uniformly.

The novelty of this research lies in the formulation of the Integrated Risk-Based Reporting Witness Protection Model in disclosing extraordinary crimes, which integrates four main dimensions, namely continuous legal protection, prevention of retaliation (anti-retaliation), institutional coordination between the Witness and Victim Protection Agency (LPSK) and law enforcement officers, as well as harmonization of norms between Law Number 3 of 2026 concerning Protection of Witnesses and Victims and Law Number 20 of 2025 concerning the Criminal Procedure Code.

Different from the approach that places the protection of reporting witnesses solely as the granting of normative rights or security measures after a threat arises, this research develops an integrative approach that places protection as a continuous mechanism from the receipt of the report, identification and assessment of risks, provision of protection, handling of potential retaliation, to evaluation of the implementation of protection at each stage of the criminal justice process.

Conceptually, this study proposes a construction of the relationship between substantive norms for witness and victim protection and procedural norms in criminal procedure law. Institutionally, this study emphasizes the importance of referral mechanisms, secure information exchange, shared responsibilities, and continuity of protection between the LPSK (Lembaga Penitakan Witness and Victim Protection Agency), investigators, public prosecutors, and judges without diminishing the authority of each institution. Meanwhile, the dimension of preventing retaliation is directed at anticipating physical threats, economic and

employment pressures, intimidation, and misuse of personal information that could potentially hinder the disclosure of criminal acts (Denico Doly, 2026).

Thus, the original contribution of this research is not merely identifying the need for legal protection, but rather formulating an integrative model that links the harmonization of laws and regulations, risk management, prevention of retaliation, and institutional coordination into a single framework for witness protection. This model is expected to serve as a conceptual foundation for developing more consistent, responsive, and accountable policies and operational procedures for witness protection in the disclosure of extraordinary crimes.

Several previous studies have discussed legal protection for whistleblowers from the perspective of national law, comparative law, and the challenges of protection in the digital environment. A study by Asmak ul Hosnah et al. (2025), for example, compared whistleblower protection in Indonesia with Malaysia, while Tantimin, Rufinus Hotmaulana Hutauruk, and David Tan (2024) examined the issue of protecting corporate whistleblowers in the digital era. A study by Adhalia Septia Saputri (2026) also discussed strengthening whistleblower protection in the eradication of corruption and money laundering.

Based on this research, this article aims to develop further research by reconstructing the legal protection model for reporting witnesses in the disclosure of extraordinary crimes, with an emphasis on continuity of protection, prevention of retaliation, and coordination between the Witness and Victim Protection Agency (LPSK) and law enforcement officials. This focus needs to be tested by comparing previous research findings with the norms in the laws and regulations that are the object of this study.

This article proposes three problem formulations. First, how is the protection of reporting witnesses structured in Law Number 3 of 2026 and Law Number 20 of 2025? Second, at what point is harmonization of norms and institutional coordination necessary to ensure consistent protection? Third, how can an integrated protection model be formulated to uncover extraordinary crimes without compromising the rights of suspects or defendants to a fair legal process?

The purpose of this study is to map the relationship between the two laws, identify operational regulatory needs, and propose a risk-responsive protection model (Peter Mahmud Marzuki, 2017). This objective is prescriptive. The article does not claim to measure the effectiveness of the LPSK or its officers through interviews, surveys, or field case data. Conclusions regarding practice should be read as normative recommendations (Soerjono Soekanto and Sri Mamudji, 2015), not statistical findings.

Academically, this study focuses on reporting witnesses, the relationship between protection laws and criminal procedure law, and the design of coordination from the initial reporting stage. Its contribution is not a claim that research on reporting has not yet existed, but rather a proposal to examine the need for an integrated model in the context of two new laws coming into effect in 2026. Practically, the analysis results can inform the development of operational standards, risk assessment guidelines, data protection protocols, and evaluation mechanisms.

Previous research has discussed the effectiveness of the LPSK (Lembaga Penalty Agency for the Protection of Whistleblowers), the role of whistleblowers in corruption eradication, retaliatory criminalization, and comparisons with whistleblower protection regimes in other countries. A 2025 study comparing Indonesia and Malaysia (Asmak ul Hosnah et al., 2025) highlighted the risk of retaliation and the need to strengthen whistleblower protection. Another article in 2025 discussed the protection of whistleblower witnesses in corruption cases. This literature demonstrates that whistleblower issues are not a research vacuum (Komang Ayu Trisna Dewi et al., 2025).

In addition, there is a 2026 article entitled "Reconstruction of Legal Protection for Witnesses and Victims in Handling Extraordinary Crimes in Indonesia" which discusses the reconstruction of witness and victim protection in extraordinary crimes (Adhalia Septia Saputri et al., 2026). Therefore, this manuscript must differentiate its contribution substantively to avoid repeating previous publications. The focus offered is more specific: reporting witnesses, harmonization of Law Number 3 of 2026 with the 2025 Criminal Procedure Code, and operational coordination procedures and risk assessments including the risk of retaliation or intimidation against reporters (Zulkifli Ismail, 2024), as well as the need for ongoing protection during the criminal justice process (Suhariyanto et al., 2012).

The novelty is presented in three propositions. First, protection is understood as a series of steps from the receipt of information, not just actions after a threat is confirmed. Second, the Witness and Victim Protection Law is positioned as a framework of rights and institutions, while the Criminal Procedure Code (KUHAP) serves as a framework for protection obligations during the investigation and coordination stages of authorities. Third, a tiered model is proposed that connects risk assessment, referral, identity protection, threat response, recovery, and audit. The final novelty must be verified through systematic searches and comparisons with the authors' own work.

RESEARCH METHODS

This research is normative legal research (Soerjono Soekanto and Sri Mamudji, Loc., Cit.). A legislative approach is used to examine Law Number 3 of 2026 and Law Number 20 of 2025, particularly the relationship between the rights of whistleblowers, the authority of the LPSK (Lembaga Penida Masyarakat), the obligation to coordinate officials, and the financing of protection. A conceptual approach is used to explain legal protection, whistleblowers, non-retaliation, legal harmonization, and an integrated criminal justice system. Limited comparisons are used for conceptual reflection, not as a basis for copying foreign systems without adjustment.

Primary legal materials include the 1945 Constitution, Law Number 3 of 2026, Law Number 20 of 2025, and relevant sectoral regulations. Secondary materials include journal articles, legal methodology books, witness protection literature, and institutional publications. Material collection was conducted through library research and official source searches. Norms are interpreted grammatically, systematically, and teleologically (Peter Mahmud Marzuki, Loc., Cit).

The analysis was conducted in four stages: inventory of norms; mapping the function of each law; identifying coordination needs and operational gaps; and formulating a protection model. Conclusions were drawn prescriptively by linking legal principles, protection objectives, and the need for procedural certainty. This study did not empirically test implementation. Determining the form of protection remains the authority of the authorized institution based on law, risk assessment, and accountable facts.

RESULT AND DISCUSSION

A. The Concept of Witness, Reporters and Whistleblowers

The term "reporting witness" is used functionally in this article to refer to a person who reports an alleged crime and possesses or potentially possesses relevant information. This term is not intended to create a new legal category outside of the law. The formal status and rights of such a person remain determined by applicable regulations and the stage of the criminal process.

In the literature, a whistleblower generally refers to a person who reveals suspected violations known to them due to employment relationships, position, professional access, or involvement in an organization. Not every whistleblower is a whistleblower in the strict

sense, and not every whistleblower automatically becomes a witness in court. Protection may be required before the whistleblower testifies as a formal witness (Adhalia Septia Saputri, 2026). Thus, this serves as the basis for protecting whistleblowers and justice collaborators in handling organized crime (Budi Suhariyanto, Lilik Mulyadi, and Sudaryanto, 2012).

Legal protection is defined as a series of normative guarantees and institutional measures to prevent or mitigate threats to the safety, freedom, identity, rights, and survival of the whistleblower (Law No. 3 of 2026). Preventive protection includes risk assessment, identity security, and communication protocols. Responsive protection includes threat management, assistance, and legal redress (Denico Doly, 2026).

The principle of non-retaliation means that a person should not be subjected to retaliation solely for reporting a suspected crime in good faith (Asmak ul Hosnah et al.). This principle does not imply absolute immunity from legal proceedings for other acts. Protection mechanisms must distinguish retaliation from legitimate, evidence-based investigations.

The available evidence will be provided to law enforcement officials as a basis for the reporter to file their report. In certain crimes, such as Extraordinary Crimes, the evidence must be more substantial and stronger than in ordinary crimes. The term extraordinary crimes is used in this article as an analytical term for crimes that have widespread impacts, threaten the public interest, or involve complex networks and power relations. Examples discussed generally include corruption, terrorism, human trafficking, and organized crime. These terms do not always have a single, uniform definition; sectoral regulations still determine their legal consequences.

Risks for reporting corruption can be related to job hierarchy, economic dependence, the perpetrator's access to organizational resources, or the ability to influence the work environment. In cases of terrorism and organized crime, risks can stem from the perpetrator's network and threats to family. In cases of human trafficking, the whistleblower may face social, economic, linguistic, or migration vulnerabilities.

Risk assessments should consider the level of threat, the reach of the threatening party, the reporter's proximity to the perpetrator, identity exposure, family vulnerability, the nature of the information held, and potential digital threats. Assessments should not be bureaucratic processes that delay emergency responses. Protection also does not always mean relocation or physical escort; some reporters may require legal advice, anonymity, psychological support, or digital protection (Law Number 3 of 2026, Article 7). The category of crime helps determine the context, but should not be the sole measure. Protection decisions should be based on the law and individual assessments that can be reviewed (Law Number 20 of 2025, Article 53 paragraph (1)).

Protection of reporting witnesses is related to the state's obligation to respect and protect human rights, including a sense of security, legal certainty, and fair treatment (1945 Constitution of the Republic of Indonesia, Article 28D paragraph (1), Article 28G paragraph (1), and Article 28I.). The 1945 Constitution provides a constitutional basis for the protection of oneself, family, honor, dignity, and property as well as a sense of security from the threat of fear. This guarantee is read together with the principle of equality before the law and fair legal certainty.

Protecting whistleblowers is not just an individual matter. In cases involving public interest, the public's ability to safely convey information can strengthen government accountability and law enforcement. However, these interests do not justify ignoring the rights of those being reported. Initial information must be examined objectively, and protective measures should not be equated with an accusation of guilt against the accused.

Constitutional balance requires a legal basis, proportionality of action, and respect for the rights to a defense and due process. Access to the whistleblower's identity may be restricted for security purposes, but such restrictions must be designed in accordance with

procedural law and must not automatically deprive other parties of the right to legally examine evidence.

Effective protection is not a system that completely shields information from scrutiny, but rather one that distinguishes sensitive information that needs to be safeguarded from evidentiary information that must be processed legally. Decisions, access, and use of information need to be recorded so they can be audited without revealing the reporter's identity to unauthorized parties.

B. Analysis of Law Number 3 of 2026

Law No. 3 of 2026 represents a significant change because it explicitly covers witnesses, victims, witnesses, perpetrators, reporters, informants, and/or experts. Its content encompasses the rights of protected subjects, the LPSK (Lembaga Masyarakat Pemberantasan Korupsi), the requirements and procedures for providing protection, cooperation, the role of the government, community participation, funding, and criminal provisions. This structure demonstrates that protection is not merely a security measure, but a system that requires institutions, procedures, resources, and cross-stakeholder support.

Article 7 outlines various rights that can be granted, including protection from digital threats, assistance, legal advice, temporary or new housing, and temporary living expenses, as stipulated. These rights demonstrate that risks to whistleblowers extend beyond physical threats. Personal information, digital footprints, electronic communications, and account access can all be sources of risk that must be assessed accordingly.

Recognition of rights must be distinguished from decisions to grant specific forms of protection. Rights are exercised based on conditions, procedures, decisions, and authorities stipulated by law. This article does not state that all forms of protection are automatically granted to everyone who makes a report. What must be guaranteed is a mechanism that is clear, accessible, responsive, and based on legitimate assessment.

For the integration model, Law Number 3 of 2026 serves as a substantive and institutional basis (. JDIH BPK, 2026), so that rights are applied consistently in criminal proceedings, these norms need to be linked to the obligations of officials in the Criminal Procedure Code, referral procedures, limited information exchange, and responses when threats arise.

Law Number 20 of 2025 concerning the Criminal Procedure Code replaces Law Number 8 of 1981 and has been in effect since January 2, 2026. Article 53 states that every reporter, complainant, witness, and/or victim has the right to receive protection. Paragraph (2) emphasizes that protection applies at every stage of the examination. Paragraph (3) allows for special and unlimited protection if necessary. Paragraph (4) links the implementation of protection with the institution that carries out the function of protecting witnesses and victims, while paragraph (5) requires investigators, public prosecutors, and judges to coordinate with the institution.

The explanation of Article 53 paragraph (1) defines protection as protection from threats that have implications for forcing the reporter, complainant, witness, or victim to do something related to the need for information or testimony in the judicial process. This formulation is important because threats are understood functionally, not limited to physical violence that has occurred. Its application still requires an assessment of the facts and the relationship between the threat and the judicial process.

Article 54 states that the costs for the protection of informants, complainants, witnesses, and/or victims are borne by the state. This financing standard is crucial to ensure that protection is not dependent on the financial capacity of the informant. Its implementation requires budgeting, accountability procedures, and administrative coordination that do not hinder urgent action.

The next challenge is operationalizing coordination obligations: when referrals are made, who initiates communication, how risk information is conveyed, and how continuity is maintained as cases move from one stage to another or across institutions.

C. Harmonization of Two Laws

The harmonization of Law No. 3 of 2026 and Law No. 20 of 2025 can be understood as an alignment of functions, procedures, and responsibilities. Law No. 3 of 2026 regulates the framework for rights and institutional protection, while the Criminal Procedure Code ensures these rights are relevant at every stage of the investigation and requires coordination between authorities. The two complement each other and should not be read separately.

Substantive harmonization requires consistency regarding who can receive protection, the types of rights available, and the basis for decisions. Procedural harmonization demands a clear path from risk identification to evaluation. Institutional harmonization requires a non-exhaustive division of responsibilities. Budgetary harmonization ensures that protection costs are not unfairly charged to whistleblowers (Effendi et al., 2025).

A potential problem that needs to be addressed is the transition gap: the reporter may have received assistance during the investigation phase, but protection information is not securely passed on when the case proceeds to prosecution or trial. Other issues could include unclear referral initiation, unnecessary repetition of assessments, or excessive disclosure of identities. These are system design risks that should be examined, not concluded that all institutions have implemented them.

Harmonization does not eliminate the division of authority. The LPSK acts according to its protection mandate, while investigators, public prosecutors, and judges carry out their respective criminal proceedings. The joint protocol should clarify communication standards, response deadlines, escalation, and accountability while respecting the authority established by law.

The analysis needs to distinguish between normative gaps, normative ambiguities, and operational challenges. Normative gaps occur when important aspects remain unregulated; ambiguities arise when formulations allow for broad interpretation; and operational challenges can arise even when a legal basis exists, for example due to the lack of a common protocol or adequate resources. This distinction is important so that recommendations do not automatically call for new legislation for every issue.

Article 53 of the Criminal Procedure Code (KUHAP) recognizes the right to protection at every stage and the obligation to coordinate (Law No. 20 of 2025). Therefore, the focus of recommendations is more appropriately directed at harmonizing implementing regulations, operational standards, and information exchange guidelines, unless further research finds substantive aspects that are not yet regulated. Referral procedures must be easy to use, even when the reporter does not yet have formal witness status (Adek Junjunan Syaidd kk, 2025).

Risk assessments need to be methodologically transparent, but certain details cannot be made public if they could increase the risk. General criteria, decision processes, and review pathways can be described, while safe locations, security methods, or the identities of protected parties remain legally restricted (Asmak ul Hosnah et al.).

Other gaps may arise in the handling of digital threats and non-physical retaliation. Job losses, economic pressure, doxing, the dissemination of personal data, and counter-reports can have serious consequences (Law No. 3 of 2026). Protection models need to integrate legal aid and redress with security measures. However, allegations of retaliation must still be examined objectively to prevent protection from becoming a means of obstructing legitimate investigations (Edi Ribut Harwanto, 2026). By building on previous research and positioning

this article in the development of an integrated protection model, this research can be maximized (Adhalia Septia Saputri, 2026).

D. Legal Protection Theory

Legal protection theory is used to assess how the law guarantees the rights and interests of legal subjects. In the context of reporting witnesses, preventive protection aims to reduce the likelihood of threats before they occur, while responsive protection addresses threats and restores the situation after the risk arises. Both must be designed as a single framework (Satjipto Rahardjo, 2020).

Preventive protection includes initial risk assessment, rights explanation, identity security, communication protocols, data access restrictions, and rapid referral. Responsive protection includes appropriate security measures, assistance, legal advice, psychosocial support, and other assistance based on provisions (Law No. 3 of 2026, Article 7). Decisions must consider individual needs and risk proportionality.

This framework avoids protection that is too passive, acting only after a threat has become a real harm, as well as protection that is immeasurable and ignores the rights of others. Legitimate protection must be swift enough to prevent harm but must be accountable through procedures, documentation, and evaluation.

Accessibility is also crucial. Complainants need to know where to file a complaint, what documents are required, how to handle emergencies, and how to obtain explanations for decisions. Overly complex procedures can diminish the effectiveness of rights, even if they are formally recognized. The effectiveness of protection can be assessed through access, speed of response, appropriateness to the risk, continuity, and accountability (Law No. 20 of 2025).

E. Legal System Theory and Integration

Legal system theory explains that the effectiveness of protection does not depend solely on the text of the law. Legal substance includes rights, obligations, and procedures; legal structure includes the LPSK, investigators, public prosecutors, judges, and related institutions; legal culture includes institutional and societal attitudes toward whistleblowers. All three influence each other (Law Number 20 of 2025, Article 53 paragraphs (4)–(6)).

In terms of substance, the two new laws have provided an important foundation, but referral and information exchange procedures must be translated into workable procedures. In terms of structure, institutions need to understand the limits of their authority and responsibility (Lawrence M. Friedman, 1975). In terms of legal culture, whistleblowers should not be automatically viewed as troublemakers or as those who must prove all threats before being heard.

Integration does not mean collecting all data in an open database. Integration must adhere to the principles of need to know, purpose limitation, security, and access logging. Information necessary to protect the whistleblower can be shared with authorized officials without disclosing all case details to unauthorized parties.

The reporter should not be burdened with the responsibility of acting as a liaison between agencies. Once a referral is received, the relevant agency must confirm receipt, assign a liaison officer, and maintain continuity as the criminal process progresses. The success of the system is measured by the timeliness and continuity of action, not simply the number of coordination meetings.

F. MPST-BR Reconstruction Model

This article proposes a Risk-Based Integrated Witness Protection Model (MPST-BR) (the MPST-BR Model is the author's formulation based on an analysis of Law Number 3 of

2026 and Law Number 20 of 2025). This model is a conceptual proposal, not the name of an official program or existing procedure. The model consists of six stages: (1) identification of needs; (2) risk assessment; (3) referral and protection decisions; (4) implementation and coordination; (5) recovery and prevention of retaliation; and (6) evaluation and termination or adjustment of protection.

The identification phase begins when information about a suspected crime is received. Officers should explain the rights and channels for requesting protection without promising an outcome that has not yet been decided. Identification does not require the reporter to have already been a witness in court; the initial need can be identified when there is sufficient information about the risks associated with reporting.

Risk assessments are conducted using proportionate and documented instruments. The assessment takes into account the immediate threat, the perpetrator's capabilities, identity exposure, risk to the family, and specific vulnerabilities. In urgent circumstances, temporary mechanisms may be used as long as they have a legal basis, clear boundaries of authority, and record-keeping. Assessments are updated as circumstances change.

The referral stage ensures that the minimum necessary information is forwarded to the LPSK or authorized agency through a secure channel. The referral records the time of delivery, receipt, responsible officer, and urgency of the request. The decision remains with the authorized agency; this model standardizes coordination without altering statutory authority.

Risk assessments should incorporate both threat and vulnerability indicators. Threat indicators can include threatening communications, attempts to locate the reporter, pressure to withdraw the report, or other actions related to the reporter's testimony. Vulnerability indicators can include employment dependency, living conditions, family involvement, the perpetrator's access to personal information, and the reporter's ability to obtain support. This framework should be adapted by authorized agencies, not considered a closed legal list. The assessment process should implement data minimization. Officers should collect only relevant information, explain the purpose of collection, restrict access, and maintain secure storage. Sensitive data should not be copied or shared through unsecured channels. All access should be logged to allow for traceability of data use.

Rapid referrals require clear internal time standards, but technical deadlines must be established through legitimate institutional rules or agreements. High-risk threat reports should be escalated immediately, while other requests are handled through measured procedures. This article does not specify hours or days as a legal requirement, as that requires regulatory basis and operational review.

The referral may contain the following minimum information: identification required for verification, a summary of the risks, the urgency of the need, the stage of the criminal process, the contact person, and a safe way to contact the complainant. Delivery must be confirmed. If the recipient is not authorized to provide a specific form of protection, the request must be directed according to procedures to ensure the complainant is not left without information.

Confidentiality is crucial because unnecessary disclosure can increase the risk of intimidation, retaliation, or distress to the family. However, confidentiality does not mean that all case information must be withheld indefinitely. Access arrangements must consider the need for protection, legal authority, the right to defense, and evidentiary interests.

The MPST-BR model proposes three groups of information: highly sensitive identity and contact data; risk assessment and protection plan information restricted to implementers; and case information that must be processed in accordance with procedural law and rules of evidence. This classification serves as a governance recommendation and should be aligned with laws regarding personal data, archives, information disclosure, and criminal proceedings.

Digital protection should encompass addressing identity theft, doxing, threats via electronic messaging, unauthorized access to accounts, and data misuse. Responses should be tailored to the facts and should not compromise the preservation of legitimate evidence. If electronic information is relevant as evidence, its management should safeguard its integrity, origin, time, and chain of custody in accordance with applicable law. The Witness and Victim Protection Agency (LPSK) and authorities should have secure communication protocols, access controls, data usage records, copy security, and leak reporting procedures. Digital security should be positioned as part of comprehensive protection, not a technical issue separate from the right to security.

Retaliation can take both physical and non-physical forms. Work pressure, economic threats, the disclosure of personal data, and counter-reports can be relevant forms of pressure to assess. However, not every adverse action following a report automatically constitutes retaliation. The causal relationship, context, evidence, and legal basis must be objectively examined. The principle of non-retaliation serves both a preventative and a response function. Institutions should clarify that threats or pressure against whistleblowers can be addressed through available legal mechanisms. If there are indications of retaliation, the risk must be reassessed, protection needs adjusted, and the alleged violation forwarded to the appropriate authorities. This model does not create new criminal offenses or sanctions.

Protection for whistleblowers does not grant immunity from unlawful acts committed by the whistleblower. The good faith and accuracy of the information are assessed based on the context and applicable provisions. Protection should not be used to obstruct legitimate investigations, destroy evidence, or pressure other witnesses. Conversely, the legal process should not be manipulated as a tool of intimidation.

In a fair trial, identity safeguards must be designed to not negate the defendant's right to verify testimony in accordance with procedural law. Disclosure restrictions must have a legal basis and adequate oversight. This balance enhances the legitimacy of protection while maintaining the reliability of evidence.

Inter-institutional coordination is a key element because protection can intersect with several stages of the criminal process. Article 53 paragraph (5) of the 2025 Criminal Procedure Code stipulates coordination between investigators, public prosecutors, and judges with institutions responsible for protecting witnesses and victims. This provision needs to be translated into a protocol that outlines official contacts, officer responsibilities, referral procedures, and mechanisms for resolving obstacles.

A good protocol goes beyond mandatory meetings or exchanges of letters. It must ensure that requests are received, risks are assessed, emergency measures are decided upon by authorities, data is protected, and continuity is maintained as cases move to different stages. Each agency remains within its jurisdiction. It is recommended that each agency establish a liaison officer to ensure timely communication. This officer does not make substantive decisions but monitors the status of referrals, confirms acceptance, and escalates any issues. This mechanism should have a designated liaison officer to ensure protection is not dependent on a single individual.

Coordination evaluations can use indicators that do not reveal the reporter's identity, such as time of referral receipt, time of initial assessment, percentage of confirmed referrals, disruptions to continuity, threat follow-up, and service access complaints. Aggregated data should be maintained to prevent re-identification. Interagency trust is not a substitute for documentation and accountability.

Implementing the model requires human resources, secure facilities, information systems, assistance, and funding. Article 54 of the 2025 Criminal Procedure Code states that costs for the protection of reporters, complainants, witnesses, and/or victims are borne by the state. This provision supports the principle that access to protection should not depend on the

reporter's economic capacity. Budgeting should account for the costs of assessment, secure communications, physical protection if necessary, legal support, recovery, and data management. Expenditures should adhere to state financial mechanisms, principles of efficiency, and audits. Administrative procedures should not delay legitimate urgent action, while emergencies should not nullify record-keeping and accountability.

Accountability can be established through recording decisions, the reasons for establishing or changing the form of protection, the implementation timeline, the responsible officer, and periodic evaluations. Audits should avoid publishing details that could endanger whistleblowers. Oversight can utilize aggregated data, access checks, and secure complaint mechanisms. Officer training should include threat identification, non-traumatizing interviews, data protection, communication with vulnerable groups, handling digital threats, and the principle of the presumption of innocence. Success is measured not only by the number of people enrolled in a protection program, but also by the accuracy of the response, continuity, appropriateness of services, complaint handling, and prevention of leakage.

The application of the integrated model must be tailored to the nature of the case. In corruption cases (Yoslan K. Koni et al., 2025), the reporter may be within the same organizational structure as the reported party. Protections need to take into account work dependencies, access to documents, and the risk of administrative retaliation. Protections do not replace independent review of the substance of the report.

In terrorism or organized crime, risk assessments may require attention to network reach, threats to family, and exposure of personal information. Decisions on protection must still be based on legitimate authority and judgment. Not all cases automatically require relocation; action must be proportionate to the threat.

In human trafficking, victims or reporters may face multiple vulnerabilities, including economic dependence, trauma, language barriers, and fear of their perpetrators. Repetitive and insensitive procedures can discourage individuals from continuing to participate. A needs-centered approach, support, and understandable communication are essential.

The model should have the same core standards but flexible implementation based on risk. Core standards include rights information, risk assessment, confidentiality, referral, coordination, threat response, and evaluation. The term "extraordinary crimes" emphasizes the urgency of the context, not replacing legal requirements or individual assessments.

G. Policy Recommendations and Limitations

First, implementing regulations for Law No. 3 of 2026 need to be consistent with Articles 53–54 of the 2025 Criminal Procedure Code, particularly regarding referral channels, coordination, and continuity of protection. Second, the LPSK (Lembaga Penitentiary Agency) and law enforcement agencies need to develop or update cross-agency protocols with the same minimum standards. Third, proportional risk assessment guidelines are needed that can be reviewed as circumstances change.

Fourth, protocols should address identity confidentiality and digital threats, including access restrictions, data usage logging, and responses to suspected breaches. Fifth, evaluations should use confidentiality-preserving indicators, with aggregated results to improve policies without exposing protected individuals.

This article does not propose the addition of direct criminal sanctions. Determining whether legislative changes are necessary should be based on an examination of the official text, implementing regulations, and practices. If issues can be addressed through legitimate technical guidelines, that approach may be more expeditious and proportionate. If substantive gaps that impede rights are identified, regulatory reforms can be considered through the appropriate process.

This research is limited to written legal materials and has not tested the model through interviews with the LPSK (Lembaga Penitentiary Agency), officials, judges, or complainants. Further research is needed to examine referral mechanisms, administrative barriers, complainants' experiences, resource adequacy, and comparative practices. Final novelty should be verified against the authors' own publications to avoid substantial duplication.

CONCLUSIONS

Law No. 3 of 2026 and Law No. 20 of 2025 form a complementary basis for the protection of reporting witnesses. Law No. 3 of 2026 regulates the subjects, rights, institutions of the LPSK (Lembaga Penitentiary and Victim Protection Agency), procedures, cooperation, and funding for protection. Article 53 of the 2025 Criminal Procedure Code affirms the rights of reporters, complainants, witnesses, and/or victims to receive protection at every stage of the examination, allows for special protection without a time limit if necessary, and requires coordination between authorities and protection agencies. Article 54 places the costs of protection on the state.

The key issues that need to be addressed are not just the recognition of rights, but also the continuity of implementation, clarity of referrals, risk assessments, identity confidentiality, responses to digital threats and retaliation, and accountability for coordination. Without consistent operational procedures, the rights recognized by law risk not being effectively realized by whistleblowers.

This article proposes an Integrated Risk-Based Model for Witness Protection (MPST-BR), which includes needs identification, risk assessment, referral and protection decisions, implementation coordination, redress and prevention of retaliation, and periodic evaluation. This model does not alter the authority of the institution or create legal immunity for the whistleblower. Its implementation must comply with the law, proportionality, the right to due process, and data protection.

Key recommendations include harmonizing implementing regulations, cross-agency coordination protocols, risk assessment guidelines, information security procedures, and evaluation indicators that safeguard identities. Further empirical research is needed to test the model's feasibility, identify implementation barriers, and assess the need for regulatory changes.

Ongoing protection from the time a report is received, throughout the judicial process, and after the investigation if risks persist. Prevention of retaliation, including intimidation, identity theft, work pressure, threats to family, and other retaliatory actions related to reporting. Coordination between the LPSK (Lembaga Penita Masyarakat) and law enforcement agencies through referral mechanisms, risk assessments, restrictions on access to information, and responses to threats. Harmonization of norms and procedures to ensure that the right to protection stipulated in law can be implemented consistently and accountably.

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