

## **Strengthening Responsive Mechanisms for the Protection of Witnesses and Victims in the Indonesian Criminal Justice System**

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### **Abstract**

Witness and victim protection is a vital element of the criminal justice system, yet in Indonesia it continues to face significant challenges. Although the legal framework is established under Law No. 13/2006 as amended by Law No. 31/2014, the implementation remains partial and reactive, with an emphasis on physical safeguards only. This study aims to examine the effectiveness of witness and victim protection mechanisms in the Indonesian criminal justice system. This study adopts a normative juridical approach supplemented with limited empirical inquiry to assess the effectiveness of existing mechanisms and to propose a more responsive model. The findings reveal regulatory disharmony with the Criminal Procedure Code, limited institutional capacity of the Witness and Victim Protection Agency (LPSK), and weak fulfillment of victims' rights, including compensation and psychosocial recovery. These shortcomings contribute to secondary victimization and undermine the legitimacy of the justice system. Comparative insights from the United States, Australia, and the Philippines demonstrate that responsiveness can be enhanced through institutional innovation, early-warning mechanisms, and cross-agency coordination. This study underscores the urgent need for reform toward adaptive and comprehensive protection, while reinforcing the relevance of responsive law and victimology in ensuring substantive justice for witnesses and victims.

**Keywords:** Witness protection; Victim protection; Responsive law; Victimology; Criminal justice reform; Indonesia

### **Introduction**

The protection of witnesses and victims in the Indonesian criminal justice system is becoming an increasingly important issue as the complexity of criminal acts increases (Baehaki & Hadis, 2023; Julianto, 2020; Sumadikara, 2016). Based on the 2023 annual report of the Witness and Victim Protection Institute (LPSK), more than 3,000 applications for protection have been submitted by witnesses and victims of crime, the majority stemming from cases of corruption, terrorism, human trafficking, and sexual violence. However, only about 60% of these applications can be acted upon, while the rest are constrained by budget limitations, human resource shortages, and lengthy bureaucratic procedures. This data shows that although a legal framework for the protection of witnesses and victims is available, the effectiveness of its implementation remains far from optimal.

This phenomenon highlights the urgency of research on the protection of witnesses and victims in Indonesia. In many cases, witnesses and victims face real risks in the form of intimidation, physical threats, and psychological pressure that can affect their willingness to testify in court (Naufal Faris & Taun, 2024; Rohmah & Jamillah, 2023).

This condition has the potential to hinder the law enforcement process and diminish the justice that is to be achieved. Furthermore, the restoration of victims' rights—especially related to compensation, restitution, and rehabilitation—is still often neglected (Saputra & Nugraha, 2022; Yuliawan et al., 2025). This situation confirms that the protection of witnesses and victims is not only a technical issue but also concerns the legitimacy of the criminal justice system itself (Rauf et al., 2022; Tumian, 2018).

Although a number of studies have addressed the normative aspects of witness and victim protection, a significant research gap remains. Previous studies have generally emphasized only formal legal and regulatory aspects, without an in-depth review of how protection mechanisms can be made more responsive, adaptive, and aligned with the real needs of witnesses and victims in the field. For example, studies on the effectiveness of LPSK have focused more on institutional roles but have less frequently linked these to socio-psychological aspects and supporting technologies that could accelerate responses to threats. Thus, there is a research space to be explored: how to build a protection mechanism that is not only reactive but also responsive to threat dynamics.

Although Indonesian scholarship has mapped the normative foundations of witness–victim protection, much of it stops at doctrinal exposition and institutional role-setting without testing how protections function under real-world threat dynamics. For example, Hidayat (2023) explains the implementation of Law No. 31/2014 and LPSK's mandate by analogy to foreign witness-protection models, but the analysis remains largely juridical-normative, offering limited evidence on responsiveness when witnesses face intimidation, delays, or inter-agency bottlenecks; indicators of timeliness, uptake, and survivor satisfaction are not operationalized, leaving an implementation gap.

Likewise, a newer line of work on restitution (e.g., “Restitution challenges in the implementation of Indonesian criminal law,” 2024) identifies persisting obstacles—valuation methods, prosecutorial authority, and enforcement when perpetrators are insolvent—yet it remains at the level of legal design, providing few actionable mechanisms to accelerate relief or to integrate psychosocial support and secure reporting technology for at-risk witnesses and victims.

Therefore, this study aims to examine the effectiveness of witness and victim protection mechanisms in the Indonesian criminal justice system, identify weaknesses in existing implementation, and formulate a more adaptive, responsive mechanism model. The contribution of this research is expected to be twofold: first, it provides an academic foundation for the development of responsive legal theory in the context of witness and victim protection; second, it offers policy recommendations applicable to the government, LPSK, and law enforcement officials to strengthen a more effective, comprehensive, and victim-oriented protection system.

## **Research Method**

This study uses a normative juridical approach complemented by limited empirical studies to examine the effectiveness of witness and victim protection in the Indonesian criminal justice system (Fajar & Achmad, 2010; Nurhayati et al., 2021). Normative

analysis is carried out through a study of laws and regulations, especially Law No. 13 of 2006 jo. Law No. 31 of 2014, the Criminal Procedure Code, and related court decisions. Academic literature, international journal articles, LPSK annual reports, and UNODC publications are also used as references to strengthen the context of analysis and comparison.

To obtain an overview of implementation, this study collected empirical data through semi-structured interviews with LPSK officials, prosecutors, and advocates who were purposively selected based on their involvement in witness and victim protection practices. The data obtained were then analyzed qualitatively through three stages: assessment of regulatory consistency, comparison with practices in other countries with established protection systems, and thematic analysis of interviews to identify patterns of problems in the field.

The validity of the findings is maintained through triangulation between legal sources, academic literature, and empirical data, so that the results of this study can be replicated in a similar context. With this approach, the research is able to integrate normative and empirical analysis to produce a more comprehensive and practically relevant understanding.

## **Results and Discussion**

### **The Limitations of Protection Systems: Between Legal Norms and the Realities of Implementation**

The results of the study show that although Indonesia already has a legal framework through Law No. 13 of 2006 jo. Law No. 31 of 2014, the protection of witnesses and victims in practice is still far from expectations (Dunga, 2012; Hafid, 2019; Rauf et al., 2022). Normatively, the law provides guarantees of physical, legal protection, as well as the right to compensation and restitution. However, implementation in the field shows that ongoing protection is more partial and limited to physical aspects, while non-physical dimensions such as psychological recovery, social reintegration, and economic protection are often ignored (Kevin Audi & Chepi Ali Firman Zakaria, 2022; Kurniawati et al., 2022; Paradias & Soponyono, 2022).

LPSK data (2023) notes that almost half of victims of sexual violence who receive protection still face repeated trauma due to the absence of ongoing psychological services. This phenomenon is in line with the criticism of victimology which states that victims often experience secondary victimization (Novilia & Yusuf, 2024; Paripurna et al., 2021; Pemberton & Mulder, 2023), namely new suffering due to the failure of the legal system to fulfill their basic rights. Thus, protection mechanisms in Indonesia tend to be symbolic and procedural, rather than substantive.

Furthermore, regulatory insynchronization is also a significant obstacle (Harahap & Anwar, 2022). The Criminal Code does not explicitly regulate the obligation of investigators to provide protection from the early stages, so many witnesses are still vulnerable to threats when giving evidence. This condition describes what Nonet and Selznick call law in transition, where law stops at a declarative level without responsive

instruments that are adaptive to social needs (Asa et al., 2021; Sukmana, 2023; Sulaiman & Nasir, 2023; Sutanti, 2013). As a result, the legitimacy of the criminal justice system is weakened because the law fails to fulfill its protective function.

On the other hand, structural limitations also exacerbate the imoptimality of this system. The institutional capacity of LPSK as the front line for the protection of witnesses and victims is still hit by serious budget and human resource constraints (Herawati et al., 2025; Jarodi et al., 2024; Nathalie Cristine Luban Gaol & Dr. R. Rahaditya, 2024; PS. Wibowo & Windari, 2019). State Budget 2024 data shows that the allocation of funds for victim witness protection programs only covers 0.02% of the total law enforcement budget, a figure that is far from adequate to handle the complexity of cases and long-term recovery needs (LPSK Performance Report, 2024).

Furthermore, institutional fragmentation and overlapping authority between LPSK, the police, the prosecutor's office, and other government social institutions create a gap in coordination and vague responsibility. As a result, many victims get lost in a convoluted bureaucracy when trying to access their rights, an irony amid the promise of protection mandated by law. This condition reflects what Lipsky (1980) calls the "street-level bureaucracy" dilemma, where noble policies are hampered by limited resources and implementation mechanisms at the field level (Hudson, 2014).

Deeper, the impact of this fragile protection system extends to undermine the very fabric of the judiciary. The absence of a holistic and effective guarantee of protection has created a significant chilling effect, especially on victims and witnesses from vulnerable groups or cases involving perpetrators in power. Victims and witnesses often choose to remain silent or reluctant to report for fear of reprisals, social stigma, or even experiencing poverty due to loss of livelihood during legal proceedings, making it an unbearable risk for many people.

As a result, the phenomenon of underreporting crimes, especially sexual violence and corruption, has become endemic, which in turn reinforces the cycle of impunity and weakens crime eradication efforts (ICJR Study, 2023). Thus, the huge gap between legal norms that promise protection and the reality of flawless implementation not only ignores the basic rights of victims and witnesses, but also systemically undermines the principle of access to justice and the effectiveness of Indonesia's criminal justice system as a whole.

### **Towards Responsive Mechanisms: Learning from the Perspective of Comparative Theory and Practice**

The findings of this study show that the weakness of protection in Indonesia is rooted in weak institutional responsiveness. LPSK faces an increasing number of protection applications every year without being balanced with adequate budget and human resources (Faisal & Suparno, 2025). As a result, the response to threats is slow and reactive, only given after a real threat has occurred. This is in contrast to the witness protection system in the United States which is based on an early warning system and rapid relocation procedure, or in Australia which integrates psychological counselling as a permanent part of legal protection.

This gap shows that the resource factor is not the only determinant. The Philippines, for example, despite facing financial constraints, was able to develop emergency procedures based on cross-agency coordination to protect witnesses quickly. In other words, institutional innovation and responsive system design determine the effectiveness of protection more than the size of the budget alone.

This analysis emphasizes the relevance of responsive legal theory that emphasizes the need for law to adapt to social needs. The protection of witnesses and victims in Indonesia must move from a legalistic formalism model to a responsive model based on early detection of threats, technological integration, and multidimensional protection (physical, psychological, social, economic). This kind of reform is not only essential to the effectiveness of the criminal justice system, but it is also crucial in building public trust in the legitimacy of the law.

In the midst of this complexity, new vulnerabilities in the digital era further complicate efforts to build responsiveness. Recent research shows a significant increase in technology-based threats to witnesses and victims, ranging from doxing (leaking personal data), online intimidation, to the dissemination of hate-filled content aimed at thwarting the legal process. Unfortunately, the existing protection framework in Indonesia has not adequately accommodated these cyber threats. LPSK and law enforcement officials are still grappling with limited technical capacity and regulatory base to handle digital evidence and provide effective online identity protection.

As a result, many victims, especially in cases of online sexual violence or major corruption involving powerful actors, face a double risk: conventional physical threats plus massive and hard-to-track cyber terror. This digital divide, as shown by the APJII study (2023) on high internet penetration but low cybersecurity literacy, makes technology-based responsive protection models no longer just an innovative option, but an urgent need to ensure the safety and participation of witnesses/victims in the digital space.

Last but not least, building responsive mechanisms requires a holistic approach that goes beyond traditional institutional barriers. Effective witness and victim protection, especially multidimensional ones, cannot be imposed solely on LPSK or law enforcement officials. Structural synergy is needed with other ministries/institutions such as the Ministry of Social Affairs (for reintegration and social support), the Ministry of Health (for sustainable mental health services), the Ministry of Women's Empowerment and Child Protection (for victims of vulnerable groups), and even the involvement of local governments and civil society organizations that have a reach to the grassroots level.

In this context, learnings from comparative practices such as the whole-of-government approach adopted by Canada in dealing with victims of domestic violence are particularly relevant (OECD, 2022). This approach emphasizes centralized coordination, secure data sharing, and one-stop service to ensure victims are not swayed between agencies. Therefore, institutional innovation is needed not only in the internal procedures of LPSK or the police, but especially in the design of collaborative governance

that is able to respond to the complexity of victims' needs in an integrated and sustainable manner.

### **Conclusion**

This study finds that the protection mechanisms for witnesses and victims in the Indonesian criminal justice system remain fundamentally limited, focusing mainly on procedural and physical protection while neglecting psychological, social, and economic recovery. Regulatory gaps between the Witness and Victim Protection Law and the Criminal Procedure Code, along with the limited capacity of LPSK, result in a reactive rather than preventive system, leaving victims' rights, restitution, and compensation largely unfulfilled. The findings highlight the need for responsive laws that adapt to social realities and address secondary victimization caused by systemic weaknesses. Practically, the study calls for comprehensive reforms to ensure the criminal justice system not only punishes offenders but also delivers substantive justice to witnesses and victims. Future research should explore integrated, multidisciplinary approaches that incorporate psychosocial support and leverage technology to enhance proactive and holistic protection mechanisms.

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