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Criminal Acts of Corruption by State Officials in Procurement of Goods and Services: Study of the Role of Justice Collaborators and Whistleblowers in the Age of Technology

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Abstract

This study aims to determine and analyze the role of justice collaborators and whistleblowers in corruption in the procurement of goods and services carried out by state administrators and to determine the forms of corruption that occur in the procurement of goods/services. The research method used is normative legal research through a legislative approach and a conceptual approach. The results of this study found several problems, namely; There is a need for unification of perceptions and synchronization of regulations that apply to law enforcement officers in understanding aspects of witness protection related to legal collaborators and violation reporters. The most common forms of deviation in the government procurement of goods/services that can lead to corruption are: bribery, job combination, separation of duties, collusion between partners providing goods/services and procurement implementers, document falsification, waste of money. region/country, reducing the quantity and/or quality of coral/gauze, incorrectly determining the type of procurement contract for goods/services, contracts without available budget, setting their own estimated price that is too high.

KEYWORDS *Corruption, Justice Collaborator, State Organizer, Procurement*

Introduction

Corruption has emerged as a transnational crime that knows no borders. It is not confined to a single nation but affects nearly every country globally.[1] In Indonesia, instances of corruption among executive officials are not limited to regional leaders; several ministers have also been convicted of corruption-related offenses.[2] This unethical behavior extends beyond the executive and legislative branches, infiltrating law enforcement agencies, including the police, prosecutors, judges, and legal practitioners.

The literal meaning of the word *corruption*, rooted in the Latin *corruptio*, conveys a sense of deterioration and moral collapse, encompassing ideas such as rottenness, moral decay, depravity, dishonesty, and susceptibility to bribery, all of which reflect a departure from ethical and legal standards. These meanings illustrate how corruption undermines the integrity of individuals and institutions by eroding moral values and fostering behavior driven by personal gain rather than public interest. In practice, corruption is most commonly associated with the misuse of public funds by government officials, who divert resources intended for societal benefit toward private or illicit purposes, thereby weakening public trust, distorting governance, and contributing to broader social and institutional decay.[3]

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1 Prakasa, Satria Unggul Wicaksana. "Reconceptualizing Corruption as an International Crime: A Review of International Law." *Lampung Journal of International Law* 6, no. 2 (2024): 55-68.

2 Hamilton-Hart, Natasha. "Anti-corruption strategies in Indonesia." *Bulletin of Indonesian Economic Studies* 37, no. 1 (2001): 65-82.

3 *See* Setiadi, Wicipto. "Korupsi Di Indonesia." *Jurnal Legislasi Indonesia* 15, no. 3 (2018): 249-262; Puspito, Nanang T., Marcella Elwina S., Indah Sri Utari, and Yusuf Kurniadi (eds). *Pendidikan Anti Korupsi untuk Perguruan Tinggi.* Jakarta: Kementerian Pendidikan dan Kebudayaan RI, 2011; Djasri, Hanevi, Puti Aulia Rahma, and Eva Tirtabayu Hasri. "Korupsi dalam pelayanan kesehatan di era jaminan kesehatan nasional: Kajian besarnya

In the context of Indonesia, the current corruption problem is deeply concerning, as corrupt practices have deprived citizens of their rightful benefits derived from state finances. Public funds, which should be allocated to support the population's welfare—particularly in areas such as poverty alleviation, education, and healthcare—are instead diverted for personal or political gain. Although various measures have been implemented to combat corruption, it is widely acknowledged that eradicating this pervasive crime is far from simple, and cannot be achieved as easily as turning one's palm.[4]

When corruption becomes widespread in a society and is treated as part of daily life, social order inevitably deteriorates, as no system can function properly under such conditions. Individuals tend to become increasingly self-interested and indifferent to the collective good, fostering an environment of distrust and social fragmentation.[5] This raises a fundamental question: why does corrupt behavior become so pervasive in human life? As a state governed by the rule of law, corruption should, in principle, be prevented through legal sanctions designed to ensure justice and promote public welfare. Yet paradoxically, in Indonesia's legal system, corrupt practices are rampant and frequently linked to state administrators. This is particularly troubling because state administrators—who are entrusted with managing government affairs for the benefit of the people—are bound by laws and regulations that clearly define their duties and responsibilities. It is therefore deeply contradictory, and indeed alarming, when state officials violate these very principles by engaging in corruption within a legal state framework.

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potensi dan sistem pengendalian fraud." *Integritas: Jurnal Antikorupsi* 2, no. 1 (2016): 113-133.

4 *See* Isra, Saldi, Feri Amsari, and Hilaire Tegnan. "Obstruction of justice in the effort to eradicate corruption in Indonesia." *International Journal of Law, Crime and Justice* 51 (2017): 72-83; Zaid, M., et al. "Reformulation of Justice Collaborator Protection Regulations in Corruption Cases: The Urgency for Legal Reform in Indonesia." *Indonesian Journal of Crime and Criminal Justice* 1, no. 3 (2025): 358-407.

5 *See* Yogi Prabowo, Hendi. "To be corrupt or not to be corrupt: Understanding the behavioral side of corruption in Indonesia." *Journal of Money Laundering Control* 17, no. 3 (2014): 306-326. *See also* Muñoz, Francisco, and Miguel Ángel Ramos. "Substantive Justice in the Case of Corruption in Brazil: The Lava Jato Process and its Legal and Social Implications [La Justicia Sustantiva en el Caso de la Corrupción en Brasil: El Proceso Lava Jato y sus Implicaciones Jurídicas y Sociales]," *Crítica De La Justicia Sustantiva* 1, no. 1 (2025). Retrieved from https://publications.socipol.org/index.php/cjs/article/view/5; Gunawan, Tri Agus, and Sholihatul Hakim. "Measuring the Factor of the Criminal Action of Corruption (Case Study of Criminal Acts of Corruption in the Environment of Legislative Authority)". *Indonesian Journal of Criminal Law Studies* 4, no. 1 (2019): 41-50. https://doi.org/10.15294/ijcls.v4i1.36292

According to the Indonesian constitution, the supremacy of law means that the actions of those in power must not only be based on law, but the rulers are also required to realize the legal function in a state of law. Therefore, as state administrators, corrupt behavior must be avoided.[6] This is important, because state administrators have an important role in realizing the ideals of the nation's struggle. This is expressly stated in the Explanation of the 1945 Constitution which states that what is very important in government and in national life is the soul of state administrators and government leaders.[7] Therefore, the issue of state officials involved in corrupt practices should be a serious concern for the leaders of this country. Moreover, corruption has become an extraordinary crime.

Corruption is indeed an extraordinary and well-organized crime.[8] The phenomenon of corruption as an extraordinary crime with perpetrators of corruption who cross professions, sophisticated and organized modus operandi of course becomes a big challenge in exposing and enforcing the law on corruption, because it is not uncommon for the perpetrators who are caught to be those who are not the main perpetrators but only the second layer or even the implementers and even just intermediaries.[9] This means that it is not uncommon for perpetrators of corruption who are caught and proven to be involved in corruption cases to only act as accomplices, while there are still parties above them who are more responsible with quite significant roles.

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[6] Burhanudin, Burhanudin. "Corruption as a Corporate Crime." *Jurnal Cita Hukum* 1, no. 1 (2013): 75-84. For further example, *see case* Indraswara, Dede, Ali Masyhar Mursyid, and Cahya Wulandari. "Corporate Criminal Liability of Corruption Criminal Actions PT. Sinarmas Asset Management: Study of Supreme Court Ruling Number 1228 K/Pid. Sus/2023." *The Digest: Journal of Jurisprudence and Legisprudence* 5, no. 2 (2024): 137-184; Prakasa, Satria Unggul Wicaksana. "Forestry Sector Corruption and Oligarchy: Lesson Learn from the Laman Kinipan Indigenous People, Central Kalimantan." *Unnes Law Journal* 8, no. 1 (2022): 87-104.

[7] Sumarno, Sumarno. "Urgensi UU Etika Penyelenggara Negara." *KAIS Kajian Ilmu Sosial* 1, no. 1 (2020): 1-15.

[8] Faharuddin, Rizal, and Jefferson Hakim. "Restorative Justice for Corruption Cases the Settlement of Corruption Cases: Is It Possible?." *Yuridika* 38, no. 1 (2023): 73-94; Hertanto, Rizki Dharma, Ahmad Aldi Wijaya, and Hanim Noor. "Legal Protection for Whistleblowers: A Review of Court Practices and Regulatory Gaps". *Indonesian Court and Justice Review* 1, no. 2 (2024).

[9] *See* Bahar, Muhamad Ghifari Fardhana, Sendy Pratama Firdaus, and Hanny Hilmia Fairuza. "Paradigm of Recodification of Corruption in Criminal Code Against its Designation as Extraordinary Crime." *Arena Hukum* 17, no. 3 (2024): 694-713; Yunus, Nur Rohim, et al. "Corruption as an extra-ordinary crime: Elements and eradication efforts in Indonesia." *Journal of Creativity Student* 6, no. 2 (2021): 131-150.

Furthermore, criminal acts of corruption that have occurred in Indonesia have been handled using a criminal law approach that is repressive and oriented towards prosecution.[10] In criminal law there are two (2) objectives of punishment, namely special prevention and general prevention. Special Prevention is the objective of the law to provide a direct impact on perpetrators of criminal acts. While General Prevention is an impact that also applies to perpetrators and people who do not commit criminal acts (prevention).[11] Symptoms of corruption from a normative legal perspective began to be classified as a criminal act since the enactment of the Regulation of the Central War Rulers of the Chief of Staff of the Army dated April 16, 1958 No. Prt / Peperpu / 013/1958, then Law No. 24 / Prp / 1960 concerning Investigation, Prosecution, and Examination of Corruption Crimes, then continued with the regime of Law Number 3 of 1971 which came into effect on May 29, 1971. Then continued with the regime of Law Number. 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001.[12]

Various efforts have been made to eradicate corruption, but it is realized that efforts to eradicate corruption are not as easy as turning the palm of your hand. In fact, Indonesia has regulations regarding the eradication of corruption as stipulated in Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption (State Gazette of the Republic of Indonesia 2001 Number 134, Supplement to the State Gazette of the Republic of Indonesia Number 134). Number 4150), hereinafter referred to as the PTPK Law. However, the problem of corruption is still widespread. This regulation poses the most severe threat to perpetrators of corruption, up to the threat of the death penalty. In fact, Indonesia also has institutions or agencies tasked with handling and eradicating corruption, such as the Corruption Eradication Commission. As a result, corruption continues

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[10] Wibowo, Richo Andi. "Mencegah Korupsi Pengadaan Barang Jasa (Apa yang sudah dan yang masih harus dilakukan?)." *Integritas: Jurnal Antikorupsi* 1, no. 1 (2015): 37-60.

[11] Sudarti, Elly, and L. Sahuri. "The Sanction Formulation in Corruption Crime Due to Indonesian Criminal Law System to Realize the Punishment Goals." *Ganesha Law Review* 1, no. 2 (2019): 55-64; Ali, Mahrus, Andi Muliyono, and Syarif Nurhidayat. "The application of a human rights approach toward crimes of corruption: analyzing anti-corruption regulations and judicial decisions." *Laws* 12, no. 4 (2023): 68.

[12] Nixson, Nixson, et al. "Perlindungan Hukum Terhadap Whistleblower dan Justice Collaborator dalam Upaya Pemberantasan Tindak Pidana Korupsi." *USU Law Journal* 1, no. 2 (2013): 40-56; Al Hariz, Austin, Hibnu Nugroho, and Ridwan Ridwan. "Reconstruction of Legal Protection for Civil Servants as Whistleblowers in Eradicating Corruption Crimes in Indonesia." *Journal of Law and Legal Reform* 5, no. 3 (2024): 1185-1226.

to thrive and develop in various sectors of life. The perpetrators are sometimes difficult to identify.

To resolve and reveal the perpetrators of corruption, especially the main perpetrators or intellectual actors, other methods are needed by showing the role of the related parties. So the eradication of corruption cannot only rely on law enforcement officers, but there needs to be community participation which in this case is called Justice Collaborator and Whistleblower. This term has recently become Justice Collaborator and Whistleblower as an approach to the process of eradicating corruption.

The terms Justice Collaborator and Whistleblower are increasingly well-known in Indonesia, especially since the cases of Agus Condro, Nazarudin, and Police Commissioner General Susno Duadji emerged. A Whistleblower is someone who reports acts that indicate corruption that occur in the organization where they work and has access to adequate information regarding indications of corruption. A whistleblower is also called a whistle blower, bell beater, or whistleblower.[13] A justice collaborator is someone who works together as a witness to a criminal act with the person concerned being one of the perpetrators of a particular crime, admitting to the crime he has committed, not being the main perpetrator in the crime, and providing information as a witness in the criminal process.[14]

If we look closely at the use of Justice Collaborators in the field of criminal justice, it is one form of extraordinary effort that can be used to eradicate criminal acts that are classified as extraordinary crimes (extra ordinary crimes) involving the perpetrators of the crime themselves who are willing to cooperate with law enforcement officers. The role of Justice Collaborators is very important because they are people who are directly involved in the crime or can be said to be minor actors in the criminal network where their existence is to reveal the masterminds of the perpetrators of the biggest crimes so that the crime can be resolved and not stop at the perpetrators whose roles are minimal. in criminal acts that are classified as extraordinary crimes.[15]

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13 Pratama, Bagus Diyan, and Budiarsih Budiarsih. "Analisis Kebijakan Kedudukan Justice Collaborator dan Whistleblower dalam Tindak Pidana Korupsi." *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 1 (2023): 313-327.

14 Mulyadi, Lilik. "Perlindungan Hukum Whistleblower dan Justice Collaborator dalam Upaya Penanggulangan Organized Crime di Indonesia Masa Mendatang." *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 1, no. 3 (2014): 578-597.

15 Achmad, Farhan Fauzie, and Taun Taun. "Peran Justice Collaborator dalam Pengungkapan Kasus Pidana di Indonesia." *Jurnal Pendidikan dan Konseling* 4, no. 5 (2022): 7950-7958. For various cases of justice collaborator, *please also see* Anam, Muhammad Faiq Zuhrul, and Shofriya Qonitatin Abidah. "Role of Justice Collaborators

In its development, justice collaborators need serious attention because they have a key role in uncovering corruption that is difficult for law enforcement to uncover. The main role of Justice Collaborators is to uncover criminal acts or the possibility of criminal acts so that assets resulting from criminal acts can be returned to the state, provide information to law enforcement officers, and provide testimony in the judicial process.

Regulations regarding Whistleblowers in Indonesia can be found in Government Regulation Number 43 of 2018 concerning Procedures for Implementing Community Participation and Awarding in the Prevention and Eradication of Criminal Acts of Corruption, which states that the definition of a Whistleblower is a person who provides information to law enforcement or a commission regarding the occurrence of a criminal act of corruption and is not the reporter.[16] In order to uncover the occurrence of criminal acts of corruption, it is absolutely necessary to protect the existence of Justice Collaborators.

Legal protection for Justice Collaborators can provide a sense of security when providing testimony to law enforcement.[17] The Corruption Eradication Commission is obliged to provide protection to reporters and witnesses who help uncover corruption cases. In fact, there is currently a witness and victim protection agency, which is regulated in Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims (State Gazette of the Republic of Indonesia 2014 Number 293, Supplement to the State Gazette of the Republic of Indonesia Number 293). Law Number 5602), hereinafter referred to as the Law on Protection of

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in Uncovering Terrorist Networks: Effectiveness Analysis in Indonesia's Criminal Justice System." *Indonesian Journal of Counter Terrorism and National Security* 4, no. 1 (2025): 125-160; Pujiani, Resty Shelya. "Cooperating on Law Enforcement: A Book Review "Perlindungan Hukum Justice Collaborator dalam Sistem Peradilan Pidana di Indonesia: Studi Perkara Tindak Pidana Narkotika", Dr. Rahman Amin, SH, MH, Yogyakarta, Deepublish, 306 Pages, ISBN: 9786230216886." *Lex Scientia Law Review* 6, no. 1 (2022): 219-221; Jhody, Puguh Setyawan Setyawan. "The Discourse of Granting the Rights of Prisoners in Indonesia: The Legal Political Issue and Future Challenges." *Journal of Law and Legal Reform* 3, no. 3 (2022): 267-294.

16 *See* Republic of Indonesia. *Peraturan Pemerintah (PP) Nomor 43 Tahun 2018 tentang Tata Cara Pelaksanaan Peran Serta Masyarakat dan Pemberian Penghargaan dalam Pencegahan dan Pemberantasan Tindak Pidana Korupsi [Government Regulation Number 43 of 2018 concerning Procedures for Implementing Community Participation and Awarding in the Prevention and Eradication of Criminal Acts of Corruption].* Available online at https://peraturan.bpk.go.id/Details/94821/pp-no-43-tahun-2018

17 Nugroho, Khrisna Lintang Satrio. "Criminal Law Policy of Justice Collaborator in Corruption Crime Case." *Law Reform* 17, no. 1 (2021): 24-35; Azzahra, Ardiva Naufaliz. "Perlindungan Hukum Bagi Justice Collaborator dalam Tindak Pidana Korupsi Menurut UU Perlindungan Saksi dan Korban." *Verstek* 10, no. 1 (2022): 1-9.

Witnesses and Victims, but until now there has been no legal protection.[18] Various laws and regulations governing witness protection are considered inadequate, so it is necessary to create a law that specifically regulates the protection of witnesses and victims.[19]

Basically, justice collaborators cannot simply escape from all legal charges if they are proven guilty by law. However, a justice collaborator can have his sentence reduced by the judge because of his testimony before law enforcement.[20] In fact, a witness who is also a suspect in the same case cannot be released from criminal charges if he is proven guilty legally and convincingly, but his statement can be used as a consideration by the judge in reducing the sentence to be imposed. There are several cases that show that legal protection for key witnesses who voluntarily help law enforcement officers uncover corruption crimes is still very weak. This damages public trust and weakens the government's efforts to encourage citizen participation in fighting corruption. The weak legal protection for whistleblowers and key witnesses can also be a negative reflection of the seriousness of the Indonesian government in fulfilling its commitments in the United Nations Convention Against Corruption (UNCAC).[21]

Based on the discussion above, this paper examines the protection of justice collaborators and whistleblowers, as well as the urgency of introducing new legal provisions to strengthen their roles. It explores the various forms of corruption committed by state administrators in the procurement of goods and services and highlights the need to unify perceptions and harmonize existing regulations among law enforcement authorities regarding witness protection. Such harmonization is crucial to ensuring clarity and legal certainty in safeguarding justice collaborators and whistleblowers within the criminal justice system, particularly in corruption cases.

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[18] Ariyanti, Dwi Oktafia, and Nita Ariyani. "Model Pelindungan Hukum Terhadap Justice Collaborator Tindak Pidana Korupsi di Indonesia." *Jurnal Hukum Ius Quia Iustum* 27, no. 2 (2020): 328-344.

[19] Hikmawati, Puteri. "Upaya Perlindungan Whistleblower dan Justice Collaborator dalam Tindak Pidana Korupsi." *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 4, no. 1 (2016): 87-104; Rasdi, Rasdi, et al. "When students fight corruption: A portrait of anti-corruption education for elementary school students." *The Indonesian Journal of International Clinical Legal Education* 3, no. 1 (2021): 111-124.

[20] Dena Aji et al., "Analysis of Justice Collaborator as a Factor Mitigating Richard Eliezer's Criminal Sanctions", Journal of Early Childhood Education 1, No. 2 (2023): 108.

[21] Armeta, Zhelin, Nashriana Nashriana, and Suci Flambonita, "Penerapan Justice Collaborator dalam Penyelesaian Tindak Pidana Korupsi Oleh Komisi Pemberantasan Korupsi", *Thesis*. Palembang: Universitas Sriwijaya, 2021.

This study employs legal research methods, using a statutory approach to analyze laws and regulations relevant to the issues raised. The research process aims to identify legal principles, rules, or doctrines that may provide solutions to the legal challenges under examination. Accordingly, the data used consist of secondary sources gathered through literature reviews, encompassing both primary and secondary legal materials.[22] These materials are subsequently analyzed to formulate answers to the research questions and to support the development of stronger legal protections for justice collaborators and whistleblowers.

Protection against Justice Collaborator, Whistleblower and the Urgency of New Provisions

From the provisions of Article 10 of Law Number 13 of 2006 concerning Protection of Witnesses and Victims, it can be explained regarding protection as a Whistleblower and Justice Collaborator which states that a Whistleblower cannot be prosecuted either criminally or civilly for reports, testimonies that will, are, or have provided incorrect information. which has been given. Meanwhile, a legal collaborator or witness of the perpetrator in the same case cannot be released from criminal charges if he is proven guilty legally and convincingly. However, his testimony can be used as a consideration by the judge in reducing the sentence.

The appointment of a Justice Collaborator is an effort by investigators to uncover a network of corruption crimes, with the aim that the disclosure of corruption crimes involving many parties can be uncovered and resolved completely, so that no one is protected and enjoys the consequences of the corruption they have committed. In order to uncover cases of organized corruption, the state should appreciate and value the services of a Justice Collaborator by providing reduced prison sentences and separation from other convicts in similar cases..[23] All efforts to uncover every corruption case in

[22] Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2005.

[23] Gultom, Pardomuan. "Analisis Sosiologi Hukum Terhadap Kemungkinan dapat Diterapkannya Restorative Justice dalam Perkara Tindak Pidana Korupsi di Indonesia (Sociological Analysis of Law on the Possibility of Implementing Restorative Justice in Corruption Crime Cases in Indonesia)." *Jurnal Hukum dan Kemasyarakatan Al-Hikmah* 3, no. 1 (2022): 154-178.

Indonesia must involve the role of Justice Collaborators whose security and contribution deserve more attention.[24]

Currently, regulations regarding justice collaborators and whistleblowers have been regulated in Law Number 13 of 2006, however, along with the development of the times and in its implementation, there are still shortcomings in the regulations regarding witness protection. The Supreme Court provides direction through SEMA (Supreme Court Circular) Number 4 of 2011 and Joint Regulation of the Minister of Law and Human Rights of the Republic of Indonesia, Attorney General of the Republic of Indonesia, Chief of the National Police of the Republic of Indonesia, Corruption Eradication Commission of the Republic of Indonesia, Chairman of the Witness and Victim Protection Agency of the Republic of Indonesia concerning Protection of Witnesses and Victims. Reporters, Reporting Witnesses and Cooperating Perpetrator Witnesses. However, the regulation still has shortcomings, namely the nature of the regulation itself which is only a circular that is interpreted to be obeyed or not obeyed, depending on the subjectivity of the law enforcer itself. This will certainly obscure the meaning of existing legal certainty. Because the existence of Justice Collaborators and Whistleblowers is very necessary so that corruption cases that occur can quickly reveal the state losses caused by them.

The losses due to uncovered corruption cases may be no less significant. One of the causes is the lack of evidence from witness statements. The success of resolving a crime is highly dependent on the testimony of witnesses who are successfully uncovered. In the process of resolving corruption crimes, especially those involving witnesses, many have stopped in the middle of the road, which is caused by the absence of witnesses who can support law enforcement duties. Witnesses are reluctant to provide true information because they can receive threats or intimidation from perpetrators of the crime.

In a situation like this, of course law enforcement officers, both the police, prosecutors, and even the Corruption Eradication Commission, experience obstacles in uncovering the perpetrators who play a major role in corruption cases, either because of the large authority held by the alleged main perpetrators, or because of the lack of evidence and information. information that can reveal who the main perpetrators are due to the lack of participation or activeness of the perpetrators who are caught to reveal information and data to support the development of the investigation in question. Therefore, in practice, many law enforcers in the field of organized crime often carry out strategies and approaches through the determination of witnesses (*Justice Collaborators*) who

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[24] Halawa, Notarius, et al. "Peran Lembaga Perlindungan Saksi dan Korban (LPSK) dalam Sistem Peradilan Pidana di Indonesia." *Jurnal Retentum* 6, no. 1 (2024): 127-136.

work together with law enforcers, such as those that occur in narcotics crimes, transnational crimes, money laundering crimes, terrorism and corruption crimes are no exception.[25] In addition to implementing the strategy of determining Justice Collaborators, another thing that is also needed to increase the role and participation of the community in uncovering corruption cases is through community involvement in reporting any corrupt practices they know about. In an effort to realize this, a protection policy is needed for Justice Collaborators and Whistleblowers or reporters of corruption cases through the reports they submit.

Legally, the provisions regarding Justice Collaborators and Wishblowers have been regulated in the provisions of the Law on Witness and Victim Protection, the United Nations Convention Against Corruption (UNCAC), the PTPK Law, the Corruption Eradication Commission Law, the Law on the Prevention and Eradication of Money Laundering Crimes, Joint Regulation of the Minister of Law and Human Rights of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Chief of the Indonesian National Police, the Corruption Eradication Commission of the Republic of Indonesia, the Chairperson of the Witness and Victim Protection Agency of the Republic of Indonesia Number: M.HH-11.HM..03.02.th. Number: PER045/A/JA/12/2011, Number: 1 of 2011, Number: KEPB-02/01-55/12/2011 Number: 4 of 2011 concerning Protection for Reporters, Reporting Witnesses and Cooperating Perpetrator Witnesses, and Circular Letter of the Minister of State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia Number: 08/M.PAN-RB/06/12 dated 29 June 2012 concerning the Complaint Handling System (Whistleblower System) for Corruption Crimes in Ministries/Institutions and Regional Governments.[26]

The policy of handling and providing special treatment to Justice Collaborators and Whistleblowers has been in effect since 2003 until now, but there are still various problems that hinder maximum efforts to handle the disclosure of organized crimes, especially corruption cases. The existence of Justice Collaborators and Whistleblowers is very strategic in revealing organized crimes, not infrequently causing several countries to give awards to those who are willing to cooperate with law enforcement officers. One aspect of this award

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[25] Mulyadi, Lilik. "Menggagas Konsep dan Model Ideal Perlindungan Hukum Terhadap Whistleblower dan Justice Collaborator dalam Upaya Penanggulangan Organized Crime di Indonesia Masa Mendatang." *Jurnal Hukum dan Peradilan* 3, no. 2 (2014): 101-116.

[26] Lubis, Muhammad Iqbal, et al. "Pelindungan Hukum Terhadap Justice Collaborator Dalam Hukum Pidana di Indonesia: Analisis Putusan Mahkamah Agung No. 2223K/Pid. Sus/2012." *USU Law Journal* 7, no. 3 (2019): 57-64.

is to provide leniency for Justice Collaborators and Violation Reporters. In Indonesia, legally, there is room for giving awards to a Justice Collaborator and Whistleblower who cooperates with law enforcement officers in revealing the intellectual brain or the main key to organized crime, namely corruption. However, in its implementation, it often results in complicated or reversed conditions.

One of them is the case of Vincentius Amin Susanto, former Financial Supervisor of Asian Agri Group, who reported alleged tax evasion at his workplace. Vincent's case is the most interesting case because it involves an insider from the party suspected of committing the crime. Vincent was previously named a suspect in a case of theft of Rp28 billion belonging to PT Asian Agri Oil and Fats Ltd in Singapore, a subsidiary of Asian Agri Group. While he was a suspect and fugitive, Vincent fled to Singapore and planned to commit suicide until he finally surrendered to the Singapore police because he felt his safety was threatened in Indonesia. Furthermore, Vincent surrendered himself and reported the alleged tax evasion of Asian Agri which allegedly cost the state at least Rp1.3 trillion. Vincent's sentence for stealing his company's money went smoothly. Vincent was charged with cumulative criminal charges of money laundering and document falsification. The decision of the West Jakarta District Court which found Vincent guilty and sentenced him to 11 (eleven) years in prison, was upheld by the Jakarta High Court. The attack on Vincent did not only occur in one case. Polda Metro Jaya investigators intend to charge Vincent with a non-criminal case of passport forgery which he committed around October 2006 in Singkawang, West Kalimantan..[27]

Another thing is also reflected in the existence of a court decision that does not differentiate between other perpetrators or main perpetrators and justice collaborator witnesses in imposing criminal sanctions as reflected in the case of Damayanti Wisnu Putranti with Irman Gusman and Sugiharto, where Damayanti was sentenced to 4 (four) years and six months. lighter than the prosecutor's demand, which was 6 (six) years in prison and a fine of Rp. 500 million, while Irman Gusman and Sugiharto were each sentenced to 7 (seven) years and 5 (five) years in prison according to the prosecutor's demand, meaning that the judge's decision strengthened the demands of the public prosecutor, even though both had the status of justice collaborators..[28]

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[27] Pratama, and Budiarsih. "Analisis Kebijakan Kedudukan Justice Collaborator dan Whistleblower dalam Tindak Pidana Korupsi."

[28] Puluhulawa, Mohamad Danial, Fenty U. Puluhulawa, and Dian Ekawaty Ismail. "Anotasi Perlindungan Hukum Wistleblower dan Justice Collaborator dalam Upaya Pemberantasan Tindak Pidana Korupsi." *Al Ahkam* 16, no. 2 (2020): 56-74. For further discussion, *see also* Suratno, Suratno. "Perlindungan Hukum Saksi dan Korban Sebagai

Another thing is the case of defendant Abdul Khoir in the bribery case of the PUPR Ministry infrastructure project in Maluku. The Corruption Eradication Commission Public Prosecutor initially demanded that the defendant be sentenced to 2 years and 6 months in prison, but the panel of judges instead sentenced him to a sentence that exceeded the prosecutor's demands, namely a prison sentence of 4 years. Investigators have named defendant Abdul Khoir as a justice collaborator and the public prosecutor in his lawsuit also requested that the determination of the justice collaborator be considered by the panel of judges as a mitigating factor for the defendant's sentence..[29]

Lastly, there is the case of Roni Wijaya. The key witness who played an important role in uncovering the corruption scandal case was also criminalized. The criminalization of Roni Wijaya occurred even though Roni Wijaya had received legal protection status from the Corruption Eradication Commission. However, investigators at the Directorate of Law Enforcement, the Directorate General of Taxes, the Ministry of Finance, and the Attorney General's Office of the Republic of Indonesia ignored this problem. The case against Roni Wijaya is an irony and a bad precedent for Key Witnesses and reporters. The guilty verdict was handed down to Roni Wijaya even though the Corruption Eradication Commission (KPK) had previously succeeded in proving the existence of corruption in the Hambalang project carried out by Mahfud Suroso, who clearly revealed all the flow of money from his corruption. This success cannot be separated from the role of Roni Wijaya who gave testimony. However, legal protection for Roni Wijaya as a witness as regulated in Article 10 paragraph (1) of Law Number 13 of 2006 concerning Protection of Witnesses and Victims (as last amended by Law Number 31 of 2014) [hereinafter referred to as the "PSK Law"], does not work at all.[30]

Several judges' decisions in trying Justice Collaborator and Whistleblower cases are guided by the Supreme Court Circular Letter Number 04 of 2011 concerning the Treatment of Criminal Whistleblowers and Justice Collaborators in Certain Criminal Cases, hereinafter referred to as SEMA Number 04 of 2011. 2011. In SEMA No. 04 of 2011, it is explained that a person can be categorized as a justice collaborator if he is not the main

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Whistleblower dan Justice Collaborators Pada Pengungkapan Kasus Korupsi Berbasis Nilai Keadilan." *Jurnal Pembaharuan Hukum* 4, no. 1 (2017): 130-139.

[29] Ariyanti, and Ariyani. "Model Pelindungan Hukum Terhadap Justice Collaborator Tindak Pidana Korupsi di Indonesia."

[30] *See* Rahmat, Doni, Lukman Hakim, and Muhammad Zulfikar Putra Prawiranegara. "A Model of Legal Protection for Justice Collaborators and Whistleblowers in Corruption Crimes." *Jurnal Supremasi* 14, no. 2 (2024): 52-68.

perpetrator, but in the case above, the judge considers him to be the main perpetrator in the crime he committed. Of course, there are various understandings in the context of the case, between investigators, public prosecutors, and judges in determining whether a person can be categorized as a justice collaborator or not.

However, in this case it is not yet certain from the defendants whether they are united or united in the intention to commit the crime. On the contrary, what needs to be considered is whether the gift is a gift/gratification, bribery, or abuse of authority? Or does it not violate the law because the gift is for political activities or support for party activities, then it must be seen whether the action is based on a justifiable intention or not (*ongeoordloffd inginlluir*).

Of the many problems related to handling Justice Collaborators and Whistleblowers, the urgency is quite high, it is better if the regulation regarding Justice Collaborators and Whistleblowers is regulated in separate legal provisions so that there is legal certainty in the context of protection for them. The regulation can also be regulated in the Criminal Procedure Code (KUHAP). Given that the Criminal Procedure Code is part of the formal criminal law instrument that determines various procedures for examining cases in the criminal justice system in Indonesia. The need for regulation and legal protection for Justice Collaborators and Whistleblowers is included in the revision of the Criminal Procedure Code because there are already many institutions that have the authority to receive and handle reports from Justice Collaborators and Whistleblowers. It is necessary to emphasize the authority, function and duties of each institution in the procedures for handling and providing protection to Justice Collaborators and Whistleblowers through the revision of the Criminal Procedure Code.

These two roles are crucial, where information from inside or outside is often the key to dismantling a criminal network involving many parties, including those with power and influence. Therefore, more specific arrangements are needed to guarantee legal protection for Justice Collaborator and Whistleblower. Without strong legal protections, Justice Collaborators and Whistleblowers face enormous risks. Although they are perpetrators of crimes, they are often in a more vulnerable position because they open themselves up to threats from former criminal associates.[31]

Moreover, with the existence of a system of submitting a protection application first to LPSK, followed by an assessment process that takes time and energy from justice collaborators and whistleblowers. So that such

[31] *See* Zaid, et al. "Reformulation of Justice Collaborator Protection Regulations in Corruption Cases: The Urgency for Legal Reform in Indonesia."

bureaucratization makes it difficult for those who have limited access, for example, from remote areas. So, of course this will make protection services for them less effective and efficient.[32]Therefore, justice collaborators and whistleblowers get effective and efficient protection, a reporting and assessment system that uses IT or digitalization is needed. Although in fact in reporting already using technology, for example in the KPK there is an application called Whistleblower's System (KWS), telephone, fax or SMS. However, this is still considered insufficient to provide protection for *justice collaborator* and whistleblower. Because the reporting mechanism must be able to use a secure and guaranteed communication tool that can maintain the confidentiality of the reporter's identity and the information provided by the reporter. In addition, the assessment system for candidates *justice collaborator* and whistleblower ralso necessary through virtual intersection, making it easier for people with limited access and can convince justice collaborators and whistleblowers that their reports regarding alleged criminal acts are truly followed up and kept confidential.[33]

If these provisions are stated in the revised Criminal Procedure Code, then they can become a solid guideline and basis for law enforcement officers in providing protection to justice collaborators, considering that the Criminal Procedure Code is a formal guideline that is binding and absolutely necessary for law enforcement officers. A person in his lawsuit can be classified as a Justice Collaborator or not, as long as the person concerned adheres to the Circular of the Supreme Court of the Republic of Indonesia Number 4 of 2011 concerning the Treatment of Reporters and Criminal Witnesses Who Cooperate (Justice Collaborators) in Certain Criminal Cases. SEMA is an internal regulation that can be used by judges if the provisions regarding the case to be decided are not yet regulated in laws and regulations.[34]

The implementation of SEMA is basically limited to judicial institutions only, therefore other law enforcement is still not in the legislation that regulates in detail regarding protection for Justice Collaborators and Whistleblowers. In

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[32] *See* Mulyadi, "Menggagas Konsep dan Model Ideal Perlindungan Hukum Terhadap Whistleblower dan Justice Collaborator dalam Upaya Penanggulangan Organized Crime di Indonesia Masa Mendatang."

[33] Harahap, Athika Salsabilla, and Mahrus Ali. "Pembaharuan Hukum Pidana tentang Perlindungan Hukum bagi Whistleblower dan Justice Collaborator". *Proceedings,* Seminar Nasional Hukum Perdata Industry Financial Technology Peer to Peer Lending di Indonesia: Kini dan Nanti, June 2021, Universitas Islam Indonesia, pp. 103-120. Available online at https://dspace.uii.ac.id/handle/123456789/35490

[34] Yunus, Ahmad. "Penetapan Pelaku Tindak Pidana Korupsi Sebagai Justice Collaborator." *Simbur Cahaya* 24, no. 2 (2017): 4756-4771.

fact, a common perception between law enforcement officers to avoid overlapping is important, so that protection for Justice Collaborators and Whistleblowers is realized optimally. In relation to other law enforcers, a Joint Regulation has been agreed upon between the Minister of Law and Human Rights, the Attorney General, the Chief of Police, the Corruption Eradication Commission, and the Head of LPSK Number: M.HH11.HM.03.02. th. Number: PER-045/A/JA/12/2011, Number: 1 Year 2011, Number: KEPB02/01-55/12/2011, Number 4 Year 2011 concerning Protection for Reporters, Reporting Witnesses and Cooperating Perpetrator Witnesses, was formed to regulate a common perception.[35] There are 4 (four) main things that are regulated, namely physical and psychological protection, legal protection, special handling, receiving awards and all of these rights can be obtained if they get approval from law enforcement. In addition, the placement of protection for Justice Collaborators and Whistleblowers in the revised Criminal Procedure Code is an implementation of one of the objectives of formal criminal law, namely protecting the human rights and freedoms of people and citizens..

From the description above, it is very important that in the future the protection of Justice Collaborators and Whistleblowers is emphasized in the new legal provisions. This means that if this is not regulated in the Criminal Procedure Code, then it is regulated in the provisions of the laws and regulations themselves, so that legal certainty will be achieved for the protection of Justice Collaborators and Whistleblowers..

Such protection is needed because it is not impossible that the reporter or the person who reveals the alleged criminal practice is faced with a dangerous situation for themselves or their family, and can also endanger their position if the reporter is a subordinate in a job and so on. From these problems, it can certainly be said that there is no legal certainty regarding the realm of institutional authority to provide protection for Justice Collaborators and Whistleblowers. The existence of respective authorities between the Prosecutor's Office, Police, KPK, Ombudsman, PPATK, and LPSK has the potential to cause a conflict of authority between state institutions. Based on all the descriptions above, the Author focuses his study on Justice Collaborators and Whistleblowers in Criminal Acts of Corruption of Goods and Services.

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[35] *See* Republic of Indonesia. Peraturan Bersama Menteri Hukum Dan Hak Asasi Manusia, Jaksa Agung, Kapolri, KPK, Ketua LPSK Nomor M.HH-11.HM.03.02, PER-045/A/JA/12/2011, 1, KEP-B-02/01-55/12/2011, 4 Tahun 2011 [*Joint Regulation between the Minister of Law and Human Rights, Attorney General, Chief of Police, KPK and Head of LPSK Number: M.HH11.HM.03.02. th. 2011 Number: PER-045/A/JA/12/2011, Number: 1 Year 2011, Number: KEPB02/01-55/12/2011, Number 4 Year 2011*]. Available online at https://www.lpsk.go.id/peraturan/clrfrmld7000d1448ntjzrpf7

In addition, based on Article 5 paragraph 1 of the Witness and Victim Protection Law which regulates the rights of Justice Collaborators, it explains that Justice Collaborators have the right to receive physical and psychological protection in the form of protection for the security of their person, family, and property, and to be free from threats related to violence, sexual harassment, and/or torture. testimony that will be, is being, or has been given and participate in the process of selecting and determining the form of protection and security support.[36]

Criminal Acts of Corruption in Procurement of Goods and Services

As is known, corruption is one of the many crimes that are quite high in Indonesia. One of the fertile grounds for criminal acts is corruption in the procurement of goods and services sector. Corruption is the abuse of authority to obtain personal gain. The perpetrators of corruption are those who have power in various fields.[37] If there is a criminal act of corruption, especially concerning corruption of public resources, then its eradication must be carried out by all authorized parties. This should not be considered a simple matter. Because, it is contrary to applicable legal provisions. Therefore, those in power must pay attention to this, the suffering of the people must not be allowed to continue, especially in the economic sector. However, the practice of corruption in the procurement of goods must be ended, because the practice of corruption in this sector is very fertile and of course the application of fair sanctions for the perpetrators must be emphasized. (PBJ) is one of the sectors that contributes the most corruption cases in Indonesia. No less than 277 cases or 21 percent of corruption in the PBJ sector have been handled by the Corruption Eradication Commission (KPK) from 2004 to 2022.[38]

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[36] Azzahra, "Perlindungan Hukum Bagi Justice Collaborator dalam Tindak Pidana Korupsi Menurut UU Perlindungan Saksi dan Korban."

[37] Adhi, Surya, Ridwan Arifin, and Tajudeen Sani. "From Administrative Irregularities to Criminal Acts: Uncovering Corruption in State Procurement Systems." *PAMPAS: Journal of Criminal Law* 6, no. 2 (2025): 137-167.

[38] Akmal, Jamaludin. "Temuan KPK, 21 Persen Korupsi Didominasi Sektor Pengadaan Barang dan Jasa", *Republik Merdeka Online,* March 21, 2023. Retrieved from https://rmol.id/hukum/read/2023/03/21/567892/temuan-kpk-21-persen-korupsi-didominasi-sektor-pengadaan-barang-dan-jasa. *See also* Syamsuddin, Ahmad Rustan. "Pembuktian Penyalahgunaan Wewenang dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa." *Jambura Law Review* 2, no. 2 (2020): 161-181; Suardi, Imelda, et al. "Procurement Governance in Reducing Corruption in the Indonesian

Corruption is one dimension of this choice, and the type of corruption in local government is auction corruption. Here, the cost or price can be high for local government. Thus, officials can get bigger payments and price differences, because they have been marked in advance. Commissions from suppliers to "manage" competition in the procurement of goods and services, as well as bribes to officials who are authorized to regulate the procurement process, cause cost increases and changes in contract specifications.

Cost escalation and changes in contract specifications are categorized as criminal acts of corruption. In addition, procurement contracts for goods and services generally involve large sums of money and involve people inside and outside the government who have big names or influence. Suppliers have an interest in influencing the specifications of goods or services required by the local government, with the aim of showing their strengths while hiding their weaknesses, which can thus affect competition. Opportunities for this are obtained when local government information is exchanged before the specification of requirements is announced, especially if the specifications are highly technical and better understood by the local government.[39]

Another possibility is if a local government official who has important information provides that information to a supplier in exchange for a fee, thereby giving the supplier an advantage in competing with other suppliers who do not have the information. Another possibility is, very detailed specifications of goods or services: officials who provide goods and services, perhaps in exchange for bribes, eliminate suppliers who cannot meet the very detailed specifications of the goods or services requested, or cannot meet the requirements because the requirements themselves are extraordinarily detailed and complex..[40]

In this context, the government has made efforts to prevent corruption in the field of Procurement of Goods and Services, one of the efforts made bythe government is to issue Presidential Regulation Number 12 of 2021Regarding the Amendment to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services.The system stipulated in the Presidential Decree is in order to accelerate the implementation of state spending in order to accelerate the implementation of development by utilizing

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Public Sector: A Mixed Method Approach." *Cogent Business & Management* 11, no. 1 (2024): 2393744.

39 Rose-Ackerman, Susan, and Bonnie J. Palifka. *Corruption and Government: Causes, Consequences, and Reform*. Cambridge: Cambridge University Press, 2016. *See also* Fitriyaningrum, Julyatika, and Ridwan Arifin. "The Regulatory Model for Eradication Corruption in Infrastructure Funding." *Varia Justicia* 15, no. 1 (2019): 36-42.

40 Rosidi, A. *Korupsi dan Budaya*. Jakarta: Pustaka Jaya, 2006.

information technology as a step to accelerate public services to realize welfare for all elements of the nation.[41]

The utilization of information technology in question is the use of Electronic Procurement Services (LPSE), through the e-procurement system. LPSE allows the entire procurement process of goods and services to be carried out transparently and documented electronically, starting from the procurement announcement, auction process, to contract making. The services available in this system are e-tendering, whose technical operational provisions are regulated by the Regulation of the Head of the Government Goods and Services Procurement Policy Agency (LKPP) concerning E-Tendering Procedures. LKPP also provides e-catalog facilities, namely, an electronic information system that contains a list, type, technical specifications and prices of goods from various government goods and services providers, an audit process for purchasing goods and services through an electronic catalog (e-purchasing).[42] Therefore, LPSE has an important role in preventing corruption in the procurement of goods and services. LPSE is principally designed to increase transparency, accountability, and efficiency in the government procurement process. With this application, the procurement process from announcements, offers, evaluations, to contracts can be carried out openly and can be accessed by the public.[43]

The LPSE application plays a very important role in efforts to prevent corruption in the procurement of goods and services. By providing open access to the entire procurement process, LPSE allows the public to properly monitor

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[41] Amiruddin, Amiruddin. "Analisis Pola Pemberantasan Korupsi dalam Pengadaan Barang/Jasa Pemerintah." *Jurnal Kriminologi Indonesia* 8, no. 1 (2012); Beridiansyah, Beridiansyah. "Analisis Yuridis Terhadap Pengadaan Barang dan Jasa Guna Mencegah Tindak Pidana Korupsi." *Integritas: Jurnal Antikorupsi* 3, no. 2 (2017): 79-104.

[42] Nugroho, Edi. "Pemanfaatan Teknologi Informasi dalam Rangka Memberantas Tindak Pidana Korupsi Secara Elektronik." *Jurnal Dinamika Hukum* 14, no. 3 (2014): 539-546.

[43] Afif, Fahmi Ardian. "Kinerja Layanan Pengadaan Secara Elektronik (LPSE) Kota Surakarta dalam Pengadaan Barang dan Jasa Melalui Sistem E-Procurement." *Thesis.* Surakarta: Universitas Sebelas Maret, 2012. *See also* Wardhani, Irine Ika, Arifa Pratami, and Ikbar Pratama. "E-Procurement sebagai Upaya Pencegahan Fraud terhadap Pengadaan Barang dan Jasa di Unit Layanan Pengadaan Provinsi Sumatera Utara." *Jurnal Akuntansi dan Bisnis: Jurnal Program Studi Akuntansi* 7, no. 2 (2021): 126-139; Habibi, Muhammad Mujtaba, and Sri Untari. "Efektivitas Pelaksanaan E-Procurement dalam Pengadaan Barang dan Jasa." *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 3, no. 2 (2018): 159-168; Dhurotun Muniroh, Siti, and Ubaidillah Kamal. "The Indication of Unfair Business Competition Practice in the Implementation of Public Procurement Auction Using E-Tendering." *Journal of Private and Commercial Law* 2, no. 2 (2018): 78-93.

every stage, from the auction announcement to the appointment of the winner. This not only increases the accountability of government institutions, but also reduces the space for corrupt practices such as collusion and nepotism that often occur in traditional procurement environments. LPSE also not only regulates the procurement process transparently, but also ensures that every decision and transaction is well documented. Documents produced by LPSE, from auction announcements to evaluation results, have strong evidentiary value in the legal system. The existence of a complete and well-documented digital footprint makes it easier for law enforcement to investigate and follow up on alleged corrupt practices.[44]

However, the obstacle to the use of this LPSE application is the readiness of technological infrastructure. Currently, there is a significant disparity in the level of infrastructure readiness in various regions, which affects access and effective use of LPSE. Regions with limited technological infrastructure often experience challenges in accessing the LPSE platform consistently and can slow down the procurement process of goods and services that should be more efficient. The next obstacle is the limited human resources (HR) in understanding and using information technology which is one of the main obstacles in the implementation of LPSE, especially at the local level. Many local government employees do not yet have adequate skills and knowledge in using technology platforms such as LPSE, which results in the use of this system being less than optimal.[45]Then in the use of this application is data security, this is a crucial issue in the implementation of LPSE, where increasing security risks, including potential cyberattacks, can threaten the integrity and trust in this system. LPSE manages sensitive information, such as contract data, financial information, and personal data, which makes it vulnerable to attacks from irresponsible parties. These threats can include data theft, information manipulation, or disruption to the overall operation of the system.

In addition, in practice there are still meetings between service providers and service users, thus creating loopholes for corruption. This is due to the fact that access that allows direct interaction has not been fully closed, such as at the stage of signing a document contract. Ideally, in the e-tendering process, there is no need for a conventional company signature or stamp, either in submitting a price offer or signing a document contract. Signatures and other supporting

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[44] *See* Yasmirah, Yasmirah, et al. "Criminal Acts of Corruption Procurement of Goods and Services of Local Governments Through Electronic Procurement Services (LPSE)." *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences* 4, no. 3 (2021): 4678-4684.

[45] Yasmirah, et al.

documents must also be made electronically, in order to avoid meetings between service providers and service users.[46]

This is an effort to prevent corruption, this technology aims to protect the integrity of the procurement process of goods/services and prevent unwanted access and interference. Like the original signature used to validate physical documents, electronic/digital signatures ensure the authenticity and approval of documents by the signatory. Thus, the process of signing contracts and preparing contract documents in the stages of selecting goods/service providers or construction consultations can be done digitally. This will reduce direct interaction which is often one of the main causes of corruption.[47]

Based on these facts, procurement of goods and services is the most vulnerable area for corruption because it involves very large amounts of money. Local governments sometimes do not have the ability to determine their needs, especially in high-tech areas. It is common for suppliers, not local governments, to know more and be able to provide advice on goods and services needed by local governments in this case.[48] In general, local governments also do not have the ability to express their needs clearly. In both cases, the possibility of corruption is very open, in the sense that the auction winner has been determined before the auction process begins. The author argues that this type of transactional corruption is very damaging, because it results in losses to regional finances. Not to mention the loss of public trust in local government, as well as inequality in the distribution of power and wealth in the regions. If there are no maximum steps in dealing with corruption in the local government environment, especially in the procurement of goods and services, then the movement to clean up corruption that is being promoted by the central government will be difficult to implement in local governments.[49]

Even though various institutions and regulations have been created to eradicate corruption, as long as the oligarchy still survives, these regulations will be avoided or weakened. In fact, the oligarchy is able to consolidate and adapt to the new rules of the game. The oligarchy is able to adapt to good governance, democracy, and decentralization. Good governance as a policy prescription aimed at eradicating corruption is actually trapped in the technical

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[46] Novindrastuti, Ana, Suartini Suartini, and Yusup Hidayat. "Kajian Hukum Tentang E-Tendering dalam Pengadaan Barang dan Jasa Konstruksi." *Binamulia Hukum* 13, no. 2 (2024): 447-459.

[47] Novindrastuti, Suartini, and Hidayat.

[48] Puluhulawa, Puluhulawa, and Ismail. "Anotasi Perlindungan Hukum Wistleblower dan Justice Collaborator dalam Upaya Pemberantasan Tindak Pidana Korupsi."

[49] *See* Arifin, Taufiq, et al. "Local governance and corruption: Evidence from Indonesia." *Corporate Ownership and Control* 12, no. 4 (2015): 194-199.

arrangements of governance in various fields and ignores the contestation of power behind corrupt practices. Good governance and the prescription for eradicating corruption only focus on institutional reform to eradicate the profit-seeking practices that cause corruption. At the regional level, the oligarchy is an alliance of local elites. *First,* there are former elites who grew up during the New Order, who dominate local politics through money politics and political mobilization, as well as intimidation to win direct elections. Indeed, there are new players who enter, but these new players must also practice money politics, and when in power also imitate the practice of seeking profit to maintain power. *Second,* there are old bureaucrats who through direct elections actually transform from control over the bureaucracy to control over politics. Corruption of APBD funds in various forms, such as social assistance or projects for cronies, is part of this transformation strategy.[50] *Third,* there are local entrepreneurs who have been living off government projects or receiving protection and facilities from the government. If in the past local entrepreneurs were only cashiers for local elites, now with direct elections, especially direct regional head elections (*pilkada*), they have become the elite themselves, again by means of money politics to win the election of local "*thugs*" who get the most votes. strategic role, especially to support political mobilization strategies and the use of instruments of violence[51].

As long as the oligarchy persists, these rules will be circumvented or weakened. The most obvious example is the threat to disband or weaken the KPK. The KPK's success in imprisoning politicians or other state officials is actually a threat to the survival of the oligarchy. Therefore, the Corruption Eradication Commission (KPK) currently has to face various threats, ranging from criminalization of its leaders to efforts to weaken it through revisions to the KPK Law. [52]Foragainst corruption, a coalition with various social movements must be made. Thus, the eradication of corruption cannot be separated from the democratization movement against corrupt elites who control political institutions. The eradication of corruption was initially successfully enforced by international financial institutions when the oligarchy was in a weak condition after the 1997 economic crisis.

After the Indonesian economy began to improve and was free from financial dependence on international donor institutions, the eradication of corruption actually lost one of its main support bases. International donors do

50 Arifin, et al.

51 Armeta, Nashriana, and Flambonita, "Penerapan Justice Collaborator dalam Penyelesaian Tindak Pidana Korupsi Oleh Komisi Pemberantasan Korupsi".

52 Ariyanti, and Ariyani. "Model Pelindungan Hukum Terhadap Justice Collaborator Tindak Pidana Korupsi di Indonesia."

not have the same intervention power as before when Indonesia was still struggling to get out of the economic crisis. Likewise, bureaucratic reform initiatives at the regional level have not received much response. Of all the district, city, and provincial governments, the reformist regional governments can actually be counted on the fingers of one hand, even though since the era of Jokowi being elected as Mayor of Solo, regional governments have begun to emerge that have started to improve. In addition to Solo, Jakarta, Bandung, Surabaya, Banyuwangi, Trenggalek, Sragen, Jembrana, and Bantaeng are some of them). Unfortunately, several regional officials who previously received appreciation for the reforms they implemented are now caught in corruption cases.

Criminal acts of corruption in government procurement of goods/services can occur because: [53] There are various deviant acts that trigger the occurrence of corruption. The most common forms of deviation in the process of government procurement of goods and services that can lead to corruption are as follows: a) Bribery. Usually occurs before the tender is won by one of the bidders. This could be an illegal payment, such as a gift or "success fee". b) Combining work. c) Splitting work. What is meant by splitting the procurement of goods/services into several packages with the aim of avoiding auctions is the procurement of goods that essentially consist of 1 (one) package divided into several packages. d) Collusion between partners providing goods/services and procurement managers. e) Document forgery. f) Waste of Regional/State Finances. Partners providing goods/services and managers of procurement of goods/services are strictly prohibited from carrying out procurement of goods/services that can result in waste of Regional/State finances. g) Reducing the Quantity and/or Quality of Goods/Services. h) Wrongly determining the type of procurement contract for goods/services. Each type of contract has its own criteria. A certain type of contract (which is appropriate) for a certain procurement package. The wrong type of contract can result in a criminal act. i) Contracts without available budget. i) Contracts without available budget. j) Setting own estimated price (HPS) that is too high (expensive).

On that basis, there are quite a lot of steps that can be taken to eradicate systematic corruption in the procurement of goods and services. In order to succeed in eradicating corruption, regional government leaders must abandon

[53] Rahimah, Rahimah. "Analisis Tindak Pidana Korupsi dalam Pengadaan Barang dan Jasa oleh Pemerintah (Kasus Pengadaan Videotron; Putusan Pengadilan Negeri Jakarta Pusat Nomor: 36/PID.SUS/TPK/2014/PN.JKT.PST.)". *Reformasi Hukum* 22, no. 2 (2018): 271-294.

the attitude of "*going with the flow so as not to be isolated*" and use all available resources to eradicate corruption.

Conclusion

Regulations related to Justice Collaborators and Whistleblowers still cause problems. This is because the position of SEMA and Joint Regulations is below the law. SEMA and Joint Regulations must follow the provisions of the PTPK Law. Although there have been several regulations related to Justice Collaborators and Whistleblowers, in the Criminal Procedure Code there is not a single regulation that specifically, clearly and definitely regulates the protection of Justice Collaborators and Whistleblowers in the practice of the criminal justice system, especially in corruption cases. The urgency of legal protection for Justice Collaborators and Whistleblowers in corruption cases is an urgent need for Indonesian law, because a Justice Collaborator and Whistleblower run the risk of receiving threats because they have worked with law enforcement to uncover a corruption case. This is where protection becomes important for a Justice Collaborator and Fact Whistleblower. There needs to be a unification of perception and synchronization of regulations that apply to law enforcement officers in understanding the aspects of witness protection related to Legal Collaborators and Violation Reporters.

The most common forms of deviation in the government procurement process that can lead to criminal acts of corruption are: bribery, job consolidation, job splitting, collusion between partners providing goods/services and procurement implementers, document falsification, wasting money in the region/country, reducing the quantity and/or quality of coral/gauze, incorrectly determining the type of procurement contract for goods/services, contracts without an available budget, setting prices that are too high..

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"Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, and erodes the quality of life."

— Kofi Annan (Former UN Secretary-General)

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