



## Corruption prevention strategy through legal protection for Whistleblowers

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### Abstract

This study discusses the strategy of preventing corruption through legal protection for corruption reporters. This study uses a normative research method. This study shows the importance of strengthening regulations, including revising laws that protect corruption reporters and establishing strict sanctions for violators. In addition, extensive socialization is needed to increase public awareness of the rights of corruption reporters and the importance of reporting corruption. The development of safe and effective reporting channels is a priority to protect the identity of corruption reporters. Special institutions that handle corruption reports need to be trained to conduct investigations professionally. Regular monitoring and evaluation of the legal protection system is also important to ensure the relevance of the policy. Collaboration with civil society organizations can strengthen support for corruption reporters.

**Keywords:** Corruption, Whistleblowers, legal protection.

### Introduction

Corruption has become one of the most pressing problems facing many countries, including Indonesia. It harms the country's economy and threatens social stability and public trust in government institutions. In Indonesia, the high rate of corruption reflects the need for more systematic and planned efforts to prevent and eradicate this crime.

Indonesia is considered one of the countries with a very high level of corruption. This is revealed through data published by Transparency International Indonesia (TII), where in 2023, Indonesia scored 43 out of a maximum scale of 100 in the Corruption Perception Index (CPI). Over the past five years, the average CPI score globally has stagnated at 43 out of 100. Secretary General of Transparency International Indonesia, J. Danang Widoyoko, stated that the significant decline in Indonesia's CPI score in 2023 shows that the strategies and programs implemented to eradicate corruption are not running effectively. The stagnation of the CPI score this year reflects that the eradication of corrupt practices is still slow and even shows signs of worsening, which is caused by the lack of concrete support from various stakeholders. This shows that Indonesia is still included in the category of countries that are not completely free from corruption<sup>[1]</sup>.

However, despite these challenges, the active role of the community in the anti-corruption movement continues to be encouraged and strengthened. The community not only functions as a deterrent to corruption but also acts as a bridge between the community and law enforcement officers in efforts to eradicate corruption. Thus, community involvement is one of the keys to creating a more transparent and corruption-free environment<sup>[2]</sup>. One approach that is considered effective in preventing corruption is through legal protection for whistleblowers. Whistleblowers play a crucial role in exposing acts of corruption, but they often face great risks, such as physical threats, intimidation, or dismissal from work. Without guaranteed protection, individuals' courage to report acts of corruption will decrease, thus hampering broader prevention efforts.

Whistleblowers can reveal acts of corruption that occur, thereby reducing injustice and increasing transparency. However, to encourage more individuals to report corruption, strong legal protection for whistleblowers is essential. This protection includes guarantees of identity confidentiality, access to a safe place, and psychological support so that whistleblowers feel safe to reveal information.

In Indonesia, although there is a legal framework that regulates the protection of whistleblowers, there are still many challenges in its implementation. So in practice, whistleblowers in Indonesia often face various challenges and risks<sup>[3]</sup>. In addition, various forms of violence, threats of violence, or intimidation received by witnesses or victims are the main reasons that make witnesses or victims of crime lose their courage to get involved and give testimony about a crime, and it is not uncommon for people who report a crime to be reported again for defaming the person who was reported to have committed the crime<sup>[4]</sup>.

Reporting and protection of whistleblowers is full of various challenges, amidst the limited legal protection in Indonesia. Witness protection is clearly needed to provide guarantees and legal certainty for witnesses who have the courage to reveal each case. According to Benyamin Wagner, the witness protection program will require the authority of the relevant departments to protect witnesses, not only the prosecutor's office and the police<sup>[4]</sup>.

One of the mandates of the Witness and Victim Protection Law is the establishment of the Witness and Victim Protection Agency or LPSK. The presence of the Witness and Victim Protection Agency (LPSK), can protect witnesses so that they dare to provide truthful information in the criminal case examination process without experiencing threats or legal charges. The authority held by the Witness and Victim Protection Agency (LPSK) as stated in the Witness Protection Law must be implemented optimally to protect witnesses who know or have information about a particular crime. In Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection, in certain cases the Witness

and Victim Protection Agency (LPSK) can provide Protection without applying. Several provisions in Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, especially provisions regarding reporting witnesses (Whistleblowers), still have weaknesses so finally the law was revised in Law Number 31 of 2014. With these changes, it is hoped that protection for witnesses and victims, especially reporters, will be more optimal. The role and authority of LPSK will be broader considering its very important task in fulfilling the right to protection for witnesses and victims in a criminal case. The revision of the Law as a legal umbrella for LPSK to strengthen the role of LPSK in protecting witnesses, victims, and reporters.

Law No. 31 of 2014 has also been regulated several times regarding the Reporter. With this revision, it can be said that the government has realized how important the role of the Reporter is in criminal justice. Although the provisions regarding protection for the Reporter still have weaknesses, it is hoped that this new Law can provide more protection for witnesses, victims, and reporters based on justice and truth and can guarantee certainty, order, enforcement, and legal protection for witnesses and uphold Human Rights which are the rights of a witness so that they can help in revealing criminal cases and revealing the truth of the crimes that have occurred. The Witness and Victim Protection Law, its existence is important based on a very basic argument, namely that organized crimes such as corruption can only be completely revealed if there is information from "insiders" who experience (witnesses) and become victims of the corruption itself<sup>[5]</sup>.

Existing policies are often not followed by real action so reporters remain in a vulnerable position. Therefore, a comprehensive strategy is needed to strengthen legal protection for reporters of corruption as part of efforts to prevent corruption.

### **The research method**

This study uses a normative research method to identify legal principles and doctrines. This process is carried out through a review of library sources or legal materials, both primary legal materials and secondary legal materials, related to efforts to prevent corruption through legal protection for reporters. To analyze the legal materials, a qualitative method is used. In addition, the approach applied in this study is the legislative approach.

### **Results and Discussion**

In general, the definition of a person who reveals facts to the public about a scandal, danger, malpractice, maladministration, or corruption is called a reporting witness (whistleblower) which is interpreted as a whistleblower. Some of the problems faced in legal protection for whistleblowers in Indonesia include:

#### **1. There is no clear definition and regulation regarding whistleblowers in the legislation.**

The absence of a clear definition and regulation regarding whistleblowers in Indonesian laws and regulations is one of the problems that hinder legal protection for whistleblowers. Currently, there is no clear and consistent definition of whistleblower in various statutes and regulations in Indonesia. Several laws and regulations, such as Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, only mention "reporter" without defining whistleblower. The absence of a clear definition has led to

different interpretations regarding who can be called a whistleblower and who is entitled to protection. In addition to this definition, the regulation regarding whistleblowers in Indonesian laws and regulations is also not comprehensive. Several laws and regulations related to whistleblowers, such as Government Regulation Number 71 of 2000 concerning Procedures for Implementing Community Participation and Awarding in the Prevention and Eradication of Corruption, only regulate a small part of the protection aspect for whistleblowers. There are no laws and regulations that specifically regulate comprehensively the definition, rights, obligations, and protection mechanisms for whistleblowers in Indonesia. The absence of a clear definition and regulation causes legal uncertainty for whistleblowers, so they are reluctant to reveal information related to corrupt practices they know. This ultimately hampers efforts to eradicate corruption in Indonesia. Therefore, there needs to be an effort to clarify the definition and regulate whistleblowers comprehensively in laws and regulations in Indonesia.

#### **2. The process of providing protection is complicated and unclear, making whistleblowers reluctant to reveal information.**

The process of protecting whistleblowers in Indonesia is also a problem in itself. Currently, the mechanisms and procedures for obtaining protection as a whistleblower are still relatively complicated and unclear. Several related regulations, such as Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, only touch on aspects of whistleblower protection in general without providing detailed guidelines. This causes uncertainty for whistleblowers regarding how and to whom they should apply for protection. In addition, the verification and evaluation process to determine whether someone is eligible for status and protection as a whistleblower has not been regulated. This condition ultimately makes whistleblowers reluctant to disclose information related to corrupt practices that they know about, because of the uncertainty of whether they will receive adequate protection. Therefore, simplification and more comprehensive regulations are needed regarding the mechanism for protecting whistleblowers so that they feel safe and protected when disclosing information.

#### **3. Lack of coordination and synergy between related institutions in protecting whistleblowers.**

In addition to problems related to unclear definitions and regulations, the lack of coordination and synergy between related institutions is also a challenge in providing effective protection for whistleblowers in Indonesia. Several institutions, such as the Corruption Eradication Commission (KPK), the Police, and the Witness and Victim Protection Agency (LPSK), have roles and authorities related to whistleblower protection. However, there is often a lack of synchronization and coordination between these institutions in handling whistleblower cases. Differences in perceptions, procedures, and standards applied by each institution cause whistleblowers to have to deal with complicated and unclear processes. This condition further reduces whistleblowers' confidence in disclosing the information they have, because they are worried that they will not receive adequate protection. Therefore, efforts are needed to improve coordination and synergy between related institutions, so

that protection for whistleblowers can be provided more effectively and in an integrated manner.

#### **4. There is a negative stigma from society towards whistleblowers who are considered “snitches” or “traitors”.**

In addition to problems at the regulatory and institutional levels, the negative stigma that still sticks in society towards whistleblowers is also a challenge in itself. Most people still view whistleblowers as "snitches" or "traitors" who are considered disloyal to the organization or institution where they work. This negative view often arises due to the lack of public understanding regarding the important role of whistleblowers in efforts to eradicate corruption and other unethical practices. The public tends to view the actions of whistleblowers as something selfish and detrimental to others, without understanding the context and motivation behind disclosing the information. This negative stigma also adds to the psychological burden for whistleblowers who often have to deal with pressure and threats from colleagues and their environment. This condition makes it increasingly difficult for whistleblowers to make decisions to disclose the information they have. Therefore, efforts are needed to educate and socialize the public to improve perceptions of whistleblowers and foster understanding of their important role in realizing transparency and accountability.

#### **5. Weak law enforcement in providing strict sanctions for parties who threaten or take retaliatory action against the reporter.**

Another crucial issue in protecting whistleblowers in Indonesia is the weak law enforcement in providing strict sanctions for parties who threaten or take retaliatory action against whistleblowers. Although several regulations, such as Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, have regulated prohibitions and sanctions for parties who intimidate, threaten, or take retaliatory action against whistleblowers, in practice, law enforcement for such violations is still relatively weak.

Not infrequently, whistleblowers who have dared to reveal information must face various forms of threats and retaliation, from superiors, co-workers, and parties who feel disadvantaged. These threats and retaliation can be in the form of dismissal from work, delays in promotions or salaries, disproportionate tasks, and even physical or psychological actions. Unfortunately, the legal efforts that can be taken by whistleblowers in dealing with these actions often encounter obstacles, such as the difficulty of providing evidence, complicated procedures, and slow investigation and law enforcement processes.

This condition creates a climate of fear among whistleblowers, which ultimately makes them reluctant to dare to reveal the information they know. Therefore, stricter and more consistent law enforcement is needed, as well as the imposition of appropriate sanctions for parties proven to have carried out threats or retaliation against whistleblowers. This is expected to foster a sense of security and trust for whistleblowers to actively participate in efforts to eradicate corruption and other unethical practices.

Legal protection for whistleblowers is very important to encourage someone to report criminal acts or ethical violations within an organization. Without the guarantee of protection, people who know about illegal practices tend to

remain silent and not dare to reveal them because they are afraid of the risks and negative consequences they may face. Some forms of legal protection for whistleblowers that are generally provided include protection from retaliation, guarantee of identity confidentiality, legal protection from criminal and civil lawsuits, awards or incentives, as well as legal aid and psychological consultation. Several countries such as Indonesia, the United States, and the United Kingdom have laws or regulations that specifically protect whistleblowers. It can be concluded that legal protection for whistleblowers is important to encourage reporting of criminal acts and ethical violations in the public interest. A comprehensive and effective form of protection will greatly assist in efforts to eradicate corruption and other violations in organizations.

Legal protection is one form of service that must be provided by the government to provide a sense of security to every citizen. Based on the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), the state is responsible for protecting Human Rights. This is stated in Article 28I paragraph (4) of the 1945 UUD NRI which reads “Protection, advancement, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government”. Then as a basis for protection for witnesses and victims, it is stated in Article 28G Paragraph (1) which reads “Everyone has the right to protection of themselves, their families, honor, dignity, and property under their control, and has the right to a sense of security and protection from the threat of fear to do or not do something that is a human right”<sup>[6]</sup>.

Corruption prevention is a complex challenge and requires a comprehensive approach. One of the most important strategies in this effort is legal protection for whistleblowers. Adequate protection not only encourages more people to report corruption but also creates an environment that supports transparency and accountability in the public and private sectors<sup>[7]</sup>.

There are several prevention strategies act criminal corruption that can done through optimization protection law to reporter act criminal corruption is as follows:

##### **1. Strengthening Legal Framework**

One of step beginning in prevention strategies is act criminal corruption strengthening framework existing laws. This includes making clear and strict laws about protection for reporter. Prevention strategies act criminal corruption through protection law can done with strengthening regulations concerning protection for whistleblower. This step covers formation clear and comprehensive laws governing rights reporter, including guarantee anonymity and protection from action reply feud.

In Indonesia itself civilization about *whistleblower* Still not enough noticed by the public and law enforcers law. It is Can seen from rule or legislation that regulates about form protection to *whistleblower*, even though *whistleblower* own a very important role in the revelation crime big like act criminal corruption. The parties who feel harmed by the existence of *whistleblower* Because his testimony possibility big will do threats and do reply feud even threat the No only to a *whistleblower* in a way direct even also against his family and not close the possibility of the parties being harmed the do attack come back to *whistleblower*.

Condition This cause many people are reluctant for become *whistleblower* because worry will safety themselves and their families. They Afraid will become a victim of revenge

feud or detrimental actions himself, good from superiors, colleagues work, and parties involved in practice corruption that was revealed. As for the protection law for *whistleblower* in Indonesia at the moment This set up in Constitution Number 31 of 2014 concerning Protection of Witnesses and Victims, and Regulation Government Number 43 of 2018 concerning Procedures for Implementing Community Participation and Provision of Award in Prevention and Eradication Action Criminal Corruption. However, the rules the rated Still Not yet effective in give optimal protection for *whistleblower* <sup>[8]</sup>.

Strong regulation No only give runway clear law for reporter For report practice corruption fearless, but also determined sanctions firm for those who try intimidating reporter. In addition, strengthening regulation must accompanied by with effective socialization so that the community understand rights them and the procedures available reporting. With Thus, the regulations are strengthened can create supportive environment transparency and accountability, as well as push more Lots individual For participate in effort prevention corruption. Law This must covers aspects like:

- a. **Definition whistleblower:** Determine who is entitled called as whisteblower and type report what is protected.
- b. **Whistkeblower Rights:** Guarantee rights reporter, including right on anonymity, protection from action reply revenge, and rights for get support law.
- c. **Sanctions for Offenders:** Determine strict sanctions for those who try intimidating or do action reply feud to whistleblower.

## 2. Socialization and Education

After framework law reinforced, steps furthermore is do socialization and education to society. This is important for increase awareness about importance reporting action corruption and understanding rights held by the whistleblower <sup>[2]</sup>. Prevention strategies act criminal corruption through protection law also relies heavily on effective education and socialization about protection law for whistleblower. Education This aiming for increase awareness public about importance reporting action corruption as well as the rights held by the whistleblower. Through campaign public involving mass media, seminars and training, community can given better understanding Good about procedure reporting and how method protect self they moment report practice corruption. Comprehensive socialization No only will strengthen trust public in system law, but also encourages more Lots individual For brave take action oppose corruption. With equip public with adequate knowledge, expected will created a more environment transparent and participators, where the reporter feel safe and supported in effort they For eradicate corruption. Socialization program can includes:

- a. **Public Campaign:** Using mass media and digital platforms to spread information about protection law for reporter.
- b. **Training and Workshops:** Holding training for civil servants and society general about method report corruption and understanding procedure applicable law.

## 3. Building Channel Safe Reporting

One of the prevention strategies act criminal corruption from protection law is provide channel safe and effective reporting. This is very important. For provide a sense of security for brave whistleblower report action corruption, so that they feel protected from potential intimidation or Revenge. Channel safe reporting can in the form of a digital platform that allows reporter for submit report in a way anonymous, without must Afraid will disclosure identity them. In addition, the system the must equipped with feature advanced security, such as data encryption, for protect information sensitive <sup>[9]</sup>. With provide channel transparent and accessible reporting accessed, expected more Lots individual will pushed For report cases corruption, which in turn will help strengthen accountability and integrity in various sector. Development of channels safe reporting also reflects commitment government and institutions related in support reporter and create free environment from corruption. This can includes:

- a. **System Reporting Anonymous:** Building a platform where whistleblowers can submit report in a way anonymous without Afraid recognized.
- b. **Support Technology:** Using technology for ensure data and identity security reporter, such as encryption and systems security information.

## 4. Establishment of Special Institutions

Formation institution or a special unit in charge answer for handle report corruption is also important. Prevention strategies act criminal corruption through protection the law also covers formation institution specifically focused on handling report corruption and protection reporter. This institution functioning as entity independent in charge For investigate incoming report with in a professional, transparent and accountable manner <sup>[10]</sup>. With existence institution this, the reporter can feel more safe because There is the party that is special handle case them and give support the necessary laws. In addition, the institution special this can also play a role in to educate public about procedure reporting and rights reporter, and do coordination with apparatus enforcer law for ensure actions taken based on report done in a way effective. Formation institution kind of This show seriousness government in eradicate corruption and creating conducive environment for reporter, so that push participation public in effort prevention corruption in a way more wide. This institution can functioning For:

- a. **Investigate Report:** Doing investigation in a way independent and professional to incoming reports.
- b. **Give Protection:** Provides support law and protection for reporter during the investigation process and afterwards.
- c. **Coordination with Law Enforcement:** Cooperation with apparatus enforcer law for ensure that actions taken based on report done in a way effective and transparent.

## 5. Evaluation and Adjustment Policy

Prevention strategies must nature dynamic and adaptive. Therefore that's important For do evaluation periodic to

protection policies and programs the law that has been implemented<sup>[11]</sup>. Evaluation This can includes:

- a. **Measurement Effectiveness:** Assess how much effective protection law for reporter in push reporting action corruption.
- b. **Feedback from Reporter:** Collecting bait come back from reporter about experience they in use system existing protection.
- c. **Adjustment Policy:** Carrying out adjustment policy based on results evaluation for increase effectiveness and responsiveness system.

### Conclusion

Based on normative research conducted by the author, The strategy of preventing corruption through legal protection for corruption whistleblowers shows that a comprehensive and integrated approach is essential to creating an environment that supports transparency and accountability. Strengthening regulations that protect the rights of corruption whistleblowers, accompanied by effective education and outreach, are key to raising public awareness of the importance of reporting corruption. In addition, developing a safe reporting channel and establishing a special institution to handle corruption reporting provide the necessary protection for corruption whistleblowers. Thus, this strategy not only encourages active public participation in efforts to eradicate corruption, but also strengthens the commitment of the government and related institutions to create a fairer and corruption-free system.

### Recommendations

In this case, strategy for preventing corruption through legal protection for whistleblowers is to strengthen regulations by revising laws and imposing strict sanctions on violators. Intensive socialization needs to be carried out to increase public awareness of whistleblowers' rights. The development of safe and effective reporting channels also needs to be prioritized. In addition, special institutional training is needed to conduct professional investigations, while periodic monitoring and evaluation need to be carried out to ensure policy relevance. Collaboration with civil society organizations can strengthen support for whistleblowers, so that efforts to eradicate corruption can be more effective.

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