

The Role of Witness and Victim Protection Agency for Imekko Tribe in Criminal Justice System in Sorong

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ABSTRAK

Keterangan saksi merupakan salah satu alat bukti yang sah dan sangat penting dalam setiap perkara pidana. Pentingnya hal tersebut dapat dilihat dari banyaknya kasus yang tidak dapat diselesaikan karena kurangnya alat bukti, terutama keterangan saksi. Ancaman kekerasan dan intimidasi yang sering diterima oleh saksi dan korban menjadi alasan utama mengapa banyak dari mereka yang tidak mau terlibat langsung dalam memberikan keterangan atas tindak pidana yang terjadi. Penelitian ini menggunakan metode yuridis empiris dengan teknik pengumpulan data melalui wawancara dan studi kepustakaan. Penelitian ini menyimpulkan bahwa implementasi kebijakan perlindungan saksi dan korban diawali dengan pemberlakuan Undang-Undang Nomor 31 Tahun 2014 tentang Perlindungan Saksi dan Korban. Dalam implementasinya, kebijakan perlindungan saksi dan korban di Indonesia didasarkan pada konsep perlindungan hukum terhadap saksi di Amerika Serikat sebagai model acuan. Meskipun telah ada regulasi yang mengatur tata cara pengajuan perlindungan saksi dan korban, namun masih terdapat beberapa kendala dalam perlindungan saksi dan korban. Beberapa kendala tersebut antara lain adalah posisi Lembaga Perlindungan Saksi dan Korban (LPSK) yang masih berpusat di ibu kota, sehingga akses dan pelayanan terhadap saksi dan korban di daerah terkadang kurang maksimal.

Kata kunci: Saksi dan Korban; Perlindungan Hukum; Sistem Peradilan Pidana Indonesia

ABSTRACT

Translated with DeepL.com (free version) Witness statement is one of the legal evidence and is very important in every criminal case. Its importance can be seen from the number of cases that cannot be resolved due to lack of evidence, especially witness statement. Threats of violence and intimidation that are often received by witnesses and victims are the main reasons why many of them do not want to be directly involved in providing testimony on criminal acts that occur. This research uses empirical juridical method with data collection techniques through interviews and literature studies. The research concluded that the implementation of witness and victim protection policy begins with the implementation of Law No. 31/2014 on Witness and Victim Protection. In its implementation, witness and victim protection policy in Indonesia is based on the concept of legal protection of witnesses in the United States as a model of reference. Although there are regulations governing the procedures for applying for witness and victim protection, there are still several obstacles to witness and victim protection. Some of these obstacles include the position of the Witness and Victim Protection Agency (LPSK) which is still centered in the capital city, so that access and

services for witnesses and victims in the regions are sometimes less than optimal.

Keywords: Witnesses and Victims; Legal Protection; Indonesian Criminal Justice System

INTRODUCTION

Imekko is a tribal union consisting of the Inawatan, Matemani and Kokoda tribes who live in the Sorong area, Southwest Papua. Most of the Imekko Tribe are involved in criminal acts either as witnesses, victims or perpetrators. The importance of legal protection for the Imeko Tribe is because many people do not understand and are often victims of powerlessness over the crimes that occur. An example of a case that occurred in 2021 where a witness to a murder that occurred where the witness received pressure from the perpetrator such as threats and intimidation to the witness' family so that the witness did not dare to give a statement on the events that the witness saw firsthand.

The reason for the creation of Law 31 of 2014 amending Law No. 13 of 2006 concerning Witness and Victim Protection, in this Law regulates an institution that is responsible for handling the provision of protection and assistance to witnesses and victims, namely the Witness and Victim Protection Agency (LPSK) which is tasked and authorized to provide protection to Witnesses and Victims of Criminal Acts (Julianto 2020).

The Witness and Victim Protection Agency has an important role in providing protection for witnesses and victims of crime at all stages of the criminal justice process. The main objective of this protection is for witnesses and victims to feel safe and protected so that they can provide information or evidence about the events experienced without fear or intimidation.

The role of witnesses and/or victims in every stage of a criminal trial is very significant. Information provided by witnesses and victims of the Imekko tribe becomes important evidence in the judicial process and can influence and determine the judge's decision. Testimony from witnesses and victims is one of the valid evidence and is a basis for consideration for judges in assessing the facts of the case and reaching a fair decision.

However, the process of providing testimony as a witness or victim is not always easy. Many witnesses and victims experience pressure, intimidation, or threats from relevant parties who try to obstruct the truth. This is why the protection provided by the Witness and Victim Protection Agency is so important. With protection, witnesses and victims can feel more

comfortable and secure when giving statements, so that they can give statements honestly and openly without any external influences affecting their statement.

The problem that is sometimes faced in the criminal justice process is that there are witnesses who are not willing to become witnesses or do not dare to reveal their true statement because there is no form of guarantee of protection or mechanism for providing statement, witnesses or reporters often even experience intimidation or threats or lawsuits for the testimony they will give (Jayadi 2020).

Understanding Law No. 31/2014 on Witness and Victim Protection, as well as the types of protection provided by law enforcement agencies, such as the Police, is a crucial stage in handling crime issues in the Imekko Tribe, especially in the context of crimes such as murder.

Educating the Imekko Tribe community on the urgency of reporting crimes and explaining the protection that will be provided to witnesses and victims can be an effective strategy to increase awareness of community participation in law enforcement (Bambang Sri Herwanto 2012).

Article 5 of Law No. 31/2014 states that witnesses and victims are entitled to protection. Therefore, it is important for law enforcement agencies, such as the Police, to carry out their duties by providing appropriate protection to witnesses and victims of criminal offenses. The form of protection provided by the Police can include various aspects, such as physical security, confidentiality of identity, and psychological comfort for witnesses and victims.

In this research, further examining the legal facts in the field related to the form of protection provided by Sorong Police is the right step. Through this research, it can evaluate the extent of the implementation of Law No. 31 of 2014 in practice in the field, especially in cases involving witnesses and victims from the Imekko Tribe. With a deeper understanding of existing forms of protection, the Imekko community can feel safer and more confident to report crimes and give statements in court.

Efforts to empower the public to understand the rights and protections available to witnesses and victims of crime are critical. The more people who realize the importance of involving themselves in the law enforcement process and have confidence that they will receive appropriate protection, the greater the chances of upholding justice and the success of the criminal justice process.

The formulation of the problem of this research is how the legal protection mechanism based on Law No. 31 of 2014 concerning Witness and Victim Protection, and what are the obstacles for the Witness and Victim Protection Agency in providing protection to Witnesses and Victims.

RESEARCH METHOD

The formulation of the problem of this research is how the legal protection mechanism based on Law No. 31 of 2014 concerning Witness and Victim Protection, and what are the obstacles for the Witness and Victim Protection Agency in providing protection to Witnesses and Victims (Marzuki 2005).

Primary data is data that the researcher obtains from direct interviews with the parties involved such as witnesses and / or victims and those authorized to provide witness and victim protection, while secondary data is to examine sources from books, regulations, journals and electronic media or mass media which are in accordance with the title of the problem that the researcher discusses.

There are 2 data collection techniques that the author uses, namely: Library Research where the researcher can collect data related to the problem under study both from books, literature, documents and laws and regulations in accordance with the problem under study, while Field Research where the author goes directly to the research location to conduct interviews with the Chief of the Imekko Tribe of Southwest Papua in order to collect primary data directly from the community or agencies related to the issues raised by the researcher. The data that has been obtained from primary and secondary data will be analyzed qualitatively and the data obtained will be described in order to describe the real situation of the object being studied.

RESULTS & DISCUSSION

1. Legal Protection Mechanism Based on Law No. 31/2014 on Witness and Victim Protection

The reason for the need for a law to protect victims and witnesses of criminal acts is very clear and crucial in the law enforcement process. The Witness and Victim Protection Law aims to provide protection to victims and witnesses of criminal acts so that they feel safe and protected when providing testimony or testimony in court. Some of the

reasons underlying the importance of protection for victims and witnesses are as follows (Hidaya 2019):

1. **Presenting Strong Evidence:** The role of victims and witnesses in providing testimony and evidence is crucial to uncovering and solving crimes committed by perpetrators. Without accurate testimonies from victims and witnesses, law enforcers often struggle to gain clarity on the crimes committed, thus affecting the investigation and prosecution process.
2. **Protecting against Threats and Intimidation:** Many victims and witnesses experience physical and psychological threats from certain parties, especially perpetrators or groups involved. These threats can make victims and witnesses afraid and hesitant to give evidence, which can hamper the justice process.
3. **Ensuring Justice for Victims:** Protection of victims of crime is an important step towards ensuring justice for them. Victims often feel traumatized and vulnerable after experiencing a crime, and the protections provided by the law help them feel valued and heard in the justice process.
4. **Increasing Community Participation:** With protection for victims and witnesses, the public will feel more confident and secure to involve themselves in the law enforcement process. This can increase community participation in providing important information to law enforcement, thus helping to uncover and deal with crimes more effectively.

With the existence of Law No. 31/2014 on Witness and Victim Protection, it is expected that victims and witnesses of criminal acts feel supported and protected by the justice system. This not only helps the legal process, but also reflects the State's commitment to protecting the rights of victims and witnesses to obtain justice and security in facing difficult situations due to the crimes they have experienced.

In Law No. 31/2014 on Witness and Victim Protection, the definition of a victim is set out in Article 1 paragraph 2. According to the article, a victim is "a person who suffers physical, mental, and/or economic loss as a result of a criminal offense."

This definition confirms that a victim is an individual or group that has been negatively impacted by a criminal offense, such as physical injury, mental trauma, or economic loss. This can include various forms of criminal acts, such as physical violence, harassment, theft, or other crimes. The focus is on individuals or groups who are directly adversely affected by criminal behavior (Anon 2014).

Law No. 31/2014 on Witness and Victim Protection has provided a clear foundation regarding protection rights and protection mechanisms for witnesses and victims of criminal acts. However, effective implementation of this law is key to realizing professional, proportional, and accountable protection for victims and witnesses. Various parties are involved in the implementation of this law, including law enforcement agencies, such as the police, prosecutors, and courts, as well as witness and victim protection agencies themselves, such as the Witness and Victim Protection Agency in Indonesia. The seriousness and commitment of various parties is very important in carrying out their duties so that witness and victim protection can run well (Muhadar 2010).

Intimidation and threats are two things that are often experienced by witnesses and victims of criminal acts, and can take different forms both physically and psychologically. Intimidation and threats can include actions such as threats of physical violence, verbal abuse, stalking, or other actions aimed at intimidating and inhibiting victims and witnesses from providing honest and accurate evidence (Muchamad Iksan 2012).

In criminal investigations and trials, the status of victims and witnesses is crucial as their testimonies can be key to uncovering the truth and upholding justice. However, due to the risk of intimidation and threats faced by victims and witnesses, special protection is necessary. Law No. 31/2014 on Witness and Victim Protection exists to provide more comprehensive legal protection for witnesses and victims of criminal acts. With this law, it is expected that victims and witnesses will feel safer and more comfortable in providing testimony and participating in the judicial process.

For the Imekko people of Southwest Papua, this law provides hope that their testimonies will be treated with respect and protection. It is important to ensure that individuals feel safe to give testimony and participate in the legal process without fear of threats or reprisals. With strong legal protection and awareness of the importance of witness and victim protection, it is hoped that the judicial process can run more effectively and fairly, so that justice can be achieved for all parties involved in criminal cases.

In addition to Law No. 31/2014 on Witness and Victim Protection which regulates the rights of witnesses and victims, there is Chief of Police Regulation No. 3/2008 on the Establishment of Special Service Rooms and Procedures for Examining Witnesses and/or Victims of Crime, which regulates the principles of organizing witness and victim services (Bambang Sri Herwanto 2012).

The rights of victims described above may not be directly related to the duties and authority of police agencies in terms of investigating crimes that occur in the jurisdiction of Sorong Police. The right to obtain information in the event that the convicted person is released, the right to have their identity kept secret and the right to obtain a new identity are forms of rights of victims or witnesses of criminal acts obtained not at the investigation stage so that it is not the authority of the investigator to fulfill these rights.

The Witness and Victim Protection Agency is responsible for handling the provision of protection and assistance to witnesses and/or victims based on the duties and authorities as set out in the Witness and Victim Protection Law. The existence of the Witness and Victim Protection Agency is expected in the process of law enforcement in general and enforcement in the criminal justice system in particular can be more encouraging in the form of achieving legal certainty and the creation of justice (Askari Razak 2013).

The mechanism of legal protection for witnesses and victims by the Witness and Victim Protection Agency whose area is far from the center of government will certainly be different from the mechanism of legal protection for witnesses and victims who are in the center of government, so that to get legal protection for witnesses and victims from the Witness and Victim Protection Agency as stipulated in Article 29 of the Witness and Victim Protection Law (UU No 31 Tahun 2014) :

- a. The Witness and/or Victim concerned, either on their own initiative or at the request of an authorized official, submits a written request to the Witness and Victim Protection Agency;
- b. The Witness and Victim Protection Agency immediately conducts an examination of the application as referred to in letter a; and
- c. The decision of the Witness and Victim Protection Agency is given in writing no later than 7 (seven) days after the application for Protection is submitted.

In some other countries, the approach to witness and victim protection is different, and run by different institutions. For example, in the United States, there are differences in the approach to witness and victim protection compared to the Witness and Victim Protection Agency in Indonesia. In the United States, witness and victim protection for crimes at the federal or state level is handled by an agency called the *US Marshal*. The US federal government provides hotel accommodation for witnesses and victims for a few days before their case goes to trial. In more detail, in the context of witness protection, the

United States has four main programs. First, the emergency witness assistance program operated by the prosecutor's office. Second, the protection scheme run by the US Marshal Service. Third, legal protection for witnesses during the legal process. And finally, protection in court.

Meanwhile, in the context of victim protection in the United States, there are three basic aspects to victim protection programs. First, the right to security and safety of the victim. Second, the right to information related to ongoing cases. And third, the right to participate in the legal process. Keep in mind that witness and victim protection systems may vary in other countries, and in the United States, the US Marshal's office plays an important role in implementing such protection programs.

The United States operates a witness and victim protection program under the Witness Protection Act of 1984 (Witness Security Reform Act of 1984). Under this law, witness protection is regulated by establishing a witness protection program unit within the Department of Justice, which is part of the criminal division. This unit is known as the "Office of Law Enforcement Operations Specialized Witness Protection Unit" (Julianto 2020).

In carrying out its activities, the witness protection enforcement operations office unit cooperates with various other agencies. These include public prosecutors or other investigative agencies, the attorney general's office, the US Marshalls Service or other security units such as the *Federal Bureau of Investigation (FBI)*, the *Bureau of Prisons*, the courts, the *Office of Immigration and Naturalization*, and state governments. With such widespread cooperation, the witness protection program in the United States seeks to provide the maximum level of protection for witnesses who cooperate with the authorities in the context of law enforcement.

In Indonesia, the context of legal protection for witnesses and victims differs from the United States. In Indonesia, legal protection for witnesses and victims is implemented by the same institution, the Witness and Victim Protection Agency. Although these institutions play an important role in protecting witnesses and victims, there are differences between the two groups, who have different rights and needs to be protected (Hakiki 2020).

As witness and victim protection are conducted within the same institution, this sometimes results in protection not always being maximized. Sometimes, there are more requests for witness protection than victim protection in Indonesia. In the context of

witness and victim protection, it is important to understand the different needs and rights of both. Witness protection may focus more on security and anonymity, while victim protection may involve emotional support, access to information, and the right to participate in the legal process.

As a country with a unique legal system, Indonesia continues to strive to improve the effectiveness of protection for witnesses and victims. This may include separating witness and victim protection agencies to better address the specific needs of each party. By doing so, it is hoped that the protection provided can better suit and meet the different needs of witnesses and victims of crime.

Based on its history, the Witness and Victim Protection Agency is still a relatively new institution. Despite this, the public has high expectations of the Witness and Victim Protection Agency's performance in providing protection to witnesses and victims of crime. However, public responses indicate that the Witness and Victim Protection Agency has not been fully responsive in providing the expected protection, which is actually one of its duties and authorities. This is understandable given that the institutional apparatus and human resources at the Witness and Victim Protection Agency do not yet have sufficient experience. As a relatively new institution, the Witness and Victim Protection Agency may still be in the learning and adjustment phase to face the challenges of providing effective protection for witnesses and victims.

It may take further time and effort for the Witness and Victim Protection Agency to improve its performance and increase its responsiveness in providing protection. Human resource training and development, policy enrichment, and experience in handling cases may be measures that can help the Witness and Victim Protection Agency become more effective in its work. Despite the challenges, public expectations of the Witness and Victim Protection Agency remain high. With the right support and improvements, it is hoped that the Witness and Victim Protection Agency can become a more responsive and effective institution in protecting witnesses and victims of crime in Indonesia.

The Witness and Victim Protection Agency as an institution mandated by Law No. 31 of 2014 based on its duties and functions, namely:

- a. Provide protection services and assistance to witnesses and victims in every criminal justice process.
- b. Facilitate steps to select victims of criminal acts, especially in applying for compensation and restitution.

- c. Cooperate with relevant and authorized agencies in the implementation of witness and victim protection.

Several points related to the provision of restitution can be explained based on Article 21 of Law No. 13/2006. The application for restitution can be made before or after the perpetrator is found guilty based on a court decision that has permanent legal force. To examine the request for restitution, the Witness and Victim Protection Agency has the authority to summon the victim, family, or legal representative, as well as the perpetrator of the crime to provide information Article 25 paragraph 1. If the restitution payment is made by a third party, the perpetrator of the crime is obliged to present the third party as stipulated in paragraph 2.

The Law on Witness and Victim Protection recognizes that victim protection is part of social policy. In this perspective, victims are understood as social constructs, and this view is reflected in legislation. Therefore, restitution is a legal mechanism that allows victims to obtain compensation or compensation for losses suffered as a result of criminal acts. The Witness and Victim Protection Agency plays a role in processing requests for restitution and can collect information from victims, families, legal counsel, and perpetrators of criminal acts to support the examination process. In addition, victim protection is seen as part of social efforts to accommodate victims needs and ensure their rights are fulfilled through applicable legislation.

Victims of crime can be present in the criminal justice process in two different qualities. First, victims are present as witnesses. The victim's function is to provide testimony in the context of disclosing crimes that are in the process of being examined, both at the investigation stage, the prosecution stage, and at the trial stage in court. Second, the victim is present as the injured party. The function of the victim in this case is to file a claim for compensation against the perpetrator of the crime that has caused or is causing harm / suffering to him (Andi Matalata 1987).

The mechanism for obtaining witness and victim protection from the Witness and Victim Protection Agency is as follows (Jafar 2014):

- a. The request is submitted in writing by the party concerned, either on their own initiative, submitted by the person representing them, and or by an authorized official to the Witness and Victim Protection Agency;

- b. The provision of protection and assistance to witnesses and/or victims is determined and based on the decision of the Witness and Victim Protection Agency in a plenary meeting of the Witness and Victim Protection Agency;
- c. In the event that the Witness and Victim Protection Agency accepts the application, the witness and/or victim concerned is obliged to sign a statement of willingness to follow the terms and conditions of witness and victim protection;
- d. Protection from the Witness and Victim Protection Agency is provided to the witness and/or victim including his/her family since the signing of the statement of willingness;
- e. Protection for witnesses and/or victims is provided from the signing of the protection agreement;
- f. Financing for the protection of witnesses and/or victims is provided by the state budget;
- g. Protection for witnesses and/or victims can only be terminated based on reasons:
 - a) Own initiative of the protected witness and/or victim,
 - b) At the request of an authorized official,
 - c) The witness and/or victim violates the provisions as written in the agreement, or

In cases where the Witness and Victim Protection Agency is of the opinion that the witness and/or victim no longer requires protection based on convincing evidence, the termination of protection for the witness and/or victim must be made in writing. This means that the decision to terminate protection must be supported by strong evidence and must be formally expressed in writing.

It is important to note that the provision of protection by the Witness and Victim Protection Agency does not differentiate between witnesses located in the regions or at the center, as the services provided are almost the same. The main difference lies in the reach of the Witness and Victim Protection Agency and the speed of handling cases. Given that the Witness and Victim Protection Agency is currently centralized, this means that the Witness and Victim Protection Agency has its main office in one central location. Nevertheless, the Witness and Victim Protection Agency realizes that it does not currently cover all regions in Indonesia. However, the Witness and Victim Protection Agency will consider accelerating the handling of witness and victim cases in the regions, especially if they are in danger and require immediate protection. This will be done by the Witness and

Victim Protection Agency in cooperation with other relevant agencies in the regions, which are part of the Witness and Victim Protection Agency's network. The aim is to provide temporary and rapid protection according to the needs of witnesses and victims in the area. Thus, the Witness and Victim Protection Agency is committed to providing appropriate protection for witnesses and victims throughout Indonesia, especially for the Imekko Tribe of Southwest Papua, by taking into account their urgency and needs, although currently it is still limited to certain areas.

2. Obstacles for the Witness and Victim Protection Agency in providing protection to Witnesses and Victims.

Capacity building is a process of improving the ability of individuals, groups, organizations, communities or societies to analyze their environment. It involves identifying problems, issues, needs and opportunities, and formulating strategies to address those problems and needs and capitalize on relevant opportunities. In addition, capacity building also includes designing actions, gathering and effectively using sustainable resources to implement, monitoring and evaluating the action plan, and learning from the feedback.

In the context of witness and victim protection agencies, capacity building is not only limited to office administration and staffing, but also includes the model of protection that will be provided to witnesses and victims. It is important to strengthen the agency's capacity to provide appropriate and effective protection to those who need it. In addition, strong cooperation with various parties must also be built to provide comprehensive and integrated protection for witnesses and victims.

Law No. 13/2006 does state the possibility of cooperation between the Witness and Victim Protection Agency and relevant agencies authorized to provide protection and assistance. However, in practice, the implementation of this cooperation has not been fully optimized, such as cooperation with universities to uncover cases such as drugs, corruption, or trafficking that are increasing in the regions.

Meanwhile, Law 13/2006 on Witness and Victim Protection, regulates the protection of witnesses as follows:

- a) To obtain protection for the security of his/her person, family, and property, and to be free from threats related to the testimony that he/she will, is, or has given;
- b) Participating in the process of selecting and determining the form of protection and security support;
- c) Giving testimony without pressure;
- d) Receiving an interpreter;
- e) Be free from incriminating questions;
- f) Receiving information on the progress of the case;
- g) Obtaining information on court decisions;
- h) Knowing in the event that the convicted person is released;

- i) Receiving a new identity;
- j) Obtaining a new place of residence;
- k) Obtaining reimbursement of transportation costs as needed;
- l) Receiving legal advice; and/or
- m) Obtaining temporary living expenses until the protection deadline ends.

The Witness and Victim Protection Agency realizes that it cannot work alone in providing effective protection and services. Capacity and resource constraints, as well as limited coverage, mean that the Witness and Victim Protection Agency cannot cover all regions, provinces, districts and cities in Indonesia.

Therefore, cooperation between the Witness and Victim Protection Agency and other relevant agencies is very important to increase the effectiveness of witness and victim protection, as well as to uncover important cases such as drugs, corruption, and trafficking in the regions. Universities, police, prosecutors, and other institutions have a crucial role to play in the prevention, investigation, and prosecution of criminal offenses, and the Witness and Victim Protection Agency can support these efforts by providing protection to witnesses and victims who dare to testify.

Good and integrated cooperation between the Witness and Victim Protection Agency and relevant agencies will enable information and support to be shared, and ensure holistic protection and services for witnesses and victims in various regions. By optimizing this collaboration, it is hoped that the handling of important cases can be improved, and witnesses and victims feel supported and safe to participate in the criminal justice process.

In providing protection to witnesses and victims, the Book of the Criminal Procedure Code is still considered the main reference by law enforcers. However, in addition to the Book of the Criminal Procedure Code, the police also have the right to provide protection to witnesses and victims of criminal acts. This can be an obstacle in the performance of the Witness and Victim Protection Agency because ideally the Witness and Victim Protection Agency should be the institution that has the authority and main role in protecting witnesses and victims.

The role of the police in providing protection can have an impact on coordination and cooperation between the Witness and Victim Protection Agency and the police in handling cases involving witnesses and victims. There is potential for overlap or lack of

alignment in protection efforts, if there is no good coordination between the two institutions.

For example, the Corruption Eradication Commission (KPK) is an example of an institution that has special authority in eradicating corruption in Indonesia. The Corruption Eradication Commission has a strong role in uncovering corruption cases and combating them, and has high authority in taking legal action against perpetrators of corruption. Similarly, the Witness and Victim Protection Agency should have an equal position in providing protection to witnesses and victims, especially in criminal cases.

To improve the performance of the Witness and Victim Protection Agency, it is important for the agency to strengthen its role as an independent and authoritative institution in providing protection to witnesses and victims. In addition, close cooperation with the police and other relevant agencies should be enhanced to ensure comprehensive and effective protection for witnesses and victims at every stage of the criminal justice process. In this way, it is hoped that the Witness and Victim Protection Agency can become an institution that has a central role in protecting the rights of witnesses and victims of criminal acts in Indonesia.

CONCLUSION

The Witness and Victim Protection Agency was established as a result of the policies set out in Law No. 13/2006 on witness and victim protection. In the context of legal politics, the Witness and Victim Protection Agency is institutionalized differently from witness and victim protection in other countries. For example, in the United States, protection for crimes at the federal or state level is operated by US Marshal agencies, while the national government only provides lodging for witnesses and victims for a few days until the case is heard. The protection provided by the Witness and Victim Protection Agency at all stages of the criminal justice process aims to create a safe and supportive environment for witnesses and victims of crime. This allows them to provide accurate and meaningful testimony for the upholding of justice in the criminal legal system. The Witness and Victim Protection Agency faces several obstacles in the implementation of witness and victim protection, including the lack of institutional strength (Capacity Building), suboptimal cooperation with other institutions, and the paradigm or perspective of law enforcers who still prioritize the Book of the Criminal Procedure Code as the main reference in providing witness and victim protection. It is hoped that the Witness and Victim Protection Agency can be more effective

and act as a strong institution in protecting the rights of witnesses and victims in the criminal justice process in Indonesia. In addition, there is a need for awareness and support from various parties, including law enforcement, to understand the importance of the Law on witness and victim protection in order to provide optimal protection for those who need it.

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