

Analysis of Whistleblower Protection in Indonesia's Anti-Corruption Laws Based on UNCAC Legal Standards

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Abstract. Whistleblower protection serves as a key instrument in efforts to uncover hidden and systemic acts of corruption. This study aims to analyze the normative framework of whistleblower protection under Indonesian law and assess its alignment with international standards set forth in the United Nations Convention against Corruption. The methodology employed is normative legal research utilizing statute approach and comparative approaches. The results of the study indicate that the legal framework in Indonesia has accommodated protection for whistleblowers, but has not yet provided comprehensive guarantees, particularly regarding protection from retaliation, legal certainty, and the safety of whistleblowers. These conditions imply limited individual participation in reporting acts of corruption. In this context, regulatory strengthening and the optimization of institutional roles are necessary to ensure that the whistleblower protection system in Indonesia is more aligned with international standard.

Keywords: corruption; Indonesia; legal compliance; UNCAC; whistleblower protection

1 Introduction

Indonesia is a nation governed by the rule of law, founded on the principles of Pancasila and the 1945 Constitution. As a democratic nation, Indonesia adheres to the principles of government of the people, by the people, and for the people. Therefore, the state is responsible for ensuring that all citizens are treated equally under the law and that their rights are protected to ensure justice in the legal process (Puanandini et al., 2024). Corruption is a type of legal violation classified as a serious crime, due to its far-reaching and diverse effects, which span the legal, economic, political, and social spheres (Marzuki, 2024). Corruption is

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one of the crimes that falls under the category of extraordinary crimes. Some argue that corruption cannot be definitively categorized as an extraordinary crime, as there are no explicit provisions in the Rome Statute, the United Nations Convention against Corruption, or the United Nations Convention against Transnational Organized Crime that explicitly state that corruption is a form of extraordinary crime (Saputra & Firmansyah, 2023).

Therefore, given the nature of corruption as an extraordinary crime that is becoming increasingly complex and structured, corruption prevention can no longer rely solely on conventional methods; rather, extraordinary measures are needed to penetrate hidden and organized criminal networks. This urgency is underscored by a Transparency International report, which ranks Indonesia's Corruption Perceptions Index at a low score of 34 out of 100 and places the country at 115th out of 180 nations. These figures indicate a significant decline or stagnation in recent years. Furthermore, official statistics from the Corruption Eradication Commission (KPK) consistently record more than a hundred cases of structural corruption each year, confirming that this crime is deeply entrenched. However, the courage to report corruption is often met with serious threats such as intimidation, threats, and even retaliation that can endanger the safety, career, or personal life of the whistleblower. This is evident in the regulations or laws governing whistleblower protection, even though whistleblowers play a crucial role in exposing major crimes like corruption (Ariyanti & Ramadhan, 2023).

A whistleblower is essentially similar to a reporter; the difference is that a whistleblower is someone close to the perpetrator such as a coworker or community member who is aware of a criminal act, specifically corruption in this case. Whistleblowers play a crucial role in the judicial process as they assist law enforcement in gathering information regarding specific alleged criminal acts. Furthermore, whistleblowers are part of social engagement that involves the public in the judicial process, especially since corruption is an extraordinary crime that must be prevented and eradicated swiftly to avoid significant losses. Protection for those reporting acts of corruption plays a vital role in the fight against corruption in Indonesia (Sujana et al., 2025). Therefore, in addition to providing protection, they should be rewarded for their cooperation in reporting and revealing the facts regarding the commission of a corruption offense (Fadhilla, 2024).

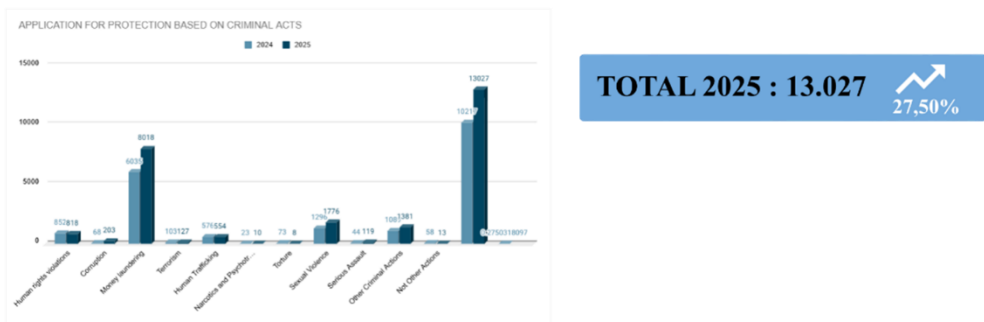


Fig 1. Application for Protection Based on Criminal Acts

In fact, it's not just physical safety that's at stake; reporting such incidents can also jeopardize one's job, especially since whistleblowers often hold lower-ranking positions than the perpetrators. It is no wonder that many factors come into play, ultimately influencing a person's courage to report criminal acts within their own workplace including an unsupportive system, potential intimidation and threats, workplace bullying, a lack of evidence due to rigid bureaucracy, and even the risk of retaliation based on accusations of betrayal. As a result, whistleblowers often become targets of threats, ranging from

intimidation and dismissal from their jobs to legal threats that lead to criminalization, particularly in the exposure of corruption crimes, which generally involve complex power dynamics and vested interests. These conditions are not merely theoretical but are also reflected in empirical data regarding requests for whistleblower protection in corruption cases submitted to the LPSK, as shown in Fig 1.

Based on Fig 1, it is evident that requests for protection in corruption cases have increased significantly from 68 to 203 by 2025. This increase indicates that the need for protection in corruption cases is growing. Although the data does not specifically classify all requests as whistleblower cases, this increase still reflects the high need for protection, including for whistleblowers in the disclosure of corruption crimes. On one hand, this may reflect growing public awareness and trust in the Witness and Victim Protection Agency; on the other hand, it also indicates that the risks faced by whistleblowers remain substantial, whether in the form of intimidation, retaliation, or criminalization. Thus, this situation indicates that the existing protection system has not yet been fully capable of providing an optimal sense of security, particularly for whistleblowers in the disclosure of corruption crimes.

From a regulatory perspective, provisions regarding whistleblower protection in Indonesia have essentially been incorporated into various laws and regulations. This is reflected, among other things, in Article 10 of Law No. 13 of 2006, as amended by Law No. 31 of 2014 on the Protection of Witnesses and Victims, which provides a legal basis for the protection of whistleblowers. Additionally, guidelines regarding whistleblowers are also set forth in Supreme Court Circular Letter No. 4 of 2011, which defines a whistleblower as a party who is aware of and reports specific criminal acts and is not part of the perpetrators of the crime being reported. Furthermore, provisions regarding public participation in reporting acts of corruption are regulated in Government Regulation No. 71 of 2000 and Law No. 20 of 2001 on the Eradication of Corruption.

Although various laws and regulations have been established to protect whistleblowers, the effectiveness of their implementation in practice still reveals several shortcomings. Although the law states that whistleblowers cannot be prosecuted for the reports they file, in practice many whistleblowers still face legal charges on various grounds, such as defamation or violations of the Law on Information and Electronic Transactions (ITE Law) (Sujana et al., 2025). From an international perspective, the protection of whistleblowers has become a key priority as part of global strategies to combat corruption. To strengthen anti-corruption mechanisms in Indonesia, in addition to establishing the Corruption Eradication Commission under Law No. 30 of 2002, the Indonesian government has also ratified the United Nations Convention Against Corruption (UNCAC) through Law No. 7 of 2006 (Hiariej, 2019). Article 32 of the UNCAC addresses the protection of witnesses, experts, victims, and whistleblowers, stipulating that all States Parties are obligated to take measures to protect witnesses, experts, and victims. Provisions regarding the protection of whistleblowers are specifically set forth in Article 33.

At the international level, from a teleological perspective, the UNCAC and its Preparatory Work indicate that, in negotiating provisions for the protection of whistleblowers, the negotiating states focused on protecting whistleblowers from retaliatory actions (Juwita, 2016). Although this convention focuses more on civil aspects, the explanations of its provisions, particularly regarding Article 3, paragraph 66, indicate that states must provide protection for employees or individuals who report suspected corruption in good faith against unfair sanctions, such as dismissal, demotion, and career obstacles. Thus, the European Civil Convention on Corruption affirms that protection for whistleblowers is a crucial element of a state's legal obligation to establish an effective and fair anti-corruption system (Council of Europe, 1999).

Currently, Indonesia has a number of institutions that can receive and follow up on whistleblowing reports, such as the LPSK, the KPK, the Ombudsman of the Republic of

Indonesia, the Judicial Commission, and the Indonesian Financial Transaction Reports and Analysis Center. However, the Indonesian government does not have a designated agency to handle whistleblowing, nor is there coordination among these institutions in following up on such reports. Furthermore, there are channels for individuals to report whistleblowing (such as email, phone and fax numbers, and postal addresses). There are no procedures for following up on whistleblowing, including who will receive the report, how to follow up on the report and the maximum timeframe for investigation, how to contact the reporter, the timeframe for the reporter to file a report after encountering fraud or violations, the timeframe for the institution to follow up on the received report, how the reporter can track the progress of their report, and how to protect the reporter's confidentiality, such as their name, address, and phone number. There is no clear protection from the government for whistleblowers. Additionally, there are no rewards for whistleblowers acting as judicial collaborators, including provisions for how to award such rewards to eligible individuals. The absence of these factors impacts an individual's willingness to become a whistleblower (Sumual et al., 2020).

The United Nations Convention against Corruption (UNCAC) has provided a clear normative framework that underscores the importance of protecting whistleblowers as part of efforts to prevent and eradicate corruption. However, this normative framework remains underutilized in Indonesia. Indonesia has demonstrated its commitment to adopting international standards since ratifying the convention through Law No. 7 of 2006, but several obstacles remain, such as a lack of regulatory strength, a lack of coordination among agencies, and the failure to implement a number of recommendations from the UNCAC evaluation mechanism. Indonesia has also received numerous international recommendations emphasizing the need for improved transparency, law enforcement, and the rule of law (Siregar & Patria, 2025). Previous researchers have studied how whistleblowers are protected from corruption-related crimes. According to Nabila Azzahra and Rugun Romaida, although various laws in Indonesia provide for the protection of whistleblowers, they remain vague and have not yet been able to provide optimal protection for whistleblowers. Furthermore, the study indicates that whistleblowers continue to face various risks, including threats, pressure, and retaliation, which contribute to the public's reluctance to report acts of corruption. This study also underscores the importance of enacting a specific law that comprehensively regulates whistleblower protection, including definitions, reporting procedures, and the types of legal protection available. Therefore, the previous research provides a crucial foundation for this study to examine the weaknesses of the whistleblower protection system in Indonesia.

2 Method

All This study employs a qualitative document analysis design to evaluate whistleblower protection frameworks by aligning the United Nations Convention against Corruption (UNCAC) with relevant national regulations. The data used in this research consist of secondary data compiled from legal documents, statutory laws, academic journal articles, and publicly available online datasets concerning whistleblower protection requests. To extract relevant information systematically from these official and internet-based materials, a structured checklist instrument was utilized during the data collection process. Finally, the gathered data were systematically evaluated using qualitative content analysis for the legal and regulatory documents, combined with descriptive statistical analysis to examine the trends and patterns within the public whistleblower protection requests.

3 Results and Discussion

3.1 Results

3.1.1 *The Legal Basis for Whistleblower Protection in Indonesia*

In the context of Indonesia's criminal justice system, the role of the complainant is of critical importance under the Criminal Procedure Code (KUHP). Reports or complaints from the public serve as the primary entry point and legal instrument that prompts law enforcement authorities to initiate the process of investigating alleged criminal offenses (Ramdani, 2024). Given that proving corruption which is classified as an extraordinary crime relies heavily on initial testimony, the presence of the reporting witness is absolutely essential for the integrity of the criminal justice system (Yanto et al., 2023). Protection for whistleblowers is substantially reinforced in Law No. 31 of 1999, as amended by Law No. 20 of 2001 on the Eradication of Corruption, as well as through guarantees of physical and legal protection administered by the LPSK pursuant to No. 13 of 2006 on the Protection of Witnesses and Victims.

This legal framework places whistleblowers on an equal footing with witnesses and victims, thereby entitling them to physical protection and security from the state through institutions such as the Witness and Victim Protection Agency (LPSK) and the Corruption Eradication Commission (KPK). This legal protection serves as the primary foundation for encouraging more members of the public acting in good faith to participate in combating corrupt practices. Law No. 31 of 1999 as amended by Law No. 20 of 2001 on the Eradication of Corruption is ineffective as the primary legal basis for providing comprehensive protection for whistleblowers against threats of physical, psychological, and criminal retaliation. Its effectiveness is hampered by its implicit, partial, and reactive nature, as well as the absence of operational mechanisms and specific implementing agencies within the law itself (Fauziah et al., 2025).

Law No. 13 of 2006 as amended by Law No. 31 of 2014 on the Protection of Witnesses and Victims also provides a legal framework for protecting whistleblowers in Indonesia. This law encompasses various forms of protection, including physical, psychological, and legal protection, as well as guarantees of identity confidentiality. However, despite the existence of these regulations, their effectiveness is often called into question. These regulations place greater emphasis on the protection of witnesses and victims in general, without giving special attention to the unique needs of whistleblowers, particularly in the context of reporting in the digital age. These regulations also do not yet detail protection mechanisms for whistleblowers who use digital media as a means of reporting. This legal gap results in many whistleblowers facing threats, intimidation, and even criminalization, even though their actions aim to uncover the truth in the public interest. This indicates that existing regulations have not fully adapted to advancements in technology and media (M. H. Putri et al., 2023).

The effectiveness of whistleblower protection depends on the implementation of transparent, secure, and easily accessible reporting mechanisms. The Witness and Victim Protection Agency (LPSK) plays a strategic role in providing physical and psychological protection, as well as legal assistance, to whistleblowers. LPSK also provides specialized facilities such as safe houses, security escorts, and identity changes when necessary, thereby increasing the courage of whistleblowers to report corruption without fear. Challenges in implementing whistleblower protection still exist. Many whistleblowers face concerns and social risks such as discrimination, stigma, and even physical and psychological threats. This is due to insufficient public awareness of legal protections and weaknesses in the implementation of protection mechanisms at both the government institutional level and

among law enforcement agencies. Therefore, enhancing the capacity of protection agencies and the implementation of regulations is essential to improve the effectiveness of these mechanisms. Limitations in the resources and competencies of the Witness and Victim Protection Agency (LPSK) hinder the provision of optimal protection. This is related to complex administrative processes, budget constraints, and insufficient coordination among law enforcement and protection agencies. Efforts to simplify reporting procedures and enhance the professionalism of the LPSK can improve the response to whistleblowers' needs and accelerate the process of uncovering corruption cases (H. K. Putri, 2025).

The KPK's success in apprehending corrupt officials is, in fact, the result of public participation and vigilance in reporting cases of corruption. The KPK cannot operate alone. Therefore, the KPK strongly encourages public participation in providing information or reporting suspected acts of corruption occurring in their communities. Valid information accompanied by strong supporting evidence will greatly assist the KPK in resolving a corruption case. Regarding the handling of public complaints, the KPK also has a reporting system and protections for whistleblowers. Through its website, kws.kpk.go.id, the KPK has established a reporting system the KPK Whistleblower System for members of the public who wish to report suspected acts of corruption. In the KPK's reporting system, a whistleblower is defined as someone who reports acts indicating criminal corruption occurring within the organization where they work, and that person has sufficient access to information regarding the occurrence of such indications of criminal corruption. Through the program or system to support the whistleblower reporting system it has developed, the KPK provides a dedicated communication channel for whistleblowers, known as the "communication box." Through this communication box, whistleblowers and the KPK can communicate with each other via a system that effectively ensures the confidentiality of both the whistleblower and the report submitted. The KPK has made the widest possible access available to the public for reporting incidents of corruption. Complaints can be submitted through various channels, including in person at KPK offices, by telephone, mail, email, text message (SMS), and fax. To assist in managing complaints via SMS, an SMS gateway application has been in use since mid-2006 (Yustrisia, 2017).

3.1.2 The Concept of Whistleblowers in Indonesian Law Results

Essentially, legal protections for whistleblowers in legislation remain vague, partial, and sector-specific, as is evident in Law No. 13 of 2006 as amended by Law No. 31 of 2014, Law No. 31 of 2009 as amended by Law No. 20 of 2001, and Government Regulation No. 71 of 2000. These laws do not explicitly define key terms, such as the definition of a "whistleblower," which encompasses a broad scope, including both reporters and perpetrators who report. The lack of a clear definition of a "whistleblower" can lead to varying interpretations of the term, so this Law on the Protection of Witnesses, Victims, and Reporters remains explicit in providing certainty regarding the form of protection for whistleblowers. Furthermore, the regulations mentioned above do not address procedures, mechanisms, or systems for whistleblowers to disclose facts. Additionally, there are no provisions regarding limitations on how whistleblowers may disclose actions that are prohibited, contrary to, or harmful to the public interest. This provision is essential to ensure that, when disclosing such facts, whistleblowers are not classified as committing defamation, making false statements, leaking confidential information, or engaging in slander. Under Indonesian positive law, there are no comprehensive regulations specifically designed to serve as guidelines for whistleblowers regarding whether the disclosure of such facts is prohibited, contradictory, unlawful, exceeds authority, and/or constitutes an abuse of authority or an act that endangers state or public interests. Another challenge from a legal

perspective is the absence of regulations protecting a whistleblower from criminalization due to the risks associated with what has been disclosed. Generally, criminalization in this context can take the form of defamation, the risk of facing more severe threats, or the scrutiny of past mistakes or other criminal acts committed by a whistleblower. At first glance, the existence of regulations regarding whistleblowers is only addressed through a Supreme Court Circular; however, the provisions regarding the provision of protection are not clearly defined (Kusoy, 2017).

Generally speaking, a whistleblower is an individual who reports suspected criminal acts, particularly corruption, to the authorities. However, under Indonesian law, the term “whistleblower” is not explicitly defined in legislation. This creates a problem, as there are differences between whistleblowers, justice collaborators, and witnesses, namely:

1. Whistleblower

A whistleblower is someone who reports or exposes illegal, unethical, or improper conduct occurring within an organization, whether it be a government agency, a company, or another institution. Whistleblowers are typically insiders within the organization who have access to information indicating misconduct, such as corruption, fraud, or other legal violations, and who decide to report such conduct to the authorities, the media, or the public.

2. Justice Collaborator

A justice collaborator is a witness who cooperates with the authorities; they are one of the perpetrators of a specific criminal offense who admits to their actions even if they are not the principal perpetrator and provides testimony during criminal proceedings (Yany et al., 2025).

3. Witness

A witness is a person who provides a statement and/or a person who can testify in criminal proceedings regarding legal events that they have heard, seen, or experienced firsthand, and/or a person who possesses specialized expertise or specific knowledge relevant to the resolution of a criminal case (Li 2014).

3.1.3 *The Form of Protection Provided*

The concept of a whistleblower in Indonesian law has not yet been explicitly regulated in legislation, resulting in ambiguity regarding its definition and legal status (Florida & Sakti, 2024). However, protection for whistleblowers is implicitly provided for in Law No. 13 of 2006 on the Protection of Witnesses and Victims. Article 10(1) states that “A witness, victim, or reporter may not be prosecuted, either criminally or civilly, for a report or testimony that is to be, is being, or has been given” (Yustrisia, 2017). Pursuant to this law, a whistleblower or reporter may not be prosecuted, either criminally or civilly, for testimony and/or reports that they will provide, are providing, or have provided, unless such testimony or reports were provided in bad faith. If legal action is taken against a whistleblower regarding testimony and/or reports that will be, are being, or have been provided, such legal action must be suspended until the case they reported or testified regarding has been adjudicated by a court and has become final and binding (Julpandi et al., 2024). This law has been amended by Law No. 31 of 2014, namely the Law Amending Law No. 13 of 2006 on the Protection of Witnesses and Victims. The inclusion of Article 10A of Law No. 31 of 2014 further reinforces the granting of protection rights to Whistleblowers and Justice Collaborators, namely: first, physical and psychological protection; second, legal protection; Third, special treatment, and fourth, receiving rewards. Regarding special treatment, as stated in Article 10A, there are several rights that a Whistleblower or Justice Collaborator may obtain, namely: being held in a separate detention facility from other suspects or defendants in the

disclosed crime, and having their case files processed separately from those of other suspects or defendants in the reported case. Furthermore, they may be granted a postponement of prosecution against themselves, as well as a postponement of legal proceedings such as investigations and prosecutions that may arise due to the information, reports, and/or testimony they provide. They may also testify in court without facing the defendant whose criminal acts are being prosecuted. In addition to special treatment, a witness who is also a perpetrator of the criminal act may receive benefits such as a reduction in the sentence, including a suspended sentence, as well as parole, remission, and other prisoner rights in accordance with applicable laws and regulations if the cooperating witness-perpetrator is an inmate. All these rights may be obtained by a Whistleblower or Justice Collaborator with the approval or recommendation of the LPSK (Muhammad, 2015).

The Supreme Court has demonstrated its commitment to supporting the protection of witnesses and victims by issuing Supreme Court Circular Letter No. 4 of 2011. Treatment of Whistleblowers and Justice Collaborators in Certain Criminal Offenses serves as the legal basis and reference for courts to provide protection to justice collaborators and whistleblowers. A key provision contained in this SEMA is the provision of special treatment for individuals who can be categorized as criminal offenders and cooperating witnesses. Such special treatment includes, among other things, reduced criminal penalties and/or other forms of protection. The forms of protection and rewards provided by this Supreme Court Circular to whistleblowers are as follows: if the person reported files a counter-report against the whistleblower, the handling of the case reported by the whistleblower must take precedence over the case reported by the accused. Meanwhile, a justice collaborator is determined if:

1. The person in question is one of the perpetrators of the criminal act, admits to the crime committed, is not the principal perpetrator, and provides testimony as a witness during the judicial proceedings.
2. The Public Prosecutor, in their indictment, states that the individual has provided testimony and evidence of such significance that investigators and/or prosecutors were able to effectively uncover the criminal act in question, identify other perpetrators who played a greater role, and/or recover assets or proceeds from the criminal act.
3. In light of such assistance, the judge, when adjudicating the case involving the justice collaborator, may consider imposing a special conditional probation sentence and/or imposing a prison sentence that is the lightest among the defendants (Nixson et al., 2013).

3.1.4 Whistleblower Protection Mechanism

The mechanism for protecting whistleblowers in the Indonesian legal system essentially still relies on the framework for the protection of witnesses and victims as stipulated in Law No. 13 of 2006, as amended by Law No. 31 of 2014. In this regard, the Witness and Victim Protection Agency (LPSK) is responsible for receiving and protecting whistleblowers facing threats. This reliance on the witness protection system indicates that whistleblower protection lacks a dedicated mechanism. Consequently, the provision of more specialized protection for whistleblowers of corruption-related crimes remains limited. In practice, the process of seeking protection from the LPSK is initiated through a request submitted by the whistleblower, either directly or through law enforcement officials. Before providing protection such as physical protection, legal assistance, and psychological support to the whistleblower, the LPSK will verify and assess the level of threat the whistleblower faces. Additionally, the LPSK has the authority to make decisions regarding protection and to ensure that the rights of whistleblowers are upheld throughout the judicial process (Ikraam

& Febrianti, 2024). Therefore, although this mechanism demonstrates the existence of fairly clear formal procedures, it still relies on the whistleblower's initiative to seek protection.

Furthermore, the effectiveness of whistleblower protection depends not only on the role of the LPSK but is also heavily influenced by the support of law enforcement agencies, such as the police, the prosecutor's office, and the courts. Law enforcement agencies do not merely serve as recipients of reports but also have a duty to safeguard the confidentiality of the whistleblower's identity and coordinate with the LPSK in providing protection. In practice, cooperation between the LPSK and institutions such as the Attorney General's Office has been formalized through a memorandum of understanding to strengthen safeguards for whistleblower security in corruption cases. Therefore, inter-agency synergy is a critical factor in ensuring effective protection for whistleblowers. Reporting channels for corruption-related criminal offenses in Indonesia are available through various institutions, such as the Corruption Eradication Commission (KPK), the Police, and other agencies that have established whistleblowing systems. The KPK, for instance, has implemented a technology-based reporting system to facilitate the public in submitting reports of alleged corruption. However, the existence of such reporting systems has not yet been fully accompanied by adequate safeguards, particularly in the face of threats and retaliation against whistleblowers (Koni et al., 2025). This indicates that the availability of reporting channels does not automatically guarantee the safety of whistleblowers.

From the perspective of the United Nations Convention Against Corruption (UNCAC), particularly Article 33, states are required to provide effective protection mechanisms for whistleblowers acting in good faith. Indonesia itself has ratified the UNCAC through Law No. 7 of 2006, which legally binds the state to meet these international standards. However, in practice, protection mechanisms in Indonesia still do not fully comply with UNCAC provisions, particularly regarding guarantees against retaliation and the provision of comprehensive and proactive protection (Fahririn et al., 2025). Therefore, further strengthening is needed so that the whistleblower protection mechanism in Indonesia is not merely formal but also effective in practice.

3.1.5 *Limitations of the settings*

Although Indonesia has enacted a number of regulations regarding whistleblower protection, these provisions still have significant limitations. This situation indicates that, while whistleblower protection is recognized in principle, it is not yet supported by a comprehensive and integrated legal framework. Consequently, the effectiveness of whistleblower protection in practice still faces various obstacles that could potentially hinder efforts to combat corruption.

First, the absence of a specific law on whistleblowers is a major weakness in the national legal system. Protection for whistleblowers is currently implicit and scattered across various regulations, thus failing to provide strong legal certainty. Studies indicate that whistleblower protection has not been explicitly and comprehensively regulated in Indonesian legislation. Consequently, the absence of such specific regulations results in weak legal safeguards for whistleblowers, particularly when facing legal risks or pressure from the parties being reported. Second, the fact that whistleblower protection is still lumped together with witness and victim protection also poses a fundamental problem. This results in an unclear legal status for whistleblowers, as the characteristics and risks they face differ from those of witnesses and victims. In practice, whistleblowers often do not receive adequate special treatment, making them more vulnerable to intimidation, criminalization, and various other forms of retaliation. Thus, an approach that equates whistleblowers with witnesses or victims actually overlooks their specific protection needs. Third, the fact that regulations remain scattered or

fragmented across various laws also poses a serious obstacle to the implementation of whistleblower protection. Whistleblower protection in Indonesia is governed by various legal instruments, such as the Corruption Crimes Act, the Witness and Victim Protection Act, and various other sectoral regulations. This situation leads to inconsistencies in legal norms and difficulties in practical application. In fact, research indicates that Indonesia's legal framework still consists of various separate regulations that have not been systematically integrated (Atlantis Press, 2023). Consequently, this regulatory fragmentation results in ineffective coordination among institutions in providing protection to whistleblowers (Claudia et al., 2024). In addition to these normative issues, when compared to the standards of the United Nations Convention Against Corruption (UNCAC), Indonesia still faces significant gaps. The UNCAC emphasizes the importance of effective protection mechanisms, including safeguards against retaliation, the provision of compensation, and redress for whistleblowers who have suffered harm. However, in practice, these mechanisms have not yet been fully adopted into the national legal system (Sulaksono & Efendi, 2025). This indicates that although Indonesia has ratified the UNCAC, its implementation remains suboptimal and is not yet fully aligned with international standards.

3.2 Compliance and Discrepancies Between Indonesia's Whistleblower Protection Regulations and the Standards of the United Nations Convention Against Corruption

This discussion aims to analyze the alignment of whistleblower protection in Indonesia with international standards, particularly the UNCAC, and to highlight the principles of protection that underpin its implementation. Legal protection for whistleblowers refers to the safeguards provided by law enforcement agencies to ensure the safety of whistleblowers during the legal process of uncovering facts related to corruption offenses (Asliani & Koto, 2022). Under the United Nations Convention against Corruption, whistleblower protection is addressed in Article 33, which states that: "Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention." States Parties have an obligation to incorporate whistleblower protection into their national legal systems. In this context, the phrase "shall consider" implies that a State is not merely required to acknowledge the existence of whistleblowers, but is also obligated to develop legal policies capable of providing tangible protection against unjustified treatment. Article 33 of the UNCAC emphasizes the importance of protecting whistleblowers who provide information regarding acts of corruption (United Nations, n.d.). These provisions form the basis for the development of whistleblower protection standards in international law (Juwita, 2016).

Furthermore, these provisions must be read in conjunction with Article 32 of the United Nations Convention against Corruption, which addresses the protection of witnesses, experts, and victims. Article 32 emphasizes the obligation of states to provide effective protection against potential retaliation and intimidation, including through concrete measures such as physical protection, confidentiality of identity, and the use of technology in the giving of testimony (United Nations, n.d.). Although whistleblowers are not explicitly mentioned in Article 32, the substance of the protections set forth therein is closely relevant to the need for protection of whistleblowers, given that both are equally vulnerable to the risk of pressure and retaliation resulting from the disclosure of acts of corruption. Based on the provisions of Articles 33 and 32 of the UNCAC, it can be seen that protection for whistleblowers is not merely formal but also addresses substantive and procedural aspects. The principles of

whistleblower protection are then articulated in three internationally recognized key elements: good faith, reasonable grounds, and protection from unjustified treatment.

First, the principle of good faith implies that a whistleblower must act with honest intentions and without malicious intent. Under international standards, a whistleblower does not need to be factually correct in the substance of their report; rather, it is sufficient that they have a reasonable belief that the information is true, thereby retaining the right to protection (UNCAC Coalition). Second, the principle of reasonable grounds requires that a report be based on reasonable grounds or an objective belief that a violation has occurred. This standard does not require perfect proof as in a court of law, but rather a rational and justifiable suspicion, so that the whistleblower remains protected even if the report is not yet proven (UNCAC Coalition; Lewis).

In addition to the UNCAC, several other international instruments also emphasize the need for protection for whistleblowers, although these instruments are not legally binding. These instruments include the Organization for Economic Co-operation and Development (OECD) guidelines for Asia-Pacific, the African Union Convention on Preventing and Combating Corruption, and the European Civil Law Convention on Corruption, all of which emphasize the importance of protection against retaliation. In the Asia-Pacific region, the OECD, through its Anti-Corruption Action Plan for Asia and the Pacific, emphasizes that whistleblower protection must be maximized to encourage more whistleblowers to expose corruption cases in the future (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2001). The OECD emphasizes comprehensive protection against various forms of retaliation, such as dismissal, demotion, discrimination, and workplace pressure, so that whistleblower protection is not limited to formal legal aspects but also extends to employment relationships and the social environment (Kaçiku Baljija & Min 2023). The emphasis on the importance of whistleblower protection is also reflected in various regional instruments, one of which is the African Union Convention on Preventing and Combating Corruption, which affirms the obligation of states to provide optimal protection for whistleblowers, particularly against retaliation for reports they submit. This demonstrates that whistleblower protection is a principle widely recognized across various international legal systems (Juwita, 2017).

Continuing the review of international instruments, protection for whistleblowers at the national level can also be compared with the provisions in force in Indonesia. Normatively, Indonesia has demonstrated initial alignment with the standards for whistleblower protection as set forth in the UNCAC, particularly Article 33. This is reflected in the existence of a national legal framework governing protection for whistleblowers, namely through Law No. 13 of 2006 in conjunction with No. 31 of 2014 on the Protection of Witnesses and Victims, which has the primary function of providing legal protection, security, and other supporting facilities for reporters, witnesses, and victims of crime in theory. This regulation ensures that every individual who reports a criminal offense receives protection from retaliation or intimidation, thereby formally adopting the principle of protection from unjustified treatment as recommended in the UNCAC (Sujana et al., 2025).

In addition to the LPSK, legal protection for whistleblowers is also provided by the Corruption Eradication Commission (KPK). Under Law No. 19 of 2019 on the Second Amendment to Law No. 30 of 2002 on the Corruption Eradication Commission, Article 15(a) stipulates that the KPK is obligated to “provide protection to witnesses or whistleblowers who submit reports or provide testimony regarding the occurrence of corruption offenses.” These protection efforts are carried out by maintaining the confidentiality of the identity, providing legal assistance and support, as well as coordinating with the LPSK and relevant parties to provide direct escort and security for the reporting witness (Yanto et al., 2023). The existence of these two institutions demonstrates that Indonesia has established an institutional framework supporting the implementation of whistleblower protection. One indicator of this

is the suboptimal protection of whistleblowers against various forms of retaliation, even though this aspect is a crucial component in ensuring the effectiveness of reporting corruption crimes. Legal Protection for Reporters of Corruption Crimes (Whistleblowers) by the Witness and Victim Protection Agency (LPSK) Based on Law No. 31 of 2014

In addition to institutional factors, the fragmentation of regulations scattered across various laws and regulations also creates uncertainty regarding reporting mechanisms and legal protections for whistleblowers. Consequently, there is a gap between whistleblower protection regulations in Indonesia and the standards set forth in the United Nations Convention against Corruption, particularly regarding the state's obligation to provide effective protection against retaliation. This gap is reflected in weak implementation on the ground, where whistleblowers still face various risks, including threats to their identity and safety. This gap is also consistent with discrepancies regarding the principles of protection developed in various other international instruments, such as the guidelines of the Organisation for Economic Co-operation and Development and the African Union Convention on Preventing and Combating Corruption, which emphasize the importance of comprehensive and optimal protection for whistleblowers. This situation is further evident in the limited existing regulations, which have not yet comprehensively addressed the protection of whistleblowers, particularly regarding protection against intimidation and retaliation.

In practice, numerous cases show that whistleblowers are, in fact, criminalized on charges of defamation, slander, or violations of the Electronic Information and Transactions Law (EIT Law). A concrete example of this problem can be seen in the case of Nurhayati in Cirebon, who reported alleged corruption by her village head but was instead named a suspect. Other cases, such as those of Daud Ndaculak in NTT and Stanley Ering in Manado, also demonstrate that whistleblowers often face retaliation that results in them losing their jobs, enduring social pressure, and even facing protracted legal proceedings (Sujana et al., 2025). Other similar cases involving Wa Ode Nurhayati and Agus Condro, who were sentenced by the KPK due to their involvement in the corruption cases they exposed. This has surprised many, including the LPSK, given that the KPK is supposed to protect every whistleblower who discloses information. This phenomenon highlights a disconnect between the ideal role of whistleblowers in the anti-corruption system and actual law enforcement practices on the ground. The LPSK has stated that it will attempt to grant Agus Condro a reduction in his sentence or the possibility of parole. Despite the noble intentions of the whistleblower, given the high likelihood that the whistleblower will be punished by the KPK, the primary obstacles stem from other officials regarding the disclosure of information about corruption. The LPSK can only protect witnesses if the Attorney General's Office, the KPK, the Ministry of Law and Human Rights, and the National Police agree making it extremely difficult for whistleblowers to receive protection or have their prison sentences reduced. This is due to the limitations of the LPSK's authority, which in practice relies heavily on the approval of other law enforcement agencies, such as the Attorney General's Office, the KPK, the Ministry of Law and Human Rights, and the National Police. Consequently, protection for whistleblowers becomes ineffective, as it is not independent and tends to be fragmented across agencies. Thus, these cases not only reflect individual issues but also highlight structural weaknesses in Indonesia's whistleblower protection system. School of International Service (American University Washington College of Law 2015).

In this context, the role of the LPSK is both crucial and limited. This institution provides legal protection in the form of a guarantee of identity confidentiality, meaning that information regarding whistleblowers may not be disclosed without their consent. However, in practice, there are many cases where a whistleblower's identity is leaked to the public, making them a target of intimidation or legal attacks from parties who feel harmed by their reports; this highlights the weakness of protection for whistleblowers in Indonesia. The

enforcement of regulations protecting whistleblowers in Indonesia, which still falls short of the standards mandated by the United Nations Convention against Corruption (UNCAC), has led to various negative consequences. Although there are a number of regulations governing the protection of whistleblowers, their implementation remains weak, resulting in whistleblowers frequently facing various forms of retaliation after filing a report. Such retaliation can take the form of demotion, denial of promotion, social ostracism in the workplace, dismissal, or even counter-accusations against the whistleblower. The impact is felt not only in career aspects such as lost promotion opportunities, being blacklisted, and disrupted professional relationships but also on a personal level, including damage to one's reputation, psychological stress, and diminished self-confidence. These conditions cause many individuals to hesitate to report suspected acts of corruption or other violations out of fear of the consequences they may face. Consequently, the effectiveness of the reporting system diminishes, and efforts to prevent and eradicate corruption cannot proceed optimally. The study's findings also indicate that inadequate protection for whistleblowers has the potential to hinder the exposure of corruption cases and reduce public participation in supporting clean and accountable governance (Suyatna, H., dkk. 2021).

4 Conclusion

Based on the research findings, it can be concluded that Indonesia already has a legal framework governing the protection of whistleblowers through various laws and regulations, such as the Law on the Eradication of Corruption and the Law on the Protection of Witnesses and Victims, and is supported by institutions such as the LPSK and the KPK. Nevertheless, the existing protection system still does not provide optimal legal certainty because its provisions are scattered across various regulations, it lacks definitions and protection mechanisms specifically designed for whistleblowers, and it continues to face various obstacles in its implementation. Furthermore, when assessed against the standards set forth in the UNCAC, whistleblower protection in Indonesia demonstrates formal compliance but is not yet fully effective in practice. The continued occurrence of cases involving retaliation, disclosure of identity, and criminalization of whistleblowers indicates a gap between the law and its implementation. Therefore, this study underscores the importance of legal reform through the enactment of a specific law on whistleblower protection, the strengthening of interagency coordination, and the refinement of more comprehensive protection mechanisms to align with international standards and more effectively support anti-corruption efforts.

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