The Legal Protection towards whistle Blower in Criminal Case Connected to The Law No 13 Year 2006 about Protection of Witnesses and Victims

Abstract

Herwin Susastra

31608022

The weak law enforcement about whistle blower protection makes the witnesses do not want to give legal testimony about anything they have heard, seen, and undergone. This anxiety is understandably when a whistle blower do their obligation, they do not get achievement but a threat, either in physically or mentally, moreover if the case is an organized crime, the threat is getting bigger, and not only involve whistle blower, but also property and family. According to the background needs to be review problem about whistle blower protection in criminal case refers to the law no 13 year 2006 about protection of witnesses and victims, the role of witnesses victims protection agency in giving protection to whistle blower in practically and the weak of witnesses and victims agency in giving protection to whistle blower.

This study is descriptive analytic by describing the primary and secondary facts and using juridical normative approach. The data gained is analyzed in judicial qualitative, therefore the hierarchy of constitution can be noticed and guaranteed legal certainty.

According to data, it can be concluded that the whistle blower protection is in article 5 chapter (1) about witness's rights, article 9 says that the witnesses can give information without present in the court and article 10 chapter (2) the law no 13 year 2006 about the protection of witnesses and victims says that the witnesses is also suspect in the same case, the legal testimony can be considered as judge consideration to lighten the punishment, the role of witnesses and victims agency can be done by a duty and authority accomplishment that spread out in constitution of witnesses and victims protection, keep the witness's rights and cooperate to related agency, and the weak of witnesses and victims agency is the lack of article in witnesses and victims constitution that rule about whistle blower.