



Epistemological Errors in the Concept of Justice Collaborators: A Critical Discourse Analysis Study

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Abstract. The existence of witness testimony as evidence in criminal proceedings is prioritised to reveal the material truth. Therefore, KUHAP places witness testimony as the main evidence. In its development both theoretically and practically, in addition to the existence of the Crown Witness, based on the influence of the global legal system, the concept of Justice Collaborators or Witness Preperators was introduced in Indonesia. Dialectics regarding this concept surfaced again when a premeditated murder case involving Bharada Eliezer was designed as a Justice Collaborator. Based on this, the formulation of the problem is "How did the epistemological error occur in determining the status of Justice Collaborator for Bharada Eliezer?" This article aims to explain and identify non-juridical factors that cause epistemological errors in the determination of justice collaborator status by judges. This article uses legal research method with Critical Discourse Analysis (CDA) approach as a complement to Framing Analysis. The result of this study is the existence of social framing built since the investigation stage, which is actually a bargaining process of law enforcement officials who do not have valid data on the occurrence of premeditated murder.

Keywords: Epistemological Error, Criminal Procedure, Justice Collaborator.

1. Introduction

Indonesia as a state of law has obligations that must be fulfilled to each of its citizens, one of which is to provide legal protection to every citizen.[1] As for the provision of legal protection, the state is also considered to have fulfilled the protection of citizens' rights, namely Human Rights which are rooted in respect for human dignity. As in this case every state is obliged to uphold the rights of every person, especially when dealing with the law, where everyone who is in conflict with the law, whether the defendant, witness, or victim, has the same and equal position, namely the right to be respected, protected and given fair treatment without discrimination.[2]

Because of the state's obligation to fulfil legal protection to its citizens, each state should create laws and regulations to provide legal certainty and to regulate various aspects of life to each citizen. By providing legal certainty, it will create a good judicial system that can run efficiently and has clear guidelines in the law.[3]

In its development, the Indonesian state has issued a law that regulates the protection of witnesses and victims, namely in the Criminal Procedure Code

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(KUHAP). However, the rules contained in the KUHAP that discuss the protection of victims are considered less than optimal. This is because the contents of these rules are considered incomplete and require additional rules to complement them. Finally, a law was enacted that specifically discusses the protection of witnesses and victims, namely Law No. 31/2014 on the amendment of Law No. 13/2006 on the protection of witnesses and victims. The law states that a witness is a person who provides information for the purpose of investigation, investigation, prosecution and examination in a criminal trial of things that he or she hears, experiences or knows in relation to a criminal offence.

Thus, based on the definition of witness in the law, it explains that the testimony given by a witness in a criminal case is what he hears, sees and experiences himself. This can be one of the main evidence in the settlement of criminal cases, because the presence of witness testimony will later bring a bright spot from a series of criminal case events.[4] And with this witness testimony is also considered very important to achieve a material truth.[5] Which can affect the facts of the trial which will determine the final outcome of a criminal case at trial.

In other words, the witness testimony will assist the Law Enforcement Officials (APH) in bringing up the facts of the trial which can be critically analysed and tested to ensure their truth and consistency. There are several types of witnesses, namely witnesses a charge or incriminating witnesses in Article 160 paragraph (1) letter c of the Criminal Procedure Code and witnesses a de charge or mitigating witnesses in Article 160 paragraph (1) letter c of the Criminal Procedure Code. In this case, a charge witness is a witness intended to corroborate the Public Prosecutor (JPU) in proving their charges while a de charge witness is a witness intended to corroborate the Legal Counsel in defending the client or also known as the defendant.

In addition to these two types of witnesses, there are also victim witnesses, crown witnesses, reporting witnesses and cooperating perpetrator witnesses. In the judicial process Article 1 point 2 of Law Number 31 of 2014 concerning amendments to Law Number 13 of 2006 concerning the protection of witnesses and victims, the term perpetrator witness is a suspect, defendant or convict who is willing to cooperate cooperatively with Law Enforcement Officials (APH) useful for providing important information in revealing the truth in the same criminal case. Since the justice collaborator is a person involved in the crime, his statement is the most powerful evidence available in the process of disclosing a criminal process, from the investigation stage to the proof stage in court, the existence and role of the perpetrator witness is highly anticipated.[6] So, the existence of this witness certainly has a big risk, one of which concerns the security of each witness. Therefore, it is necessary to protect and reward what he has done by ensuring the safety and comfort of each witness.[7]

So it is appropriate that the international world makes a rule that discusses the protection of witnesses which then divides them into two, namely witnesses "Whistleblower" and "Justice Collaborator". These two witnesses are both given protection but have different roles and legal status. If a Whistleblower is an individual who has important information about crimes that occur within an organisation or a certain environment, and they dare to report it to the authorities.[8] Meanwhile, a

Justice Collaborator is a perpetrator or involved in a crime, but is willing to cooperate with the authorities to expose the crime.

However, currently Indonesia does not have rules that specifically regulate Whistleblowers, while for Justice Collaborators it is listed in Law Number 13 of 2006 concerning the protection of witnesses and victims and its amendments, namely in Law Number 31 of 2014 concerning amendments to Law Number 13 of 2006 concerning the protection of witnesses and victims. Which in the regulation is only known as the term "Cooperating actors" while the term "Justice Collaborator" is not mentioned in it.

The stated function of the Justice Collaborator in the international world is that it can be an important key in uncovering crime networks and assisting authorities in dealing with perpetrators and complex criminal organisations.[9] Whereas in general in Criminal Procedure Law, the Justice Collaborator functions to reveal a criminal offence, and provide information to Law Enforcement Officials (APH) regarding the facts he knows. Where the Justice Collaborator witness testimony will be very useful to obtain a material truth which will produce an accurate and complete decision based on the facts revealed during the course of the investigation and trial.[10]

However, it should also be noted that witness testimony and the search for material truth have different roles in the search for the truth of trial facts. Witness testimony refers more to information or facts provided by individuals who give direct testimony about the matter in question. Meanwhile, material truth is an activity of finding and analysing accurate facts, without bias or prejudice to decide a case or case fairly and accurately.[10] Or in other words, witness testimony will provide information from the point of view of the individuals involved, which in this case is the witness of the collaborating perpetrator, while seeking material truth refers to the court's efforts to identify all evidence and testimony to reach a decision. Thus, the existence of this Justice Collaborator witness will be very useful and help the course of examination both in the investigation and in the settlement of cases at trial.

Therefore, a witness who provides testimony in the criminal justice process is an obligation for the state to provide legal protection. Witness protection in law is a human right that must be implemented by law enforcers to provide security, both physical and mental, to victims and witnesses from threats, interference, terror, and violence from any party at the stages of investigation, prosecution, and examination in court.[11] Moreover, witness testimony that comes from collaborating perpetrators in order to uncover the dark veil in unravelling major crimes.

As for previous research related to this issue, it has been revealed by Bahrudin Machmud, et al with the title "Repositioning the Position of Justice Collaborator in Efforts to Eradicate Corruption" published through the USM Law Review Journal Vol. 4 No. 1 Year 2021[12], which concludes that the position of a Justice Collaborator in a case resolution process is used as a witness who cooperates with law enforcement officials to provide important evidence and information to assist in the judicial process of corruption. So that legal protection and appreciation are needed that is equivalent to what has been done to help the examination process. However, in

reality there are still differences between law enforcers in the process of determining a person as a Justice Collaborator. As a result, legal protection and rewards cannot be obtained by witnesses who cooperate with law enforcement officials. While repositioning the position of Justice Collaborators in efforts to eradicate corruption is by placing them as key witnesses who can be asked for information outside the trial. Which provides an opportunity for investigators to be more free to obtain witness testimony in solving existing corruption cases.

While in the research conducted by Fathony Karuniawan[13] with the title "The Concept of Whistleblower and Justice Collaborator in Corruption Crime", which explains that the Justice Collaborator essentially has a position as a suspect or defendant who in other cases he also has the status of a witness to the perpetrator involved in the case and his testimony will make him get a reward in the form of leniency in sentencing and parole, additional remission or even other prisoner rights as in accordance with the provisions of legislation for witnesses who are prisoners. In the study, Fathony also mentioned if there is a need for a strong legal umbrella to protect a Justice Collaborator by improving the law on witness and victim protection because as is known, every Justice Collaborator needs to get clear legal protection to maintain his own security.

The two studies mentioned above are still descriptive-normative in nature. However, as a scientific study, both studies are a form of criticism that is still very relevant to today's situation. Meanwhile, the two studies did not examine a process of determining a person as a justice collaborator status based on the amount of pressure from netizens as a result of social framing carried out by interested parties through various mass media.

2. Problems

This research will focus on examining the factors that cause epistemological errors in determining the status of justice collaborators in a general criminal case that invites widespread public reaction.

3. Method

This research uses legal research method with commonly used approaches, namely conceptual approach, case approach, and law approach. However, because the nature of this research is multidisciplinary, researchers also use the Trichotomy of Relationships approach with qualitative analysis methods. Meanwhile, the Trichotomy of Relations approach contains an interpretation model through Critical Discourse Analysis (CDA) and Semiotics.

4. Discussion

The concept of Justice Collaborator is often confused with the concept of Whistleblower. Although, both terms have different roles and legal status. The two concepts do have similarities in providing important information related to criminal offences to the authorities, but their purpose and role in the legal process are different. Therefore, regulations are made to organise protection for both.[14] In fact, to this day, Indonesia does not have an authoritative text at the level of a Law in regulating the concept of Whistleblower, but is still based on the Supreme Court Circular Letter.

This understanding for law enforcement officials, the existence of the concept of Justice Collaborator has occupied a position of mutual understanding. Whereas, the understanding of Justice Collaborators - in general, is only based on the Supreme Court Circular Letter Number 4 of 2011 concerning Treatment for Whistleblowers and Witnesses who cooperate in certain criminal cases and Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection.

However, it turns out that there is a Joint Regulation signed on 14 December 2011 by 5 (five) government institutions that have law enforcement functions, namely the Ministry of Law and Human Rights, the Attorney General's Office of the Republic of Indonesia, the Indonesian National Police, the Corruption Eradication Commission of the Republic of Indonesia, and the Witness and Victim Protection Agency. Thus, as a whole, there are Laws, Supreme Court Circulars, and Joint Regulations that specifically regulate Justice Collaborators.

What is interesting is when the study is directed to aspects of philosophical reflection (ontology, epistemology and axiology), namely related to how the concept of Justice Collaborator in Indonesia? The Witness and Victim Protection Act of 2006, as the first existing regulation, confirms that the rights to obtain protection are only given to witnesses in certain cases, which are then reaffirmed in the Witness and Victim Protection Act of 2014.

Meanwhile, in SEMA No. 4/2011 and the 2011 Joint Regulation, there are no provisions that are identical to the provisions in the Witness and Victim Protection Law mentioned above. SEMA No. 4/2011 uses the concept of "certain serious criminal offences", namely corruption, terrorism, narcotics offences, money laundering, trafficking in persons, and other organised criminal offences that have caused serious problems and threats to the stability and security of society, undermining the institutions and values of democracy, ethics and justice, and endangering sustainable development and the rule of law.

Meanwhile, in the 2011 Joint Regulation, separating the concept of "Certain Crimes" is only for Whistleblowers, while for Justice Collaborators, the concept of "Serious and/or Organised Crimes" is used, namely corruption, gross human rights violations, narcotics/psychotropic drugs, terrorism, money laundering, human trafficking, forestry and/or other criminal acts that can cause danger and threaten the safety of the wider community.

If we look closely, then "as if" there appears to be a diversity of meanings and dualism of concepts set as a requirement for a suspect or defendant who will be designated as a Justice Collaborator. However, basically, there is a general agreement from law enforcement institutions that the main requirement for Justice Collaborator status is the disclosure of certain and serious criminal offences, as well as the impact of the emergence of threatening discourse and danger to the wider community.

One of the criminal cases that attracted the attention of the wider community was the joint premeditated murder committed by Ferdy Sambo-a General in the Indonesian National Police, against one of his aides, which has gone viral since July 2022[15] until today-especially since the Supreme Court's decision to change the first instance and appeal decisions. In addition to the social furore over the merits of the case, there was also the viral emergence of one of the accused participants in the premeditated murder as a Justice Collaborator.

The process of determining a Justice Collaborator (JC) in a premeditated murder case involving the defendant Richard Eliezer Pudihang Lumiu, as discussed in Decision Number 798/Pid. B/2022/PN. Jkt.Sel, became a special concern because the defendant declared himself as a Justice Collaborator. This discourse then received a reaction from the wider community, especially those who read online news which was so massive in reporting the wishes of the defendant, as we collected the facts of online news by dividing them into two parts, namely before the decision and after the decision, as follows:

- a. Online mass media coverage before the verdict
 - 1) Kompas.com

Date	Title	Link
5 August 2022	LPSK: Bharada E Bisa Dilindungi jika Bersedia Jadi "Justice Collaborator"	https://amp.kompas.com/nasional/read/2022/08/05/15123461/lpsk-bharada-e-bisa-dilindungi-jika-bersedia-jadi-justice-collaborator
7 August 2022	Selain Keringanan Tuntutan, Bharada E Bisa Dapat "Reward" Ini jika Jadi "Justice Collaborator"	https://amp.kompas.com/nasional/read/2022/08/07/14314651/selain-keringanan-tuntutan-bharada-e-bisa-dapat-reward-ini-jika-jadi-justice-collaborator
9 August 2022	Ketua Komnas HAM Dukung Bharada E Jadi JC: Biar Dia Ceritakan yang Sesungguhnya	https://amp.kompas.com/nasional/read/2022/08/09/05420981/ketua-komnas-ham-dukung-bharada-e-jadi-jc-biar-dia-ceritakan-yang-sesungguhnya
15 August 2022	LPSK: Bukan Pelaku Utama, Bharada E Penuhi Syarat Jadi "Justice Collaborator"	https://amp.kompas.com/nasional/read/2022/08/15/14153521/lpsk-bukan-pelaku-utama-bharada-e-penuhi-syarat-jadi-justice-collaborator
9 February 2023	Akademisi Sebut Dukung Bharada E Turut Upayakan Keadilan bagi Brigadir J	https://amp.kompas.com/nasional/read/2023/02/09/16075011/akademisi-sebut-dukung-bharada-e-turut-upayakan-keadilan-bagi-brigadir-j

2) Liputan6.com

Date	Title	Link
8 August 2022	Proses Pengajuan Justice Collaborator, LPSK Bakal Gali Keterangan Terbaru Bharada E	https://www.liputan6.com/amp/5036868/proses-pengajuan-justice-collaborator-lpsk-bakal-gali-keterangan-terbaru-bharada-e
9 August 2022	Pengacara Brigadir J Dukung Bharada E Jadi Justice Collaborator	https://www.liputan6.com/amp/5037403/pengacara-brigadir-j-dukung-bharada-e-jadi-justice-collaborator
9 August 2022	Bharada E Ajukan Justice Collaborator, Komnas HAM: Ceritakan yang Sesungguhnya	https://www.liputan6.com/amp/5037056/bharada-e-ajukan-justice-collaborator-komnas-ham-ceritakan-yang-sesungguhnya
20 August 2022	Bharada E Jadi Justice Collaborator, LPSK Koordinasikan dengan Kejagung	https://www.liputan6.com/amp/5047296/bharada-e-jadi-justice-collaborator-lpsk-koordinasikan-dengan-kejagung
28 September 2022	Perjuangan LPSK Bujuk Bharada E Agar Jadi Justice Collaborator	https://www.liputan6.com/amp/5081837/perjuangan-lpsk-bujuk-bharada-e-agar-jadi-justice-collaborator

3) Kumparan.com

Date	Title	Link
7 August 2022	Didampingi Pengacara Baru, Bharada E Akan Ajukan Diri Jadi Justice Collaborator	https://m.kumparan.com/amp/kumparannews/didampingi-pengacara-baru-bharada-e-akan-ajukan-diri-jadi-justice-collaborator-1ybwPR5RuGB
8 August 2022	Bharada E Jadi Justice Collaborator: Tak Ada Tekanan; Sebut Nama yang Terlibat	https://m.kumparan.com/amp/kumparannews/bharada-e-jadi-justice-collaborator-tak-ada-tekanan-sebut-nama-yang-terlibat-1ycGdJLJbIM
9 August 2022	Muncul Gerakan Save Bharada E di Media Sosial	https://m.kumparan.com/amp/manadobacirita/muncul-gerakan-save-bharada-e-di-media-sosial-1ycshbJXJX
9 August 2022	Pengacara Brigadir Yosua Dukung Bharada E Jadi Justice Collaborator	https://m.kumparan.com/amp/kumparannews/pengacara-brigadir-yosua-dukung-bharada-e-jadi-justice-collaborator-1ycvbLLfoAb
25 August 2022	Survei Indikator: 56,9% Publik Dukung Bharada E Jadi Justice Collaborator	https://m.kumparan.com/amp/kumparannews/survei-indikator-56-9-publik-dukung-bharada-e-jadi-justice-collaborator-1yjLYWPpeHY

The news gave rise to various kinds of reactions from netizens who provided moral support to both the defendant and the family of the defendant who intended to become a Justice Collaborator. Netizens expressed the importance of honesty to expose the premeditated murder committed by the police officer, which is already known to the public to be full of fabrication. This is certainly inseparable from the various news reports when the victim's lawyer revealed the peculiarities of the process of examining the victim's corpse through the mass media.

a. Online mass media coverage after the verdict

1) Kompas TV

Date	Title	Link
15 February 2023	Momen Bharada E Menangis Haru saat Divonis Penjara 1 Tahun 6 Bulan, Orangtua Langsung Sujud Syukur	https://www.kompas.tv/amp/nasional/378775/momen-bharada-e-menangis-haru-saat-divonis-penjara-1-tahun-6-bulan-orangtua-langsung-sujud-syukur
15 February 2023	Keluarga Yosua Menangis Mendengar Vonis Bharada Eliezer 1 Tahun 6 Bulan	https://www.kompas.tv/video/378982/keluarga-yosua-menangis-mendengar-vonis-bharada-eliezer-1-tahun-6-bulan
16 February 2023	Menangis Usai Sidang Vonis Eliezer, Ronny: Ini Bukan Buat Siapa Siapa, Tapi Untuk Indonesia!	https://www.kompas.tv/regional/379139/menangis-usai-sidang-vonis-eliezer-ronny-ini-bukan-buat-siapa-siapa-tapi-untuk-indonesia
16 February 2023	Momen Ronny Talapessy Menangis Haru Usai Sidang Vonis Eliezer!	https://www.kompas.tv/video/379078/momen-ronny-talapessy-menangis-haru-usai-sidang-vonis-eliezer
16 February 2023	Inilah Momen Sorak Sorai Penuh Rasa Haru Usai Sidang Vonis Eliezer!	https://www.kompas.tv/video/379098/inilah-momen-sorak-sorai-penuh-rasa-haru-usai-sidang-vonis-eliezer

b. cnnindonesia.com

Date	Title	Link
15 February 2023	Lecture Notes	https://www.cnnindonesia.com/nasional/20230215124036-12-913356/keluarga-eliezer-di-manado-bersyukur-atas-vonis-15-tahun-penjara/amp
15 February 2023	Ruang Sidang Kacau Balau Kala Hakim Vonis 1,5 Tahun Bui Bharada E	https://www.cnnindonesia.com/nasional/20230215124025-12-913337/ruang-sidang-kacau-balau-kala-hakim-vonis-15-tahun-bui-bharada-e
15 February 2023	VIDEO: Keluarga Histeris Usai Richard Eliezer Divonis 1,5 Tahun	https://www.cnnindonesia.com/tv/20230215143753-407-913440/video-keluarga-histeris-usai-richard-eliezer-divonis-15-tahun

15 February 2023	Ibu Yosua Menangis Haru Respons Vonis Bharada E 1,5 Tahun Penjara	https://www.cnnindonesia.com/nasional/20230215131548-12-913363/ibu-yosua-menangis-haru-respons-vonis-bharada-e-15-tahun-penjara
16 February 2023	VIDEO: Antusias Simpatisan Richard Eliezer Ikuti Sidang Vonis	https://www.cnnindonesia.com/tv/20230215163837-407-913525/video-antusias-simpatisan-richard-eliezer-ikuti-sidang-vonis

c. Wartakota.tribunnews.com

Date	Title	Link
15 February 2023	Ikut Beri Semangat di Lokasi Sidang, Seorang Ibu Driver Ojol Terharu Bharada E Divonis 1,6 Tahun	https://wartakota.tribunnews.com/2023/02/15/ikut-beri-semangat-di-lokasi-sidang-seorang-ibu-driver-ojol-terharu-bharada-e-divonis-16-tahun
15 February 2023	Saat Tangis Haru Ronny Talapessy Pecah Usai Sidang Vonis Bharada E: Tuhan Kabulkan Doa Orang Kecil	https://wartakota.tribunnews.com/2023/02/15/saat-tangis-haru-ronny-talapessy-pecah-usai-sidang-vonis-bharada-e-tuhan-kabulkan-doa-orang-kecil
15 February 2023	Hakim Beri Vonis 1 Tahun 6 Bulan Penjara, Fans Bharada E Sujud & Cium Tangan ke Orangtua Brigadir J	https://wartakota.tribunnews.com/2023/02/15/hakim-beri-vonis-1-tahun-6-bulan-penjara-fans-bharada-e-sujud-cium-tangan-ke-orangtua-brigadir-j
15 February 2023	Pendukung Bharada E Bersorak Usai Hakim Jatuh Vonis 1 Tahun 6 Bulan Penjara	https://wartakota.tribunnews.com/2023/02/15/pendukung-bharada-e-bersorak-usai-hakim-jatuh-vonis-1-tahun-6-bulan-penjara
10 March 2023	Bharada E Alias Icad: Jujur, Saya Kaget dan Tidak Menyangka Banyak Orang Dukung Saya	https://wartakota.tribunnews.com/amp/2023/03/10/bharada-e-alias-icad-jujur-saya-kaget-dan-tidak-menyangka-banyak-orang-dukung-saya

Netizens reacted emotionally with congratulations, as well as congratulations flooded the comments column on the aforementioned portal. The Panel of Judges also received congratulations. In fact, Netizens believe that the verdict is a manifestation of social justice and as a result of the honesty of the Defendant as a Justice Collaborator.

The emergence of a social movement as a defence of the honesty and courage of the Defendant as a Justice Collaborator, was responded scientifically through the science of Communication by asserting it as a mass movement that

framed the mass media to treat news or direct news narratives as desired by the general public.[15] However, the researcher has forgotten the essence of the mass media itself which has a function as a means to lead public opinion.[16] Mass communication constructed through mass media - especially today's online media, is a form of opinion-mongering that can lead opinions and even intervene with judges in deciding cases. According to Alfian Mardiansyah,[17] the process of judges' decisions in trials is strongly influenced by many factors, one of which is mass media coverage.

The public, in general, forgets how aggressively the lawyers use the mass media to convey the oddities that occur. In fact, the lawyer of the victim had the audacity to utter perlocutionary speech acts in the form of threats to the Experts/Academics defending the Defendant.[18] Which in the end, ignored the legal analysis of the Public Prosecutor that Eliezer as a Justice Collaborator was an executor of the Crime of Planned Murder.[19] The inclination of opinion became a myth of modernity, when Netizens and the public were treated by the mass media to the judge's anger towards the Defendants - in addition to Eliezer.

However, the main legal issue relating to the legality of Eliezer's appointment as a Justice Collaborator has been evaporated through the neglect of the two main requirements of only certain crimes and having the smallest role through legal considerations constructed by the Panel of Judges.

The hidden influence of mass media and/or social media - as one of the subjective facts, is not covered by the normative approach. As explained by Margarito Kamis, [20] where Legal Science does not have concepts to discuss these subjective matters.

In connection with the above opinion, referring to the perspective of Critical Discourse Analysis[21] in the Trichotomy of Relations approach, through Soerjono Soekanto's opinion,[22][23] which relates to the discretionary actions of law enforcers—in this case, judges, in the process of law enforcement, are fully aware of power—as a *habitus*, towards the arena—namely the courtroom. Thus, the Judge is an agent in a superior structure. In fact, through Article 185 paragraph (6) of the Criminal Procedure Code in conjunction with Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, the judge is authorised to carry out the process of semiosis (meaning) of everything that is presented to him. Therefore, as the holder of power over the principle of *ius curia novit* which is in superior binary opposition, a judge can carry out a language strategy to establish rites of truth to create true knowledge, which in Habermas'[24] view is knowledge and interests are one unit.

5. Conclusion

The determination of the Justice Collaborator status, in the case mentioned above, shows the discourse of epistemological errors or the inability to decipher and find meaning in a legal concept, as a result of exceeding juridical analysis of legal concepts. The epistemological error committed by government institutions with law enforcement functions, raises a precedent in the future of the superiority of social framing over the formal law of a criminal case examination process. As a result, the

judgement of right and wrong based on the law, will become dependent on a viral discourse or not a legal process.

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