Journal of Law, Policy and Globalization
ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online)
Vol.75, 2018 

# Assessing the Role of "*the Crown Witness*" in the Criminal Procedure Process in Indonesia

Ismail[1*], Andi Muhammad Sofyan[2], Nur Azisa[2]

[1] Manokwari Law School, West Papua 98312, Indonesia
[2] Faculty of Law, Hasanuddin University, South Sulawesi, 90245, Indonesia
[*] Corresponding Author: *ghonuismail68@gmail.com*

**Abstract**

This research was focused on the examination of crown witnesses in the criminal procedure process in Indonesia. The examination is required because the difficulty of the enforcement officers to find evidence, other than the testimony of perpetrator in order to find material truth that can be justified. The result of research indicates that the role of the crown witness in the criminal prosecution process is very significant to find the material truth, for fast and simple process, fulfills the minimum standard of proof, upholds public justice against the perpetrator and determines the pursuit of each perpetrator as their role. A legal protection is required for the crown witness and a policy of criminal procedure law reform through the completing of the Criminal Procedure Code relating to the content of crown witness material firmly and limitative in the future.

**Keywords:** Proof, Criminal Law, Crown Witness

## 1. Introduction

Indonesia proclaims itself as a constitutional State.[1] Conceptually, a constitutional State is a translation of the term "*rechstaat*" or "*rule of law*."[2] The mention of "*Rule of law*," itself can be said as a form of juridical formulation of the idea of constitutionalism. In the simplest sense by Thomas Paine defines "*rule of law*" as no one is above the law and the ruling law. Therefore, the constitution and the State (law) are two inseparable institutions. The State based on law places law as supreme so that there is a term of *law supremacy*. Law supremacy should not ignore 3 (three) basic of laws that is justice, usefulness and certainty.

According to Philipus M. Hadjon, the concept of *rechstaat* comes from the struggle against absolutism, hence it is revolutionary, conversely the concept of *the rule of law* evolved evolutionarily. It is evident from the content or criteria of *rechstaat* and the *rule of law*.[3] The main similarities between the concept of *rechstaat* and the rule of law is the guarantee of human rights.[4] While, the main differences between *rechstaat* and the rule of law is the element of administrative justice.[5] Referring to the concept, characteristics and principles of the constitutional State, the implementation of the provisions of the 1945 Constitution as the constitution of the State in the field of criminal law enforcement and the protection of human rights in Indonesia has stipulated technical regulations on criminal procedural law.

Above all, an aspect that needs to be completed is the presence of witnesses in the criminal proceedings. Witness is one of the determinants in the process of criminal proceeding in a court. In the provisions of the Criminal Procedure Code, the regulation concerning witnesses still involves the conventional view where the witness who is often presented in the court is the victim of its crime because he who experienced, saw and heard about the crime that occurred.

The development of society today requires examination of "*crown witnesses*." Although, the existence of the "*crown witness*" in Indonesian positive criminal law is not regulated firmly and limitative. The role of the *crown witness* is actually very significant to reveal who, where and how the crime occurred. This is because the crown witness is an "*insider*" who knows very well about the planning, preparation and process so that criminal acts committed by suspects. Nevertheless, there are serious concerns that aside from not yet regulated in the provisions of the Criminal Procedure Code, the examination of the *crown witnesses* has not provided significant legal protection to the witness who is also a suspect whose rights should be protected by law.

---

1 Article 1 paragraph (3) the 1945 Constitution of the Republic of Indonesia.
2 Hamdan Zoelva. (2015). Prospek Negara Hukum Indonesia: Gagasan dan Realita. *Hasanuddin Law Review, 1*(2), 178-193. doi: http://dx.doi.org/10.20956/halrev.v1n2.78
3 Philipus M. Hadjon, 2007, *Perlindungan Hukum Bagi Rakyat di Indonesia*, Edisi Khusus, Peradaban, Surabaya, page. 67.
4 S. F. Marbun, 1997. *Peradilan Administrasi Negara dan Upaya Administratif di Indonesia*, Liberty, Yogyakarta, page. 10.
5 *Ibid*, page. 11.

 

Nowadays, the author is concerned with the development of criminal justice practices in Indonesia, where examination of the crown witness is considered something usual. The writer' concerns are based on the controversial examination of the crown witness. In judicial practice, if a suspect is presented as a witness then he is under serious pressure because he is required to provide correct information. If he is a witness, the suspect must be sworn in first, while if the suspect refuses to take an oath, he can be threatened with a criminal giving false information.

Regardless of the controversial matters above, the examination of the crown witnesses is also useful to protect the public from obtaining justice against the perpetrators of crimes whose case proof is difficult and the public prosecutor is not easy to present witnesses to obtain minimum evidence as determined by law. Hence, apply the principles of balancing between the interests of public justice and the protection of the rights of suspects. This means that only in certain circumstances that are very urgent the "crown witness" is permitted in order to maintain a balance in the community lives to create harmonious social stability.

The role of crown witnesses is very needed in judicial practice because in the criminal cases, a certain "*delneeming*" of prosecutors are very difficult to find witnesses who fulfill the formal requirements of testimony according to the law. To protect the public from criminal, the defendant as a perpetrator should be punished for a criminal act committed. Because of the lack of evidence, the public prosecutor was unable to prove the indictment, consequently the defendant was not proven to have committed a criminal act so the judge must release. Whereas in reality the defendant actually committed the crime. Certainly, the public justice is sacrificed. Thus, the essence of the role of the crown witness in criminal cases is actually to prove the indictment of prosecutor before a court hearing concerning the occurrence of a criminal by a fellow criminal. The witness was then given the title as a "*crown witness*," since the prosecutor did not have the minimum evidence to file a person as a witness, except the suspect or defendant.

The presence of a crown witness must be based on the provisions of the criminal procedure law. It should not be based solely on the practice of justice, or only on the Circular Letter of the Supreme Court of the Republic of Indonesia. Hence, the best solution should be sought so that the enforcement of criminal procedural law on the one hand runs according to the prevailing laws and regulations based on the principle of due process of law and protection of human rights. Whereas on the other hand, the perpetrators can be punished fairly so that the community can enjoy the right to life in a peaceful and peaceful manner. To strengthen the strategic position of the role of witness crown, it is necessary to have a legislative regulation on criminal procedural law as a legal umbrella to provide formal juridical justification through formal criminal law policies in the legal system in Indonesia.[1]

For the author, the presence of a crown witness (*kroon getuiger*) in the practice of justice is interest to be studied, due to the material truth of his/her testimony, as an "insider" who together commits a crime. In addition to protecting the peoples from the behavior of the perpetrators of crime, in an attempt to uphold public justice. More importantly, a criminal justice policy solution is needed to accommodate the presence of a crown witness in the Criminal Procedure Code. Therefore, it is very strategic and relevant to encourage the discussion of the new draft Criminal Procedure Code through "*Prioritas Legislasi Nasional* (PROLEGNAS)" program in the future. The aim is to protect adequately to the suspect or defendant as a witness (the crown witness), so that the suspect' rights are protected by law through relevant legislation.

## 2. Method of the Research

The type of research is a normative legal research, a research that puts law as a norm system, or commonly called "*doctrinal research*."[2] The research approach used is a statute approach.[3] The legal issue analyzed in this thesis is the role of "*crown witness*" in the criminal proceedings. Regarding the "*crown witness*" even though it has not been regulated explicitly and limitative in the provisions of the Criminal Procedure Code, but in the criminal justice practice it is needed to fill the space where the public prosecutor needs it. When the prosecutor did not find the witnesses and the limited evidence was found to be examined by the crown witness by *splitsing* method. The end, because this research is a type of normative research, then data analysis technique used is qualitative.

---

1 Setiyono, S. (2007). Eksistensi Saksi Mahkota sebagai Alat Bukti dalam Perkara Pidana. Jurnal *Lex Jurnalica*, Vol. *5 No.* 1: 68-71

2 Soerjono Soekanto and Sri Mamudji, 2001, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, PT. Raja Grafindo Persada, Jakarta, pages. 13-14.

3 Peter Mahmud Marzuki, 2010. *Penelitian Hukum*, Kencana Prenada Media Group, Jakarta, page 93.

 

## 3. The Role of *Crown Witness* in the Criminal Procedure Process

At the practical level, the submission of a crown witness is intended to prove criminal cases, based on certain conditions, namely: a) the criminal acts in the form of "*delneeming*"; b) towards the "*delneeming*" of the crime is examined by the *splitsing* mechanism; c) if in the "*delneeming*" of the crime there is still a lack of evidence, especially witness statements. It is intended that the defendant is not free from responsibility as a criminal offender. In addition, in order to facilitate the process of proof so that a case does not drag on its completion in court proceedings.

The second role of the crown witness is that the process of proof is quick and simple, so the completion of the case does not long draw out in the court. The process of proof will take a long time if the witness examination is stagnant, not smooth, or even convoluted. Though proof is the heart of the criminal justice process to determine whether or not someone guilty based on the evidence and facts of the trial. Therefore, the delay in the process of proof will affect the duration of the completion of court so that it is greatly avoided by the panel of judges. According to Aris S. Harsono states that the prosecutor had the interest of presenting a crown witness to prove his indictment while the panel of judges deemed it necessary to examine the crown witnesses to find out the truth about the occurrence of a crime and the perpetrators who could account for the act. The discovery is to ensure a fast and simple proofing process.

The presence of crown witness in giving testimony as an "insider" who knows a crime will make it easier for the judges to judge the evidence. The testimony of the crown witness greatly helps to speed up the process of proof because as a perpetrator, he knows, experiences and sees for himself when the crime occurred, even before and after the crime. In addition, he will be able to describe the role of each significant perpetrator to determine the extent of their respective roles in the context of the realization of a crime.

If related to other witness statements, such as victim witnesses, then the testimony of the crown witness can be confronted with the testimony of the victim' witness so that the panel of judges can obtain information that can be trusted more quickly to help strengthen the judge' conviction. This is because the parties involved in the commission of the criminal act have communicated what they saw, heard and experienced about the crime that occurred. Thus, the presence of a crown witness will greatly assist the judges in accelerating the process of establishing a criminal case.

Basically, the crown witnesses are suspects or defendants where to prove the occurrence of a crime there is only evidence, no one sees it as a witness, except the perpetrator (suspect or defendant). In order for such cases to be brought to justice, there is no other way except for a split-case resolution mechanism by the public prosecutor (*splitsing*). For example, for cases committed by 2 (two) persons, namely A and B, who are both suspects. In case one, *A* becomes a witness to case *B*, while on the other hand *B* becomes a witness for case *A*. Even though the substance of this case is one case but it is split, in order to fulfill the conditions of proof in court proceedings. But if other evidence exists and meets the standard of proof, then there is no need to examine the crown witness by case *splitsing*, but the case is filed by merging in one file only.

The Public Prosecutor' task is to prove to the judge before the court hearing that there has indeed been a crime and the perpetrator is as set forth in the indictment. However, what proved by prosecutor will be tested by the judge about the extent to the truth and what evidence supports such statements. Ultimately, everything will lead to the judge whether the proposed evidences meet the minimum requirements of proof and whether with minimum conditions of proof, the judge believes that there has been a crime and the defendant is guilty of doing so.

Hence, the examination of the crown witnesses as filed by the public prosecutor through case *splitsing* before the court is merely to convince the judge about a crime and the defendant is guilty of doing so. The evidence of the witness (*crown*), to supplement the other evidences so that the minimum requirement of proof has been fulfilled, that is by at least 2 (two) valid evidences. Based on the evidence, the judge obtained a conviction to declare the offender guilty along with legal sanctions as his mistake.

## 4. Assessing the Legal Protection of Crown Witnesses

The presence of the crown witness in the criminal procedure process in Indonesia is very vulnerable, especially the weakness of legal protection against the crown witnesses. There are several factors causing the weakness of legal protection against the crown witness, including the absence of due process of law in examination of the crown witness. This is due to the absence of criminal procedural law regulation governing the crown witness and its specific protection that can be used as a reference. Even if there are still spread in various specific criminal legislation or other general and non-specific laws regulating the protection of the crown witnesses. Due to such

 

circumstances, the practice of examining crown witnesses in court is still ongoing where it is based solely on customs in judicial practice.

In addition, law enforcement officers have not understood well about the prohibition to criminalize the suspect (*non-self-incrimination*) when he becomes a witness who could incriminate himself. Law enforcement officers are still confined to the customs in the judicial practice regarding the permissibility of examining crown witnesses. These two things are then explained clearly as described below.

Due process of law is a legal requirement that the State must respect all legal rights owned by a person. When the government is found to prosecute a person without following applicable law, it may be considered to violate a due process, which offers the rule of law.[1] The essence of due process of law indicates that every enforcement and application of criminal law must be in accordance with the constitutional requirements and must obey the law. Therefore, in due process of law does not permit the violation of any part of the legal provisions under the pretext of enforcing the provisions of other parts of the law.

For the concept and the essence of due process of law to be guaranteed enforcement and its implementation by law enforcement officers, it must be guided and recognized, to respect for, and to protect and guarantee the incorporation of doctrine that contains various rights, including "the right of self-incrimination." No one can be compelled to be a witness that self-incriminating in a crime.[2]

In a judicial practice, the first defendant presented as a crown witness in a criminal case in which his colleague who is a participant in the *delmeening* in a criminal case sit as a defendant is required to give testimony under oath. He was examined as a witness so he was compelled to provide that can self-incriminate if he was examined as a defendant later. If the statements given in his position as defendant are contrary to the statements given as witnesses in other defendant criminal cases, he may be threatened with a false penalty. The consequence of a violation of the oath will be charged or threatened with new indictment as a false testimony.

The defendant will get psychological pressure as a result of the oath pronounced when giving information as a crown witness. He no longer has the right of rebellion as when in the position as defendant. The information he provides in his capacity as a witness is very likely to be used by the prosecutor to entrap him in a hearing where he sits as a defendant. If this self-criminalization is justified, then according to Munir Fuady some fundamental principles in the criminal justice have been violated, as violations of the following principles:[3]

1. Right of suspect to remain silence
2. Right of suspect to get advocacy by a lawyer
3. The obligation of the State to provide free advocacy to suspects who are unable to pay lawyers.
4. Penalties are not legitimate
5. The obligation of the investigator to prove sincerely
6. Implementation of procedural due process of law
7. The obligation of the State to protect its citizens from ill-treatment
8. The unity of criminal justice system as a whole

Thus, any reply from the suspect given to the investigator to the judge in a criminal proceeding that may be used to harm the suspect or the suspect candidate is a self-incrimination, unless the reply is voluntary once the suspect or suspect candidate is fully aware all the consequences of providing that information (*informed-consent*). This is what is called the theory of "*fruit of the poisonous tree*". So, if information from a suspect is obtained incorrectly, then the result (the information) will also be inappropriate to be used as legal material.[4]

The description above is clearly illustrates that only a witness is not allowed to self-incrimination as a result of investigation, prosecution, or even judicial process, moreover he is clearly as a suspect or defendant who serves as a crown witness. The examination of crown witnesses in the context described above clearly violates the principle of non-self-incrimination in law enforcement based on the principle of due process of law.

## 5. Policy of Criminal Procedure Law in the Future

Essentially, a policy or effort to settle crime is an integral part of efforts social defense and welfare. Therefore, it can be said that the ultimate goal of criminal politics is "the social defense for the social welfare". Thus, it can be

[1] Farezha, Wanda Rara. (2017). "Analisis Putusan Hakim Praperadilan Dalam Perkara Tindak Pidana Korupsi (Studi Putusan Praperadilan Nomor 14/Pid. Pra/2016/PN. Tjk)." Univ. Lampung, *Jurnal Hukum Poenale* Vol. 5, No. 3.
[2] *Ibid*
[3] *Ibid*, pages. 64-65.
[4] *Ibid*, page. 65.

 

said that criminal politics is essentially also an integral part of social politics (i.e policy or efforts to achieve social welfare).[1]

Operationalization or functionalization of the national criminal law system requires a system of material criminal law (a new concept of the Criminal Code), a formal criminal justice system (a new Criminal Procedure Code) and a criminal legal system (execution). With a plan to amend the material of criminal law in the current Criminal Code (by drafting the new Criminal Code), it is necessary to study how far the new principles and norms in the concept pose problems in terms of criminal procedural law. The extent to which the new concept of Criminal Code requires the support of new rules in the field of criminal procedural law, or the extent to which the current criminal procedural law (in particular in the Criminal Procedure Code) requires review and re-adjustment with its principles and norms contained in the new concept of the Criminal Code.[2]

The Criminal Procedure Code as the legal product of the citizen which in its age is considered something grand, monumental and extraordinary. The legal product was born by experts and legal experts with high reputation, integrity and spirit of nationalism to replace the enactment of the *Het Herzaine Indlandse Reglemen* (HIR) regime that basically is the legal product of Dutch colonial. In thirty six years its journey, the Criminal Procedure Code was already far behind the development of Indonesian society that has changed following the trend of global development. These developments require the amendment of the Criminal Procedure Code in *mutatis mutandis* in accordance with the development in the era of information technology and digital telecommunications that tend to open and without limit (globalization).[3]

The International conventions about the existence of the Criminal Procedure Code have been ratified by Indonesia. These conventions includes *the International Criminal Court, the United Nations Actions Against Corruption, the International Convention Against Torture and the International Covenant on Civil and Political Rights* (ICCPR), are conventions directly related to criminal procedural law and they are born after the Criminal Procedure Code 1991. As a country which has ratified the conventions, there is an obligation to follow the provisions set forth in the convention. For example, it can be stated in the covenant on civil and political rights (ICCPR) that there are provisions relating to criminal procedural law, such as the rights of suspects and the tightening of detention provisions.[4]

Related to the above statement, as in ratification of the *International Convention against Torture and the International Covenant on Civil and Political Rights* (ICCPR) by the Republic of Indonesia is the need to reform the Criminal Procedure Code regarding the position and role of the crown witness in the process of establishing a criminal case. The question is why the Criminal Procedure Code needs to be refined regarding the presence of crown witnesses. The answer is clear, that examination of crown witnesses has formal juridical obstacles because it has not been regulated specifically and limitative in the provisions of the Criminal Procedure Code. Meanwhile, what happened was only the debate over the *pros* and *cons* that never ended. For the *pros* who consent to the examination of the crown witnesses considers that the examination of the crown witness may be justified against the "*deelmening*" of a crime. While, for the *cons* considers that the examination of the crown witness is not justified, for violating the rights of suspects that should be protected by law. The right solution to fill the legal void is to encourage specific and limitative regulation or regulation in the laws through the Drafting of the Criminal Procedure Code in the future.

Regulations of crown witness are important and urgent in the framework of future reforms of the Criminal Procedure Code. Not only to mediate the *pros* and *cons* but to better ensure legal certainty as the purpose of the law itself. Besides, to guarantee the fulfillment of the formal legality of the existence of a crown witness in the process of establishing a criminal case in Indonesia. However, in revision of the Criminal Procedure Code, the provisions on the crown witness shall be regulated in a separate section, for example in a single article, as a legal basis for legal practitioners such as judges, to enforce the law in the process of establishing a criminal case. The same statement was also submitted by Agus Santoso, that if in the future there is a revision of the Criminal Procedure Code, the crown witnesses need to be regulated separately so that there is a formal legal basis for law enforcement officers, especially the prosecutor to prosecute criminal cases against the crown witnesses.[5]

The regulation that will be established is the improvement of Act No. 8 of 1981 regarding Criminal Procedure

[1] Barda Nawawi Arief, 2016, *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru*), Kencana Prenada Media Group, Jakarta, page. 4.
[2] *Ibid*, page. 357.
[3] Siswanto Sunarso, 2015, *Filsafat Hukum Pidana, Konsep, Dimensi dan Aplikasi*, PT. Raja Grafindo Persada, Jakarta, page. 108.
[4] *Ibid*
[5] Interview on the second research (continued) with the Head of the State Prosecutor Office of Manokwari on Monday 18 December 2017 at 11.22 held in the Main Room of the Head of the State Prosecutor Office of Manokwari.

 

Code. Noteworthy that until now the government has filed the Draft on Criminal Procedure Code to the House of Representatives of the Republic of Indonesia and it has entered the National Legislation Priority (PROLEGNAS), but the discussion is still not complete. In the Drafting of the Criminal Procedure Code 2010 in Chapter XII The examination at the Hearing, Section Seven in Article 200 has been regulated on the crown witness, its provision as follows:[1]

(1) A suspect or the defendant with fewer roles can be a witness in the same case and can be released from criminal prosecution, if the witness helps reveal the involvement of other suspects who deserve to be convicted in the crime.

(2) If no suspect or defendant with fewer role in the crime as referred to in paragraph (1), the suspect or defendant who pleads guilty under Article 199 and helps substantially reveal the criminal act and the role of other suspects can be reduced his punishment by the discretion of the court judge.

(3) The public prosecutor determines the suspect or defendant as a crown witness.

Meanwhile, by using other name and designation, namely the witness of the perpetrator, Act No. 13 of 2006 regarding the Protection of Witnesses and Victims *jo* Act No. 31 of 2014 regarding the amendment of Act No. 13 of 2006 regarding the Protection of Witness and Victim has regulates the crown witness. In Article 1 point 2 of Act No. 13 of 2006 which has been amended by Act No. 31 of 2014 above, it is stated that the witness of perpetrator is a suspect, defendant or convicted person who cooperates with law enforcement to reveal a criminal act in a case same.

Noteworthy is the regulation of Article 200 of the Drafting of the Criminal Procedure Code 2010 is still inadequate, it still needs to be improved through collaboration with various other related laws and regulations, for example with Act No. 13 of 2006 regarding the Protection of Witnesses and Victims *jo* Act No. 31 of 2014 on the amendment to Act No. 13 of 2006 regarding the Protection of Witnesses and Victims is felt to be more advanced in regulating the protection of crown witnesses. Or it may also be an option to adopt the provisions of an international agreement between the Government of the Republic of Indonesia and other countries or international organizations or the UN that have been ratified through several national laws and regulations and has become a source of law in Indonesia. Here, an elaboration is needed that is substantially in accordance with the framework of the national legal system based on the philosophy and ideology of the Pancasila.

The specific and limitative arrangements concerning the rights and duties of the crown witness will be the main way to resolve the issue of position and its role in the criminal procedure process. During this, the examination of the crown witnesses arise polemic, both in the academic level and empirical practice that still gave birth to the dichotomy of the *pros* and *cons*. To eliminate the dichotomy, it is very relevant to regulate the rights and obligations of the crown witness referred to above.

We need to refer to the provisions regulated in the Witness and Victim Protection Act as mentioned above and as regulated in Article 5 of Act No. 13 of 2006 *jo* Act No. 31 of 2014. Taking into account the rights of witnesses and victims, it is evident that the rights of witnesses (crown witnesses) are clearly defined and specifically. Certainly, such clarity has a positive impact on the criminal prosecution process, since the investigator, the public prosecutor, the judge, or other related parties have legal certainty about what can be protected against the crown witness. Especially to the judges in the examination of the crown witness will pay serious attention to the extent to which the protection of the rights of the crown witnesses in the criminal procedure process in the court is carried out in accordance with applicable criminal law rules.

If the revision of the Criminal Procedure Code adopts *mutatis-mutandis* amendment regarding the rights of victims as referred to above, then it can be ascertained that the guarantee of protection for the crown witnesses will be better and adequate compared to the current conditions which are still trapped by the dichotomy of *pros* and *cons*. In addition to the rights of the crown witnesses as described above, it should also be compensated by the duty of a crown witness to uphold a fair and impartial judiciary. It means that the crown witness also needs to be burdened with legal obligations regarding the rights that have been granted to them. From the perspective, for the future it is necessary to formulate the obligations of the crown witness.

The protection of a crown witness may be given as long as it contributes to greater disclosure of the crime. It means that the value of information given is directly proportional to the protection provided by law to them. But that all must first have laws and regulations that govern them, cannot be done now, because the rules do not yet exist, except for certain criminal acts such as corruption, narcotics, terrorism. Therefore, the right of the crown

[1] Vide Romli Atmasasmita, 2011, *Sistem Peradilan Pidana Kontemporer*, Kencana Prenada Media Group, Jakarta, page. 271

 

witnesses should correlate with its obligations, in perspective, as formulated below:

a. The crown witness is obliged to provide true information, and not to mislead the ongoing judicial process;
b. The crown witness must have good intention to reveal the crime and its perpetrators clearly, so that the public feels safe because they are protected from the perpetrators;
c. The crown witness is obliged not to collaborate in giving false information to save his friends and to protect the great crimes behind them;
d. The crown witness is obliged to follow the instructions or orders from the LPSK or other institutions in order to protect themselves, their families and property in accordance with the provisions of the prevailing laws and regulations;
e. The crown witness is obliged to follow all the judicial processes whether as a witness of the perpetrator, and even if he becomes a suspect because of the information he gives voluntarily, he is obliged to surrender himself to undergo the legal process, in order to clarify the problem comprehensively.
f. If the crown witness does not fulfill the obligation properly then the protection given to him for the sake of the law must be revoked, and if later he is proven guilty must be punished as fair as possible.

## 6. Conclusion

In Indonesia, the role of the crown witness in the criminal procedure process is to find material truth, so that the process of proof is fast and simple, meets the minimum standards of proof, upholds public justice against criminal acts and determines criminal indictment against each perpetrator according to their role. Legal protection of crown witnesses in the criminal procedure process in Indonesia is not sufficient. For the future, the criminal procedural policy related to the examination of crown witnesses in the criminal procedure process is necessary and it is important to revise the provisions of the Criminal Procedure Code. Such revision shall be established in the form of specific and limitative regulations governing the status and role of the rights and obligations of the crown witnesses.

As recommendation of this research, for effective role of the crown witness the legal protection is required to the witness by respecting their legal rights as stipulated in national legislation and international law which has been validated by law. In order for the application of the criminal procedure process as expected, it is considered important and urgent to revise the Criminal Procedure Code so that it can be known the position and role as well as the rights and obligations of the crown witness as a reference in its application.

## References

Barda Nawawi Arief, (2016). *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru*), Kencana Prenada Media Group, Jakarta.

Danil, E., & Kurniawan, I. (2017). Optimizing Confiscation of Assets in Accelerating the Eradication of Corruption. *Hasanuddin Law Review*, 3(1), 67-76. doi: http://dx.doi.org/10.20956/halrev.v3i1.717

Farezha, Wanda Rara. (2017). "Analisis Putusan Hakim Praperadilan Dalam Perkara Tindak Pidana Korupsi (Studi Putusan Praperadilan Nomor 14/Pid. Pra/2016/PN. Tjk)." Univ. Lampung, *Jurnal Hukum Poenale* Vol. 5, No. 3.

Peter Mahmud Marzuki, (2010). *Penelitian Hukum*, Kencana Prenada Media Group, Jakarta.

Philipus M. Hadjon, (2007), *Perlindungan Hukum Bagi Rakyat di Indonesia*, Edisi Khusus, Peradaban, Surabaya.

Romli Atmasasmita. (2011). *Sistem Peradilan Pidana Kontemporer*. Kencana Prenada Media Group, Jakarta.

S. F. Marbun, (1997). *Peradilan Administrasi Negara dan Upaya Administratif di Indonesia*, Liberty, Yogyakarta.

Setiyono, S. (2007). Eksistensi Saksi Mahkota sebagai Alat Bukti dalam Perkara Pidana. Jurnal *Lex Jurnalica*, Vol. *5 No.* 1: 68-71.

Siswanto Sunarso. (2015) *Filsafat Hukum Pidana, Konsep, Dimensi dan Aplikasi*, PT. Raja Grafindo Persada, Jakarta.

Soerjono Soekanto and Sri Mamudji, 2001, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, PT. RajaGrafindo Persada, Jakarta.

Zoelva, H. (2015). Prospek Negara Hukum Indonesia: Gagasan dan Realita. *Hasanuddin Law Review, 1*(2), 178-193. doi: http://dx.doi.org/10.20956/halrev.v1n2.78