

CHAPTER V

CLOSING

A. Conclusion

Based on what is described in the chapter on the results of research and discussion, the author can formulate a comparative between the two countries regarding the implementation of justice collaborator from the two countries, namely:

1. The implementation of justice collaborators in Indonesia in uncovering human trafficking has been implemented, although the provisions are divided into several regulations. In contrast to the implementation of justice collaborators in the Netherlands, whose provisions have guaranteed legal certainty. The implementation of a justice collaborator in the Netherlands is carried out at the prosecution stage through a witness agreement between the Public Prosecutor and criminal offenders through the approval of the Commissioner Judge. Meanwhile, in Indonesia, the implementation of justice collaborators is proposed at the investigation stage, prosecution, and post-adjudication under the law enforcement handling the case (police, public prosecutors, and LPSK). The implementation of legal protection measures for justice collaborators in the Netherlands provides more expediency and legal certainty where the Dutch Government is more proactive by providing more benefits and legal certainty where the Dutch Government provides special protection programs, one of which is in the form of face

changes. At the same time, in Indonesia, the Government has not been proactive in protection measures by not requiring law enforcement to carry out protection in the form of protection of legal status and special handling in aspects of its substance and not safety limited to general security has not achieved protection in the form of face changes to justice collaborators.

2. Similarities and Differences in the Implementation of Justice Collaborators in Indonesia and the Netherlands in Uncovering Human Trafficking

a. The similarities of implementation based on the provisions of justice collaborators in Indonesia with the Netherlands lie in:

- 1) The purpose of implementing a justice collaborator is to prevent and eradicate organized crimes, one of which is human trafficking
- 2) The implementation of justice collaborator status to offenders involved in organized criminal acts, not the main perpetrators, the testimony given is significant, relevant, and reliable.
- 3) There are rights granted by the justice collaborator, namely obtaining legal assistance from lawyers, keeping the identity of the other defendants secret, delaying reports on him, receiving reduced sentences, and protection from the state of his security.
- 4) Justice collaborator protection is in an institution, namely the LPSK and the Witness Protection Team. Protection may be

exercised in the absence of written disclosure under certain circumstances.

b. Differences in the implementation of justice collaborators in Indonesia and the Netherlands

- 1) The term justice collaborator in Indonesia is known as justice collaborator or witness perpetrator, while in the Netherlands, collaborator with justice/witness agreement concept/*kroongetuide*.
- 2) The legal basis for the implementation of justice collaborators in Indonesia is not regulated in the Criminal Procedure Code, while the Dutch Criminal Procedure Code already regulates.
- 3) The criteria/requirements for the application of justice collaborators in the Netherlands are carried out a special assessment before obtaining the status of justice collaborator, namely psychological/psychological assessment and verification process.
- 4) The procedure for filing a justice collaborator in the Netherlands with the approval of the commissioner judge in his ruling.
- 5) The reward for the implementation of justice collaborators in Indonesia is limited to the special conditional probationary sentence and the lightest sentence among other defendants. At

the same time, in the Netherlands, there is community service or fine or replaced by 1/3 of the prison sentence.

- 6) The right of the justice collaborator in the Netherlands is the absence of the selection of protection and security support by the defendant himself and the separation of the place of detention.

B. Suggestions

1. It is necessary to include the provisions of the justice collaborator in the draft Criminal Procedure Code to provide legal certainty for perpetrators who will cooperate with law enforcement. This is considering that the Dutch state has accommodated the justice collaborator in the *Wetboek van Strafvordering*.
2. It is hoped that there will be an evaluation of legislation related to protection measures to justice collaborators that provide more legal certainty and legal benefits where law enforcement is given the obligation to carry out protective measures in the form of protection of legal status or special handling and if necessary there is a special program by providing protection in the form of face changes as legal protection programs in the Netherlands.