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## Article Title

### Justice Collaborator at a Legal Crossroads: An Analysis of the Tension between Substantive Justice and Legal Certainty

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## **ABSTRACT**

*This research examines the tension between substantive justice and legal certainty within the Indonesian criminal justice system, which arises from the legal ambiguity surrounding the Justice Collaborator. The case study focuses on the Justice Collaborator verdict in the premeditated murder case involving Irjen FS. Utilizing a normative juridical research method through statute, case, and conceptual approaches, this study aims to analyze how the legal vacuum regarding the Justice Collaborator in the Penal Code is addressed through judicial adaptation. The findings indicate that the Panel of Judges constructed a "parallel penal track" to grant a reward to Bharada E as the Justice Collaborator. This track refers to sectoral legal instruments such as Law Number 13 of 2006 and Supreme Court Circular Number 4 of 2011. Although this practice successfully realized substantive justice, it inherently creates a systemic implication in the form of tension between judicial discretion and the principle of legal certainty, a pillar of the civil law system. It is concluded that the absence of a codified norm for the Justice Collaborator potentially threatens the consistency and predictability of criminal law, which, if not promptly addressed through reform, could risk the systemic delegitimization of the criminal justice system in the future. Therefore, this research recommends the urgent need for a comprehensive codification of the Justice Collaborator doctrine into the Penal Code and Law Number 8 of 1981 to align the needs of law enforcement with the maintenance of the principle of legality.*

**Keywords:** *Criminal Justice System; Justice Collaborator; Legal Certainty; Legal Vacuum; Obstruction of Justice.*

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## **INTRODUCTION**

Indonesia's criminal justice system is continually subjected to severe tests that challenge its integrity, consistency, and capacity for adaptation. This test becomes increasingly palpable when a criminal act involves not only the loss of human life but also power structures and the abuse of authority by law enforcement officials (Siswanto & Nainggolan, 2023). This phenomenon is exacerbated by systematic efforts to obstruct justice (Jannah, 2024). Such a situation compels a re-examination of the fundamental pillars of criminal law, from the accountability of perpetrators and the effectiveness of evidence, to the ultimate purpose of punishment itself (Inggrria et al., 2025). It is under these conditions that the role of a justice collaborator transforms from a mere evidentiary instrument into the sole key to unveiling crimes shielded by power structures (Behuku et al., 2025). When a crime is committed within the circle of power that is supposed to uphold the law, the conventional law enforcement paradigm often proves inadequate. This condition demands a juridical breakthrough to achieve substantive justice.

The culmination of this challenge was starkly manifested in the 2022 premeditated murder of Brigadir J (Safitri, 2022). This event captured widespread public attention and shook the Indonesian National Police institution to its core. The case was masterminded by a high-ranking Police Officer, Irjen FS, thereby transcending the dimensions of an ordinary murder case. It metamorphosed into a complex judicial drama, marked by fabricated scenarios, the planned destruction of evidence, and the

mobilization of subordinate officers to commit and conceal the crime (Jannah, 2024). The case of Irjen FS thus became a monumental case study, starkly demonstrating how perilous the abuse of power can be when intertwined with violent crime.

At the epicentre of this case emerged Bharada E, a Police Officer of the lowest rank who acted as the executor under a direct order from his superior. From the perspective of the doctrine of complicity (*deelneming*), Bharada E's position can be categorized as the principal offender (*pleger*). Meanwhile, Irjen FS acted as the Instigator (*uitlokker*) (Sinaga & Ayudiana, 2023). This constellation presented an initial juridical dilemma: how the law should treat a principal offender whose actions are entirely controlled by an order from a figure of absolute authority. This power relation within a rigid hierarchical structure challenges the application of codified criminal norms to capture such an imbalanced nuance.

The most significant anomaly in this case then arose from the designation of Bharada E as a justice collaborator. His active role in dismantling the web of lies designed by his superior became a crucial consideration for the Panel of Judges. Consequently, Bharada E received an extraordinarily lenient sentence of 1 year and 6 months of imprisonment. This verdict was a significant departure from the maximum penalty under Article 340 of the Penal Code concerning premeditated murder and the 12-year sentencing demand from the Prosecutor. The verdict instantly became a progressive yet problematic precedent because it represented a leap of judicial discretion that lacked an explicit basis in the Penal Code, the primary source of substantive criminal law.

This judicial phenomenon fundamentally exposes a significant legal vacuum (*rechtsvacuüm*) within Indonesia's criminal justice system. The Penal Code, as a primary codification inherited from the colonial era, has yet to comprehensively regulate the definition, criteria, procedures, or forms of legal reward for a justice collaborator (Jardan & Khairani, 2024). The absence of this codified norm creates a gray area, potentially leading to legal uncertainty and inconsistency in law enforcement, especially in handling organized crime, corruption, and other cases where evidence heavily relies on insider testimony.

Several previous studies have highlighted the importance of legal protection for a justice collaborator from the perspective of witness rights and the effectiveness of crime eradication (Azzahra, 2022; Nasution et al., 2023). However, these studies have tended to focus on procedural and implementative aspects within the existing regulatory framework. Departing from this approach, this research offers novelty by analyzing the justice collaborator phenomenon from a more fundamental perspective: as a critical juncture that tests the very pillars of the civil law legal system itself. Thus,

this research not only describes a case but also evaluates the systemic impact of a judicial breakthrough on the principles of legality and legal certainty.

To address this normative void, judicial practice in Indonesia has hitherto been compelled to rely on a series of partial and fragmented regulations. The legal foundation for the Judges in the Bharada E case was drawn from various instruments outside the Penal Code, primarily Law Number 13 of 2006<sup>1</sup> and Supreme Court Circular Number 4 of 2011. This situation gives rise to what can be termed a “parallel penal track,” wherein a court’s decision is based on a blend of rigid codified norms and flexible, discretionary supplementary legal instruments (Azzahra, 2022; Armelia et al., 2024).

On a more fundamental level, this reliance on a fragmented legal framework creates severe doctrinal tension within the context of the civil law system adopted by Indonesia. The civil law system traditionally upholds the principles of legality and legal certainty, which are derived from clearly and systematically codified laws (Laia, 2024). The use of sectoral legal instruments and a Circular Letter—which do not possess the same binding force as a statute—to “set aside” criminal sanctions in the Penal Code incites profound debate. This debate concerns the consistency, predictability, and fairness of our criminal justice system. The situation raises questions about whether the substantive justice achieved in a single case must be balanced against the potential erosion of the principle of legal certainty in general.

Stemming from this constellation of issues, this research has several objectives. It aims to analyze the legal dualism in the application of law in the murder case of Brigadir J, focusing on how the Penal Code was used to prosecute the perpetrators, while the sentencing of the justice collaborator was based on sectoral legal instruments. Furthermore, this study aims to investigate how the judiciary responds to this regulatory fragmentation. Finally, this research will critically evaluate the implications of the legal vacuum regarding the justice collaborator within the Penal Code for the principles of certainty, consistency, and criminal justice in Indonesia’s civil law system. It is hoped that the findings will provide theoretical benefits by enriching the legal scholarship on the doctrine of the justice collaborator and the field of legal reform. Practically, the results may also serve as a constructive recommendation for legislators in formulating a comprehensive codification and as a reference for law enforcement officials in handling similar complex cases in the future.

## **METHOD**

This research fundamentally adopts a normative juridical legal research paradigm. This methodological choice is based on the primary analytical focus, which is directed at norms, principles, doctrines, and the synchronization of statutory

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<sup>1</sup>Law Number 13 of 2006, as amended by Law Number 31 of 2014.

regulations (Qamar & Rezah, 2020). Normative juridical research is relevant for dissecting the legal constellation at the core of the problem: the tension between the codified norms in the Penal Code and the scattered norms in sectoral regulations concerning the status of a justice collaborator. To sharpen the analysis, this study integrates three approaches simultaneously. *First*, the statute approach is used to thoroughly examine the content of the Penal Code, Law Number 13 of 2006, and other relevant regulations. *Second*, the case approach is utilized in a focused manner. In line with the research objectives, the primary unit of analysis is the court decision directly related to the justice collaborator status, namely Decision Number 798/Pid.B/2022/PN Jkt.Sel., in the name of the defendant Bharada E. The decisions regarding the other perpetrators will be used as supporting and comparative data. *Third*, the conceptual approach is employed to understand and interpret key doctrines such as justice collaborator, abuse of power, and obstruction of justice.

To support the analytical framework, this research utilizes three types of legal materials (Sampara & Husen, 2016). Primary legal materials consist of binding statutory regulations. These include the Penal Code, Law Number 13 of 2006, and Supreme Court Circular Number 4 of 2011. Additionally, all court decisions related to the murder case of Brigadir J, from the District Court to the Supreme Court level, are positioned as crucial primary legal materials. Subsequently, secondary legal materials include all scholarly publications that provide explanations and analyses of the primary legal materials. These encompass criminal law textbooks, scientific journals, articles, research findings, and opinions from legal experts. Tertiary legal materials, such as legal dictionaries and encyclopedias, are used as supplementary resources to provide definitions and explanations of technical terms.

The collection of legal materials was conducted through a documentary study or library research technique. All legal materials were identified, inventoried, and systematically classified. Once collected, a qualitative data analysis technique was applied to process and interpret the data. The analysis was conducted prescriptively and through systematic interpretation (Irwansyah, 2020). The prescriptive nature was used to assess the gap between the law in practice (*das sein*) and the law as it ought to be (*das sollen*), as well as to formulate recommendations. Meanwhile, systematic interpretation was used to construe a legal provision by connecting it to other legal provisions within an integrated system. This analytical technique will be consistently applied in the Results and Discussion chapter to address the research objectives: to unravel the legal dualism, to examine judicial adaptation, and to evaluate the systemic implications of the legal vacuum concerning the justice collaborator.

## RESULTS AND DISCUSSION

### A. The Juridical Construction of the Crime: Premeditated Murder, Obstruction of Justice, and Abuse of Power

An in-depth analysis of the murder of Brigadir J reveals a layered and complex juridical construction of the crime. This crime did not merely end with the deprivation of life. Still, it was also intertwined with a systematic effort to commit obstruction of justice, driven by the abuse of power of its Instigator, Irjen FS. A complete understanding of these three criminal dimensions is a fundamental prerequisite to appreciating the juridical significance of the verdicts born from this case, particularly concerning the justice collaborator phenomenon.

The principal offense in this case is premeditated murder, as stipulated in Article 340 of the Penal Code. The Indictment by the Prosecutor explicitly based its charges on this article, which requires the elements of intent (*opzet*) and premeditation (*met voorbedachten rade*) (Toisuta et al., 2023). The element of premeditation serves as the qualitative distinction that categorizes this offence as one of the most severe crimes against life (Pratama, 2019). The Panel of Judges was convinced that a sufficient time gap existed between the emergence of the intent to kill and its execution. During this interval, Irjen FS, as the planner, had the opportunity to think calmly, devise a method, prepare the perpetrator, and determine the execution location. This conviction by the Judges affirmed that the act was not an impulsive, ordinary homicide, but a planned execution.

Furthermore, the juridical construction of this case is complicated by the hierarchical structure of perpetrators, which places the defendants in different roles according to the doctrine of complicity (*deelneming*) under Article 55 of the Penal Code. Irjen FS was positioned as the Instigator or intellectual perpetrator (*uitlokker*), while Bharada E acted as the principal offender (*pleger*). The highly imbalanced power relation between a two-star General and a Police Private Second Class became a socio-juridical element that could not be ignored. The command, “Woy! You shoot! You shoot now! Quick, woy, you shoot!” yelled by Irjen FS at Bharada E was not merely an instruction (Nufus, 2023); it was a manifestation of absolute authority within a command structure that demands unquestioning obedience. This constellation inherently created a dilemma of criminal liability, as the principal offender’s actions directly intersected with the doctrine of official command (*ambtelijk bevel*) as a justification for annulling punishment, although in this instance, the Judges did not fully apply it.

The criminal dimension of this case did not cease after the victim’s life was taken. The subsequent chapter revealed a derivative crime of no less severity:



obstruction of justice. Irjen FS, by exploiting his position as the Head of the Profession and Security Division of the Indonesian National Police, actively and systematically undertook a series of actions to thwart the investigation process. As revealed in Decision Number 796/Pid.B/2022/PN Jkt.Sel., these actions included ordering the removal of CCTV recordings, fabricating the crime scene, and intimidating other witnesses. These acts fulfilled the elements of the criminal offenses stipulated in Articles 221 and 233 of the Penal Code.

The final and most aggravating layer of this criminal construction is the element of abuse of power (*détournement de pouvoir*). The obstruction of justice committed by Irjen FS was severe because he did not act as an ordinary civilian. He utilized all the instruments of power and authority inherent to his position. As the “police of the police,” Irjen FS possessed the authority to mobilize his subordinates and leverage his network to advance his fabricated scenario. It constituted a dual betrayal: against criminal law and his official oath. As asserted by [Kusumaatmadja \(2011\)](#), abuse of power occurs when an official arbitrarily uses their position for purposes contrary to the law, which ultimately demolishes the principle of the rule of law (*rechtsstaat*). The Panel of Judges explicitly cited this abuse of power as the primary aggravating factor underlying the death penalty verdict at the first instance court.

Thus, the case of Irjen FS cannot be viewed merely as a murder case. It is a mosaic of crime, consisting of premeditated murder as the principal offense (*delictum principale*), which was then enveloped by the derivative crime of obstruction of justice, made possible by a massive abuse of power. This layered juridical construction created a legal emergency wherein conventional evidentiary mechanisms were paralyzed. The testimony of a perpetrator from within the inner circle of the crime became the sole key capable of dismantling the entire edifice of lies. This urgency ultimately set the main stage for the emergence of the justice collaborator phenomenon as the judicial turning point in this entire judicial drama.

## **B. The Justice Collaborator Phenomenon: A Judicial Turning Point in the Verdict on Bharada E**

In response to the layered criminal construction masterminded by an actor with dominant power, the role of a justice collaborator becomes a crucial law enforcement instrument ([Septian & Mudiparwanto, 2023](#)). In this case, the shift in Bharada E’s legal status from a mere principal offender to a justice collaborator constituted a judicial turning point. This turning point fundamentally altered the direction and outcome of the judicial process. Without the truth revealed by Bharada E, the false scenario designed by Irjen FS would very likely have been accepted as a legal fact, and consequently, substantive justice would never have

been unveiled. Therefore, an analysis of the verdict on Bharada E is central to understanding how the court responded to a situation of legal emergency.

The pivotal moment in this shift of legal perspective is explicitly articulated in the considerations of the Panel of Judges in Decision Number 798/Pid.B/2022/PN Jkt.Sel. The Judges firmly distinguished the functional roles of Bharada E and Irjen FS, stating:

*"The Defendant had the role of shooting the victim, Brigadir J. Meanwhile, it was the witness Irjen FS who possessed the idea, was the mastermind, and the planner of the murder of Brigadir J."*

This statement is not merely a separation of roles; it is a judicial acknowledgement that although Bharada E was the executor, the inner culpability (*mens rea*) and the planning of the crime originated from another actor in a superior position. This acknowledgement repositioned Bharada E from a primary perpetrator to an instrument within a criminal scheme, which became the foundation for accepting his justice collaborator status. [Surahman et al. \(2024\)](#) underscore the importance of this distinction in hierarchical crimes.

The most tangible consequence of this justice collaborator designation was the striking sentencing disparity between Bharada E and the other defendants. Based on the legally binding verdict, Bharada E was sentenced to 1 year and 6 months of imprisonment. This punishment dramatically contrasts with the sentences received by the other perpetrators: Irjen FS was sentenced to life imprisonment, PC and KM were sentenced to 10 years of imprisonment, while Bripka RR was sentenced to 8 years of imprisonment. This extreme sentencing difference was not coincidental; it was the result of judicial discretion consciously granting a maximum reward for Bharada E's cooperation. The verdict on Bharada E, which was only about 12.5% of the sentencing demand by the Prosecutor, constitutes an anomaly in the sentencing practices for premeditated murder cases in Indonesia.

A deeper analysis of the legal reasoning (*ratio decidendi*) of the Judges shows that the lenient sentence was based on cumulative considerations. In addition to his consistent honesty, the Judges also considered other factors, such as his profound remorse, his young age, his vulnerable position within the command structure, and his courage in bearing the risks. The Judges opined that without Bharada E's testimony, the material truth would never have been revealed. In a situation where key evidence had been destroyed and other witnesses were under pressure, Bharada E's testimony became the sole evidence for the crown. The court's courage in delivering a verdict far below the standard can be interpreted as an affirmation that the judiciary must side with the truth-teller.



Doctrinally, this verdict creates an interesting juridical contradiction (*antinomy*). On one hand, Bharada E was formally proven guilty of fulfilling all elements of Article 340 in conjunction with Article 55 of the Penal Code. On the other hand, to achieve substantive justice, the Judges applied a sanction that seemed to set aside the gravity of the offence's qualification. This phenomenon demonstrates that the justice collaborator doctrine functions as a safety valve in the criminal justice system (Wie, 2024). It allows the law to transcend the rigidity of formal norms in pursuit of a higher purpose of punishment: dismantling the larger crime. In organized crime, the primary legal objective is not merely to punish every perpetrator equally, but to prioritize the destruction of the criminal organization's structure itself, which can only be achieved through cooperation from an insider.

Thus, the verdict on Bharada E cannot be read merely as a light sentence; it must be interpreted as a monumental judicial precedent. This decision affirms that the Indonesian judiciary is willing and able to grant the highest reward to a justice collaborator. It sends a strong signal to future potential justice collaborators that their cooperation will be significantly valued. However, this phenomenon simultaneously raises a fundamental question: On what legal basis can a court make such a judicial leap? This question prompts an examination of the legal mechanisms outside the Penal Code.

### **C. The Parallel Penal Track: A Mechanism of Judicial Adaptation Amidst a Legal Vacuum**

The judicial leap that resulted in the lenient verdict for Bharada E did not occur in a legal void. On the contrary, the decision was a manifestation of the Panel of Judges' pragmatic adaptation to the normative void concerning the justice collaborator within the Penal Code. As the primary substantive criminal law provided no explicit foundation, the Judges *de facto* constructed a "parallel penal track" (Hutabarat, 2024). It was accomplished by weaving together legitimacy from various fragmented sectoral legal instruments. This adaptive mechanism, though effective, fundamentally relies on two main regulatory pillars outside the Penal Code: Law Number 13 of 2006 and Supreme Court Circular Number 4 of 2011.

The first and most fundamental pillar is Law Number 13 of 2006. This law formally institutionalizes the existence of the justice collaborator within the Indonesian criminal justice system. It also mandates the Witness and Victim Protection Agency to be at the forefront of their protection. The role of the Witness and Victim Protection Agency in the Bharada E case was central. The agency not only provided physical and psychological protection but also performed a crucial

juridical function by issuing an official recommendation stating that Bharada E was worthy of justice collaborator status (Nasution et al., 2023). This recommendation served as a form of “entry ticket” for Bharada E to receive special consideration in the sentencing process (ICJR, 2023). Without this institutional mandate, Bharada E’s bargaining position as a truth-teller would have been legally tenuous.

The second pillar upon which the Judges relied is Supreme Court Circular Number 4 of 2011. Although a Circular Letter is not hierarchically a statutory regulation, it functions as a binding internal guideline for Judges. It is this Circular Letter that provides explicit technical guidance on how a Judge should treat a justice collaborator. Point 9 of Supreme Court Circular Number 4 of 2011 outlines crucial criteria, including that the individual must be one of the perpetrators, admit to their crime, not be the primary perpetrator, and provide significant testimony (Jardan & Khairani, 2024). The Circular Letter explicitly recommends that Judges impose the lightest sentence among the other defendants. Thus, the Circular Letter functions as a juridical bridge, connecting the justice collaborator status recommended by the Witness and Victim Protection Agency with the concrete form of reward: a lenient sentence.

The combination of Law Number 13 of 2006 and Supreme Court Circular Number 4 of 2011 is what constitutes the “parallel penal track.” The Panel of Judges in the Bharada E case meticulously intertwined these two instruments. The recommendation from the Witness and Victim Protection Agency served as the basis for establishing Bharada E’s status as a justice collaborator, while the Circular Letter justified the application of extraordinary sentencing discretion. This approach demonstrates judicial creativity in the face of a legal impasse. When the primary law (*lex principalis*) in the Penal Code is silent, the Judges do not remain passive. Instead, they actively seek a basis for legitimacy from other legal sources to uphold justice. Surahman et al. (2024) argue that such a practice becomes a necessity in a legal system that is not yet fully integrated.

However, it is important to note that this adaptive mechanism is not without its problems. The reliance on what amounts to patchwork regulation creates several challenges (Vervaele, 2009). The recommendation from the Witness and Victim Protection Agency, for instance, is not automatically binding on either the Prosecutor or the Judges. It opens up space for differing interpretations and treatment. This difference was evident in the 12-year sentencing demand by the Prosecutor, which was criticized by the leadership of the Witness and Victim Protection Agency (Sahbani, 2023). It indicates that although a “parallel track” has been formed, the path is not yet entirely smooth or uniform. The success of its application in the Bharada E case was highly dependent on the courage and progressive understanding of the Panel of Judges. Therefore, while this track

successfully provided a pragmatic solution, it simultaneously highlighted a larger systemic fragility.

#### **D. Systemic Implications: The Tension between Substantive Justice and Legal Certainty**

The practice of judicial adaptation through the “parallel penal track” in the Bharada E case opens a fundamental discourse. This practice, while lauded for successfully realizing substantive justice, inevitably raises questions about its systemic implications. In essence, this phenomenon gives rise to a dialectical tension between two primary legal objectives: the pursuit of substantive justice and the maintenance of legal certainty, a cornerstone of the civil law tradition. This case serves as a perfect laboratory to test the extent to which the Indonesian legal system can tolerate flexibility for the sake of justice without sacrificing predictability.

The primary challenge arising from the legal vacuum concerning the justice collaborator in the Penal Code is the potential erosion of the principle of legality itself. The principle of legality demands that all criminal rules be stipulated in written law (*lex scripta*), be clear (*lex certa*), and be strictly interpreted (*lex stricta*) (Kurniawan et al., 2023). When a Judge must refer to instruments outside the central codification, such as a Circular Letter, to determine the severity of a sentence, the line between legal finding (*rechtsvinding*) and law creation (*rechtschepping*) becomes blurred. In a civil law system, a Judge is expected to be “the mouthpiece of the law” (*la bouche de la loi*), not a legislator (Wijaya, 2021). The verdict on Bharada E, though progressive, indicates a shift towards a more active judicial role in shaping the law, a characteristic more akin to the *common law* tradition.

This regulatory fragmentation has direct implications for the consistency and predictability of future rulings. The absence of a unified norm in the Penal Code renders the treatment of a justice collaborator highly dependent on the discretion and understanding of individual law enforcement officials. The controversy surrounding the 12-year sentencing demand by the Prosecutor against Bharada E is tangible proof of this potential inconsistency. If such a sharp difference of opinion can occur within the same case, one can only imagine the potential for disparity of treatment in similar cases across different courts. This situation threatens the principle of equality before the law; the fate of a justice collaborator could differ significantly, not because of their actions, but because of who investigates, prosecutes, and adjudicates their case.

Furthermore, this uncertainty can be counterproductive to the purpose of the justice collaborator doctrine itself, which is to provide an incentive for perpetrators to cooperate with the authorities. A rational potential justice collaborator will weigh the risks they face against the rewards they might receive. If this reward cannot be guaranteed due to the lack of a solid legal foundation, the incentive to cooperate will be significantly weakened (ICJR, 2023). The success in the Bharada E case was heavily sustained by the courage of the Judges. However, a healthy legal system should not depend on individual heroism but on strong and reliable institutional mechanisms.

From the perspective of legitimacy, the verdict on Bharada E did succeed in boosting public trust in the judiciary in the short term. The public saw that the court was capable of capturing the community's sense of justice. In the long term, however, the legitimacy of a legal system is measured by its consistency and procedural integrity. A reliance on *ad-hoc* solutions and fragmented regulations can create a perception that the Indonesian justice system operates arbitrarily. As noted by Kaemirawati and Hidayah (2025), sustainable public trust is built upon a foundation of transparent and accountable law enforcement. Therefore, the verdict on Bharada E must be a momentum, not an endpoint. It must catalyze a more fundamental legislative reform to fully integrate this doctrine into the heart of Indonesian criminal law. Thus, this analysis demonstrates how a pragmatic solution (the use of a justice collaborator) to address a layered crime (murder and obstruction of justice) has ironically created new challenges at a systemic level, reaffirming the urgency of the recommended legal reform.

## **CONCLUSIONS AND SUGGESTIONS**

Based on the results and discussion, it can be concluded that the handling of the premeditated murder case of Bharada E has revealed a dualism in legal application. On the one hand, the indictment and proof of the criminal act adhered to the codified norms within the Penal Code. On the other hand, the imposition of the criminal sanction on the justice collaborator shifted to rely on a "parallel penal track." This track was pragmatically constructed by the Judges through judicial creativity. This adaptation was carried out by weaving together legitimacy from fragmented sectoral legal instruments to fill the legal vacuum left by the Penal Code.

Although this adaptive approach succeeded in achieving substantive justice in the concrete case, it inherently raises profound systemic implications. The reliance on regulations outside the primary codification creates a doctrinal tension with the principles of legality and legal certainty. It has the potential to cause inconsistency in legal application in the future; the treatment of a justice collaborator could become highly dependent on the subjective discretion of law enforcement officials rather than

on uniform norms. This uncertainty could ultimately undermine the effectiveness of the justice collaborator doctrine itself.

In response to these findings, legal reform has become an urgent necessity. The primary recommendation is the need for a comprehensive codification of the justice collaborator doctrine into both substantive and formal criminal law. It can be explicitly accomplished through the revision of the Penal Code and Law Number 8 of 1981. This codification must include a clear juridical definition, objective eligibility criteria, transparent application procedures, and measurable forms of legal rewards. This integration will transform the status of the justice collaborator from a concept treated on an ad-hoc basis into a robust legal institution.

In addition to legislative reform, institutional strengthening and harmonization among law enforcement agencies are also required. As a short-term strategic step before the codification revision is complete, it is advisable to formulate a binding Joint Regulation between the Supreme Court, the Attorney General's Office, the Indonesian National Police, and the Witness and Victim Protection Agency. This joint regulation aims to unify perceptions and standard operating procedures for handling a justice collaborator. This effort must be accompanied by continuous training and capacity-building programs for all law enforcement officials. Ultimately, this reform is not merely a technical necessity but a commitment to building a criminal justice system capable of delivering substantive justice without sacrificing legal certainty. Furthermore, future research is recommended to conduct in-depth comparative studies on the codification models for the justice collaborator in other countries with a civil law tradition, the results of which could serve as a blueprint for the renewal of criminal law in Indonesia.

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