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Strategy for Optimizing the Position of Whistleblowers and Justice Collaborators in Corruption Criminal Law Reform in Indonesia

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Abstract: Whistleblowers and justice collaborators play an important role in dismantling complex corruption networks that often involve powerful actors in government and the private sector. However, in practice, their existence still does not receive optimal legal protection. This study aims to examine the strategy for optimizing the position of whistleblowers and justice collaborators within the framework of corruption criminal law reform in Indonesia. Using a normative legal method, this study analyzes applicable laws and regulations, such as Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, Law No. 13 of 2006 in conjunction with Law No. 31 of 2014, and LPSK Regulation No. 4 of 2021, as well as relevant legal theories. The study results indicate a gap between legal norms and their implementation, especially regarding the criminalization of whistleblowers, the unclear procedure for granting justice collaborator status, and the weak institutional protection of LPSK due to limited budget and authority. In addition, structural challenges and a culture of silence in the bureaucratic environment worsen the situation for whistleblowers. This study recommends revising regulations by adding an explicit prohibition on the criminalization of whistleblowers, strengthening the LPSK institution, providing financial incentives and economic protection, training law enforcers, and utilizing safe and anonymous reporting technology. This strategy is expected to encourage broader public participation in efforts to eradicate corruption and form a more just, inclusive, and sustainable legal system.

Keywords: Whistleblower, Justice Collaborator, Corruption, Legal Protection, Criminal Law Reform.

INTRODUCTION

The role of whistleblowers and justice collaborators is crucial in the corruption eradication system in Indonesia, considering the limitations of law enforcement officers in reaching all modus operandi which are often carried out in a hidden and structured manner (Dwiyanti, 2024). Whistleblowers as reporters of violations from within the system have access to information that cannot be accessed by the public or law enforcement officers, so their involvement can be the initial door to revealing major cases (Hatta, 2024). Justice

collaborators, on the other hand, are perpetrators who are willing to cooperate with investigators to uncover larger crimes, especially organized crimes such as networked corruption (Sentosa, 2024). These two figures play an irreplaceable role in building initial evidence, expanding the scope of investigations, and bringing key actors to justice. In this context, their contribution is not only important in terms of legal technicalities but also a symbol of moral courage in fighting systemic injustice (Pertiwi, 2020).

Unfortunately, this important role is not always accompanied by adequate protection. Many whistleblowers become victims of the system they are supposed to help fix, ranging from physical threats, and psychological intimidation, to criminalization based on internal disciplinary violations or information leaks. Justice collaborators also often face legal uncertainty, because the granting of this status does not have a standard and uniform procedure among law enforcement officers (Rosidi, 2023). This shows that the courage of individuals in assisting the law enforcement process is not always fairly appreciated. When reporters are treated badly, the moral incentive to reveal crimes is eroded and their courage is threatened with death before it can develop.

The gap between legal norms governing the protection of reporters and the reality on the ground is very obvious. Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 does include a clause on protection for reporters, as does Law No. 13 of 2006 in conjunction with Law No. 31 of 2014 concerning the Protection of Witnesses and Victims. However, its implementation has not run as it should because it is not supported by a concrete, fast, and accessible protection mechanism from the start of reporting. In practice, reporters have to go through a long bureaucracy just to get recognition and protection from LPSK, and the process is vulnerable to being influenced by power and interests (Akmal, 2023). This reality shows that even though legal regulations are available, structural influences and institutional weaknesses are still major obstacles to protecting reporters.

To understand more deeply, it is necessary to refer to the basic concepts of whistleblowers and justice collaborators. A whistleblower is an individual who reports an act that violates the law, ethics, or propriety that occurs in their work environment or institution, without direct involvement in the crime (Gunawan, 2019). A justice collaborator is a perpetrator of a crime who is willing to cooperate with law enforcement officers to uncover a larger crime, in exchange for a lighter sentence or certain legal protection (Pratama, 2024). Although both play a role in uncovering crimes, both have different legal standings. The whistleblower is not involved in the crime he reports, while the justice collaborator is part of the crime system he uncovers (Gultom, 2020). This distinction is very important in determining the form of protection and legal recognition for both.

Whistleblowers need more security guarantees and protection of identity confidentiality because the greatest risks come from their social and professional environment (Amin, 2022). Justice collaborators need more clarity of legal status and guarantees of appreciation for the cooperation they provide, including through reduced sentences or family protection (Anggraeni, 2023). In criminal law practice, their confessions must also be placed within a fair evidentiary framework, so that they are not misused as a justification tool to ensnare other parties illegally. Therefore, their protection is not only a moral and ethical issue but is also closely related to procedural justice in the legal process (Dewiwaty, 2023). When the legal system is able to distinguish and place the two proportionally, public trust in the corruption eradication process will increase.

The theory of legal protection put forward by Philipus M. Hadjon is an important foundation in formulating protection for whistleblowers and justice collaborators. In his theory, Hadjon emphasizes the importance of preventive and repressive protection as part of citizens' basic rights in dealing with arbitrary actions by the authorities or institutions (Ariyanti, 2023). Protection for whistleblowers must be understood as a form of prevention from abuse of power

in the bureaucracy or state institutions (Pahlevi, 2022). In the context of whistleblowers, this protection functions as a deterrent so that individuals do not experience legal or social losses due to their courage to report. This principle can also be used to formulate minimum standards of protection that must be provided by the state, without depending on political decisions or bureaucratic inaction.

Lawrence Friedman's legal system theory provides a relevant framework for reading the complexity of this problem. According to Friedman, the legal system consists of structure, substance, and legal culture, and all three influence the effectiveness of law enforcement (Odhy, 2021). In the context of whistleblowers and justice collaborators, Indonesia's legal structure is still weak in providing a strong and independent protection institution. The legal substance has not provided procedural clarity regarding proper protection and rewards for whistleblowers. The legal culture that still tends to be repressive towards whistleblowers and glorifies bureaucratic loyalty is also an obstacle. The imbalance between these three components shows why protection for whistleblowers often fails to be implemented comprehensively.

The theory of civic courage in the anti-corruption movement should also be considered as a normative aspect that strengthens the urgency of protection (Pangaribuan, 2024). Whistleblowers and justice collaborators are representations of civic courage in facing the dominance of corrupt power that often suppresses and intimidates parties with different views. Their courage does not stand alone but is born from the belief that the law must be enforced fairly and without discrimination (Pratama B. D., 2023). In this context, the state has a moral and legal obligation to repay that courage with a guarantee of protection, not a betrayal of the law. Without this civic courage, many corruption cases will continue to be hidden in the darkness of an untouchable power structure.

In criminal law on corruption, whistleblowers act as initial informants who trigger the investigation process before an arrest or investigation (Yusni, 2020). Without initial information from internal parties, many corruption cases are difficult to detect, especially those involving cross-agency conspiracies and administrative engineering. Their role is strategic because they can open access to initial evidence, identify the main perpetrators, and accelerate law enforcement intervention. Recognition and protection of this role are not merely a form of appreciation, but also an investment in an effective and responsive law enforcement system. In this context, the active involvement of whistleblowers strengthens the capacity of law enforcement agencies in carrying out their duties.

Justice collaborators are often key to uncovering large-scale corruption cases, especially because their involvement gives them a deep understanding of the flow of crime and the main perpetrators. Their information is needed to prove the involvement of higher or more influential parties in the corruption network. Their willingness to cooperate must be followed by fair legal rewards, including reduced sentences, witness protection, and guarantees of family safety (Setiawan, 2023). When the legal system fails to provide such guarantees, the perpetrators' reluctance to cooperate will increase, and the potential for uncovering major cases will be hampered. In this case, justice collaborators are not only technical aids in providing evidence but also strategic factors in creating a deterrent effect and substantive justice.

The strength of criminal law does not lie solely in the severity of the punishment but in its ability to dismantle criminal networks and break the chain of deviant power. Whistleblowers and justice collaborators are important elements in this process, and their protection is a form of respect for the principles of justice and human rights (Rumapea, 2024). A legal system that sides with reporters will not only strengthen law enforcement but also create a healthy and sustainable anti-corruption culture. When the public sees that courage is protected and not punished, participation in eradicating corruption will naturally increase. This is the essence of a legal system that is alive, just, and on the side of the truth.

METHOD

This study uses a normative legal method, namely an approach that focuses on the analysis of positive legal norms that apply and are relevant to the issue of protection for whistleblowers and justice collaborators in the context of eradicating corruption in Indonesia. This method focuses on the study of laws and regulations, legal doctrines, legal principles, and court decisions related to the object of research. The data used are secondary and obtained from primary legal sources such as Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, Law No. 13 of 2006 in conjunction with Law No. 31 of 2014 concerning the Protection of Witnesses and Victims, and LPSK Regulation No. 4 of 2021, supplemented by secondary sources such as law books, scientific articles, journals, reports from state institutions, and expert opinions. This approach allows researchers to examine the gap between the law that should apply (*das sollen*) and the reality of legal practice in the field (*das sein*), as well as assess the effectiveness of existing regulations. This study also uses a conceptual approach to explain the meaning, position, and differences between whistleblowers and justice collaborators, and uses Philipus M. Hadjon's legal theory on legal protection, Lawrence M. Friedman's legal system theory, and the theory of civil courage in the anti-corruption system to strengthen the analysis. The results of this method are expected to provide concrete recommendations for policymakers to carry out comprehensive and equitable legal reforms.

RESULT AND DISCUSSION

Arrangement and Implementation of Legal Protection

Legal regulations regarding protection for whistleblowers and justice collaborators have been outlined in several complementary regulations. Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption is the main basis that recognizes the need for public courage in assisting in enforcing corruption laws. In its provisions, this law provides space for parties who provide information as part of eradication efforts. On the other hand, the Criminal Procedure Code also provides basic rights to reporters and defendants in criminal proceedings, although it does not explicitly emphasize the protection mechanism for reporters. The existence of Law No. 13 of 2006 in conjunction with Law No. 31 of 2014 concerning the Protection of Witnesses and Victims is an important complement that emphasizes the reporter's right to obtain comprehensive protection from the state. LPSK Regulation No. 4 of 2021 is a very important technical guideline for the operationalization of protection. This regulation stipulates the procedures for submitting a request for protection, the risk assessment mechanism, and the forms of protection that can be provided. However, this legal document is often not well known by the wider community, including the reporters themselves. The lack of socialization makes access to this protection less than optimal. This situation creates a gap between the existence of legal norms and the reality on the ground, where reporters are often confused about where to ask for protection quickly and safely.

The implementation of protection carried out by the Witness and Victim Protection Agency (LPSK) still faces a number of serious obstacles. The protection application procedure that requires time and a series of administrative verifications is often not commensurate with the urgency of the threat faced by the reporter. When the reporter is in danger, time is the most crucial factor that unfortunately has not been responded to quickly by the applicable system. In addition, the limited capacity of LPSK in terms of personnel and budget also hinders the effectiveness of protection. This reality reflects that legal protection is not only about the existence or absence of regulations but also how these regulations are translated into real actions that are fast and responsive.

In addition to LPSK, law enforcement officers such as the prosecutor's office and the police have a role in determining the status of justice collaborators. The problem arises because there is no clear and uniform national standard in granting this status. A suspect who applies as a justice collaborator may be rejected without adequate reason or even used as a bargaining chip by the authorities. This uncertainty creates a climate of distrust towards the authorities and hinders the participation of perpetrators who actually intend to help uncover the crime. In conditions like this, the state seems to be sending a message that the perpetrator's cooperation is not always accepted or appreciated.

Obstacles in the implementation of protection also come from technical and structural factors. Lack of budget allocation means that physical protection, temporary housing, or relocation of the reporter cannot be carried out optimally. Delays in response from the LPSK and the authorities are also often caused by a long and inefficient chain of coordination. When a reporter has to wait for days just to get an initial response, the threats they face can become more real and dangerous. This shows that the legal protection system has not yet transformed into an emergency instrument that can be accessed quickly as needed by reporters. When the law moves slower than the threat, trust in protection becomes fragile.

Cases of criminalization of reporters strengthen evidence that the implementation of protection is still far from expectations. One example is the case of Laode M. Syarif, who was the target of political pressure and threats despite being in a strategic position at the KPK. In addition, several reporters in the regions who reported regional heads or local public officials also experienced backlash in the form of dismissal, counter-claims, or intimidation from local officials. When the reporter is targeted, the meaning of civil courage is reversed: not as a value that is appreciated, but rather a risk that is avoided. This reality shows that in a legal system that is not yet ready, courage can backfire.

Reporting platforms such as SP4N-LAPOR and the KPK's whistleblower application open easier and faster channels for the public to submit information. However, its effectiveness is still limited because not all reports are followed up transparently and professionally. Many reporters do not receive adequate feedback, which raises doubts about the institution's intention to handle the report seriously. Lack of education on proper reporting procedures and minimal protection of the reporter's identity also weaken the effectiveness of this platform. When reporters are not sure that their reports are safe and have an impact, public participation in legal oversight automatically decreases.

An evaluation of SP4N-LAPOR shows that although this platform records thousands of complaints every year, only a small portion is related to corruption or serious violations. This is not due to the lack of cases, but rather because of the public's fear of reporting high-risk cases. The digital reporting mechanism is not yet equipped with a data protection system and confidentiality guarantees that convince the public. The absence of a strong encryption system and lack of coordination with LPSK in online reporting make this platform less than optimal for serious issues such as corruption. In fact, technology should be able to bridge the gap between individual courage and systemic protection from the state.

The fact that not all reports are forwarded to investigators or other law enforcement institutions is also a problem in itself. There is an impression that the selection of reports is carried out without clear standards, which then creates public suspicion of the platform's integrity. If reports are deemed inappropriate without transparent notification, reporters will feel ignored and the system will lose credibility. Transparency and accountability in report management are urgent matters to be improved. Public trust in the complaint mechanism is one indicator of the success of legal protection in the context of civil participation. The legal protection system for whistleblowers and justice collaborators in Indonesia is still in the development stage but has not been able to answer the real needs faced by the community. Regulations are available, but their implementation is not commensurate with the risks faced

by the reporter. Ideal protection should be proactive, comprehensive, and easily accessible, not just normative on paper. When the protection system is slow and discriminatory, courage will be rare and the truth will be difficult to reveal. This reality demands systemic reform that not only improves procedures but also builds a legal culture that protects and values courage in fighting injustice.

Legal Issues and Challenges

One of the main legal obstacles that still hamper protection for whistleblowers is the absence of legal provisions that explicitly prohibit the criminalization of reporters. Provisions in various laws and regulations do not explicitly state that reporters who act in good faith may not be charged in return with other articles, such as defamation or misuse of information. This loophole provides room for interested parties to manipulate the law as a means of revenge against the reporter. This kind of ambiguity makes legal protection for reporters vulnerable to abuse by powerful actors.

The existence of multi-interpretable legal norms often becomes a hidden threat to the courage of the community in exposing corrupt practices. In addition, the legal status of justice collaborators has not received adequate certainty in the criminal justice system. There is no standard procedure or clear normative stages on how this status is granted, what the objective criteria are, and who the authorities are who have absolute authority to decide. This ambiguity creates legal uncertainty, especially for perpetrators who want to cooperate with law enforcement to expose the main actors of corruption. The absence of concrete and measurable legal protection makes the status of justice collaborators dependent on the subjectivity of the apparatus and judicial institutions. This situation gives the impression that the status is more of an ad hoc policy than a legal right that can be fought for formally.

In the structural realm, the understanding of law enforcement officers regarding the role and function of whistleblowers is still far from ideal. Many of them have not been specifically trained to recognize and handle reports originating from internal reporters or third parties. The lack of training and technical provision causes officers to be insensitive to the dynamics faced by reporters, both in psychological and legal aspects. Rigid and procedural responses from officers often become the first barrier for reporters in accessing protection or justice. A shallow understanding of the essence of whistleblower protection will only worsen the situation and weaken the effectiveness of law enforcement as a whole.

Coordination between law enforcement agencies involved in protecting reporters and investigating corruption cases is also still weak and inconsistent. The absence of an integrated system and mutually agreed protocols makes the process of protection and handling reports overlapping and slow. LPSK, KPK, police, and prosecutors frequently work independently without adequate synchronization. When one institution acts, other institutions are not necessarily ready to support it due to differences in procedures, authority, or institutional interests. Without a strong coordination mechanism, reporters will be trapped in a convoluted bureaucracy and will not find common ground to submit reports safely and effectively.

In the socio-cultural context, the culture of silence or code of silence is still strong, especially in bureaucratic environments and government agencies. Many people choose not to speak up even though they know there has been a violation of the law because they are afraid of social or institutional consequences. Pseudo-loyalty to superiors or colleagues often becomes more dominant than the moral urge to uphold justice. This culture has formed over time as a result of collective experiences that reporters are often the ones who are sacrificed. The fear of being different from the mainstream and becoming a “traitor” to the institution is rooted in a mindset that hinders system improvement from within. Threats to careers are one of the biggest factors that hold individuals back from acting as whistleblowers. Reporters are aware that their courage can be repaid with transfers, demotions, or even indirect dismissals

through administrative engineering. Job security is a big gamble that not everyone is willing to take to report a crime. When the system does not guarantee economic and social protection for the whistleblower, that courage turns into a costly personal burden. In a climate like this, reporting is not just about integrity, but also survival.

The psychological dimensions experienced by whistleblowers also often do not receive serious attention. Mental stress due to threats, social exclusion, and concerns for their families are an inseparable part of the experience as a whistleblower. Prolonged fear without adequate assistance or protection can trigger trauma and mental health disorders. Several cases even show that whistleblowers experience depression to the point of losing their social function due to pressure coming from various directions. The absence of psychosocial support from the state is a major irony in a protection system that should be humanistic and comprehensive.

The reality of the challenges above shows that the legal struggle to provide a safe place for whistleblowers and justice collaborators is still full of obstacles that cannot be resolved with a formal legal approach alone. Legal, structural, and socio-psychological obstacles show a complexity that requires a cross-sector and cross-disciplinary approach. Changes in regulations without changes in bureaucratic culture and the understanding of the apparatus will not produce significant results. Empowering whistleblowers requires a legal system that is alive, flexible, and supports the values of courage and civil integrity. When the law fails to answer this challenge, then anti-corruption legal reform will only be an empty slogan without any real impact.

CONCLUSION

Optimizing the position of whistleblowers and justice collaborators in the criminal law system for corruption in Indonesia requires structural, normative, and institutional reform steps. Revision of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 is urgently needed, especially by adding an article that explicitly prohibits all forms of criminalization of reporters who act in good faith. This change must be accompanied by strengthening the role and authority of LPSK, including in terms of proactive protection and sufficient operational funding so that the institution does not merely become an administrative entity. Other strategic steps include providing financial incentives for reporters, as implemented in the United States legal system through the False Claims Act, as well as providing job protection and non-discriminatory treatment for those who take risks to expose corrupt practices. On the other hand, technical and ethical legal training for law enforcement officers is essential so that they understand the importance of collaboration with justice collaborators and do not act repressively towards whistleblowers.

Increased effectiveness can also be achieved by utilizing technology through the development of a digital platform for anonymous reporting that has a high-security system, including end-to-end encryption to maintain the confidentiality of the reporter's identity. This system must be integrated with a digital forensic database so that each report can be followed up effectively without relying solely on recognition. Harmonization between institutions through the preparation of integrated SOPs will strengthen coordination and avoid overlapping authorities. In the long term, Indonesia needs to consider drafting a special law on whistleblower protection called *lex specialis* and forming an independent institution that specifically oversees the reporting process and legal protection for reporters. Thus, the role of society in eradicating corruption is not only protected but also empowered within a fair and sustainable legal framework.

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