

BUKTI KORESPONDENSI

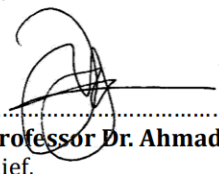
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Editor In Chief	Baharuddin A. S
Archive	Vol. 14 No.2 (2026)
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Judul	Crown Witnesses And The Integrity Of Justice:Ethical And Legal Reflections On The Ferdy Sambocase In Indonesia

No	Keterangan	Tanggal
1	Submission naskah melalui OJS	8 Mei 2025
2	Catatan perbaikan dari reviewer	20 Agustus 2025
3	Perbaikan naskah dari penulis terhadap catatan reviewer	31 Oktober 2025
4	Bukti naskah diterima untuk diterbitkan	10 Juni 2026
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Best regards,


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1. Bukti Submission (8 Mei 2025)

Malaysian Journal of Syariah and Law



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	8916	Revisi Naskah Jurnal Template MSJL An. Fauziah Lubis dkk.docx	May 8, 2025	Article Text (without name and affiliations)
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2. Catatan perbaikan dari reviewer (20 Agustus 2025)

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Notifications

Editor Decision

2025-06-12 06:00 AM

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Editor Decision

2026-08-11 12:45 AM

Reviewer's Attachments

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	9883	KOREKSI JURNAL USIM-MALAYSIA-PDF.pdf	August 20, 2025
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No	Bagian Perbaikan	Keunggulan (Strengths)	Catatan Perbaikan (Weaknesses)
1	Abstrak	-	1) The abstract is too long and tends to be too detailed, which may distract readers from the key points. 2) It does not explicitly summarize the main findings. 3) It does not sufficiently highlight the novelty or originality of the research with more explicit statements

2	Introduction	1) The context of the issue is well presented, particularly the explanation of the phenomenon of crown witnesses in Indonesia and the related ethical and legal issues. 2) The relevance of the Ferdy Sambo case as a case study is very strong and topical. 3) References and the position of the research among other relevant works are mentioned. 4) Legal and ethical dilemmas are described comprehensively and linked to national and international legal developments.	1) The introduction may feel too long and repetitive, repeating the same issues without a sharp focus. 2) Lacks depth in discussing human rights (HAM) and procedural justice principles. 3) There is no clear legal theoretical framework as the basis for analysis.
3	Discussion (Results and Discussion)	1) The discussion is very comprehensive and detailed, covering the analysis of the Ferdy Sambo case by linking the theory and practice of crown witnesses in Indonesia and comparing it with other jurisdictions. 2) It highlights various perspectives from legal experts, academics, and real-world practice. 3) Critically examines various issues regarding the credibility of crown witnesses, the risk of abuse, and legal and ethical implications. 4) The use of primary data sources (court decisions and official documents) strengthens the argument.	1) Results and discussion are not clearly separated, making it difficult for readers to distinguish between findings and reflective analysis. 2) Some arguments are repeated, making the discussion feel inefficient and verbose. 3) The explanation of methodology and data analysis techniques is too general and lacks technical detail (e.g., how data verification was conducted systematically). 4) The lack of use of legal or ethical theoretical models that could strengthen the analysis (e.g., procedural justice theory, due process model).

4	Conclusion	1) Clearly draws conclusions regarding the role of crown witnesses and challenges in the Indonesian legal system. 2) Emphasizes the need for stricter rules and procedures as well as adequate protection for crown witnesses. 3) Reiterates the contribution of the research in an international context and hopes for reform of the criminal justice system. 4) Provides relevant and applicable recommendations, although they remain general.	1) The conclusions are somewhat brief and do not sufficiently highlight the novelty of the research with more explicit statements. 2) Recommendations tend to be normative and lack specificity regarding concrete policy measures or reform models. 3) Does not explicitly link findings to broader implications for legal theory and human rights practice.
5	Special notes	1) Clearly separate research results from analytical discussions to facilitate reader comprehension. 2) Strengthen the legal and ethical theoretical foundations to support the analysis, for example through a review of procedural justice theory or due process models. 3) Add a more in-depth discussion of human rights aspects, particularly the principles of fair trial and non-self-incrimination. 4) Keep the writing concise and focused to avoid unnecessary repetition. 5) Make more concrete and applicable recommendations with examples of policies or reform models. 6) Enhance novelty by highlighting the unique contribution of the research to the field of criminal law and human rights.	

Corrections and Responses to Reviewer B

Reviewer Comments	Amendment or Justification of Response	Page
The research article states that a judge's decision has been made in the sambo case, but it does not elaborate on the panel of judges' legal considerations regarding the legal standing of crown witnesses. Furthermore, it is important to provide a concrete presentation of the provisions regarding crown witnesses in the American and British legal systems.	This research has been revised by adding a more in-depth discussion of the panel of judges' legal considerations regarding the position of the crown witness in the Ferdy Sambo case. This revision explains that the judges, in their considerations, placed the testimony of the crown witness as the primary basis due to the limited availability of other evidence and the complexity of the case. The panel of judges then concluded that although the crown witnesses were involved in the incident, they were not the primary perpetrators. Their honesty and courage were deemed to have helped uncover a case previously shrouded in manipulation and pressure. Because of this role, the judges gave special consideration to the crown witnesses, who contributed significantly to uncovering the truth in Ferdy Sambo's case. This analysis demonstrates that the use of the crown witness is a crucial instrument for the judge in constructing evidence, while also emphasizing the strategic position of the crown witness in cases with extraordinary characteristics such as the Ferdy Sambo case.	Pages 5 & page 6 (judge's consideration of the position of crown witness) And Page 4 (explanation of crown witness arrangements in America and England)

	Next, regarding the regulation of crown witnesses in America and England, this research has been improved by adding a concrete discussion of the regulation of crown witnesses in the legal systems of the United States and England. The inclusion of the legal systems related to crown witnesses in the United States and England serves as an extension in explaining the concept of crown witnesses comprehensively. This is important considering that the concept of crown witnesses itself originated in legal practice in England in the 18th century, which later developed and was adapted in various legal systems, including Indonesia.	
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Corrections and Responses to Reviewer C

Reviewer Comments	Amendment or Justification of Response	Page
1. Several studies have been conducted, both specifically examining the Sambo Case and Crown Witnesses, and on Crown Witnesses in general (in Indonesian Law), but also critically analyzing the Sambo Case. The author has not yet succeeded in making a new contribution to this discussion.	While there have been numerous studies related to crown witnesses and the Ferdy Sambo case, this study offers a new contribution through a critical analysis of the role of crown witnesses in the context of procedural justice and human rights. This differs from previous studies that have not yet examined in depth the ethical and legal dilemmas arising from the use of crown witnesses in criminal cases, particularly in the Ferdy Sambo case, which has become a contemporary	Pages 2 & page 6

	precedent in Indonesian judicial practice, such as Sapia Waleulu et al.'s study entitled "The Position of Crown Witness Testimony as Evidence in the Criminal Justice Process" and Muhammad Alif Akbari et al.'s study entitled "Legal Standing of Witness Protection in Relation to Legislation in the Case (Richard Eliezer)." This study, meanwhile, highlights the ethical and legal dilemmas of the use of crown witnesses as an important precedent in Indonesian judicial practice. Its novelty lies in its recommendations for legal policy reform, which emphasize the importance of limiting the appointment of crown witnesses, increasing the capacity of law enforcement officers, and strengthening legal protection for witnesses and defendants to ensure material truth and substantive justice.	
2. The analysis is very superficial, and there is little to no critical reflection directed exclusively at Indonesia that would benefit an international journal with an international audience like the Malaysian Journal of Syariah and Law. I am not sure it would benefit a journal with a local Indonesian audience, given the level of contributions.	The analysis in this study has been refined with a more critical and reflective approach, thus providing a significant contribution not only to the Indonesian legal context but also for other researchers to conduct comparative studies at the international level by comparing the research objects of crown witnesses in Indonesia. This study highlights the construction of Indonesian criminal law that does not explicitly regulate the status and legal limitations for the use of crown witnesses. This normative vacuum has serious implications for the principles of justice and due process of law, because in practice, crown witnesses tend to provide testimony that benefits themselves in order to obtain a lighter sentence. Thus, this study	Pages 3 – 6

	offers added value to international journals such as the Malaysian Journal of Syariah and Law (MJSL), as it enriches the cross-national discourse in conducting studies or research related to crown witnesses.	
3. It might be interesting for international readers if the article could conduct a comparative analysis of crown witness jurisprudence in various countries, thus drawing more concrete lessons for a wider audience (not just Indonesia). The author might want to consider this if he wants his article to have a more publishable direction, but this would require a complete rewrite, not just a revision.	We fully agree with the reviewer's suggestion. Their suggestion regarding the need for a comparative analysis with key witness court decisions in other countries is a very constructive and academically valuable idea. However, since expanding such an analysis would require a complete rewrite beyond the scope of this study, we plan to make it the focus of further research in the future.	-

Perbaikan Penulis Terhadap Catatan Reviewer (31 Oktober 2025)

Reviewer Comments	Amendment or Justification of Response	Page
ABSTRACT: 1) The abstract is too long and tends to be too detailed, which can distract the reader from the main points. 2) However, the main findings are not explicitly summarized. 3) It is not enough to highlight the novelty or originality of the research with a more explicit statement.	1) We appreciate the reviewers' feedback regarding the length and level of detail of the abstract. The abstract has been revised and shortened from 274 words to 172 words to better focus on the aims, methods, main findings, and implications of the study, without compromising the core substance of the entire manuscript. 2) The abstract has been improved by adding the main findings clearly in the abstract section and has been summarized explicitly, so that readers	1) Page 1 2) Page 1 3) Page 1

	can immediately understand the core contributions of this study. 3) The abstract has been revised to clearly highlight the novel aspects, so that the unique contribution of this research to the development of criminal law studies, especially in the aspect of the use of crown witnesses, can be seen more clearly and focused.	
Introduction 1) The introduction may feel too long and repetitive, repeating the same issues without sharp focus. 2) Lack of depth in discussing human rights (HAM) and the principles of procedural justice. 3) There is no clear legal theoretical framework as a basis for analysis.	1) The introduction has been significantly revised and shortened with a more focused and directed arrangement on the main research issues, so that the argument flow is sharper and more coherent. 2) The introduction has been revised to be more comprehensive and in-depth regarding the description of human rights guarantees as regulated in Article 28D paragraph (1) of the 1945 Constitution, and linked to Article 10 of the Universal Declaration of Human Rights (UDHR) and Article 14 of the International Covenant on Civil and Political Rights (ICCPR). In addition, the principle of procedural justice has also been explained based on the theory of due process of law to strengthen the normative and theoretical basis of this research.	1) Page 1 & 2 2) Page 2 3) Page 2

	3) The introduction has been revised by adding a clearer legal theoretical framework, namely the theory of due process of law, which serves as the main basis for analyzing human rights protection and the principle of procedural justice in the context of the criminal justice system.	
Discussion (Results and Discussion) Weakness: 1) The results and discussion are not clearly separated, making it difficult for readers to distinguish between findings and reflective analysis. 2) Some arguments are repeated, making the discussion feel inefficient and long-winded. 3) The explanation of the methodology and data analysis techniques is too general and lacks technical details (e.g., how data verification is carried out systematically). 4) Lack of use of legal or ethical theoretical models that could strengthen the analysis (e.g., procedural justice theory, legal process model).	1) The manuscript has been improved by clearly separating the results and discussion sections, so that readers can easily distinguish between the empirical findings and the accompanying reflective analysis. 2) The results and discussion sections have been improved by removing repetitive arguments, making the discussion flow more concise, efficient, and focused on the main substance of the research. 3) The explanation of the methodology has been improved by adding a more detailed description of the systematic data verification process, which includes the stages of data reduction, data presentation, data verification, and deductive drawing of conclusions. 4) The results and discussion sections have been revised by adding and clarifying the application of due process of law theory as the primary analytical framework. This theory is	1) Page 3 (results) & page 5 (discussion) 2) Pages 3 – 6 3) Page 3 4) Pages 5 & page 6

	used to assess the extent to which the principles of procedural justice and human rights protection are applied within the context of the discussions, thus providing a more in-depth, focused, and theoretically sound analysis.	
Conclusion 1) The conclusion is rather brief and does not sufficiently highlight the novelty of the research with more explicit statements. 2) Recommendations tend to be normative and less specific regarding concrete policy steps or reform models. 3) Does not explicitly link findings to broader implications for human rights legal theory and practice.	1) The conclusion has been revised to be more comprehensive with more detailed descriptions, and has explicitly emphasized the novelty and contribution of the research to make it clearer to the reader. 2) The conclusion has been revised to include more specific and applicable recommendations. These now include concrete steps, including the implementation of a pre-appointment evaluation mechanism for crown witnesses through an independent body or judicial oversight, the development of technical evidence guidelines governing cross-examination between crown witnesses and other evidence, improving the competence of judges and prosecutors through continuing legal education, and strengthening the framework for protecting witnesses and victims from pressure or manipulation in providing testimony.	1) Pages 6 & page 7 2) Page 7 3) Page 7

	3) The conclusion has been improved by clearly emphasizing the relationship between findings and implications, including through the development of a more humanistic model of proof based on procedural justice, and offering a new direction for criminal procedure law reform in Indonesia that is more in line with international human rights standards.	
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**CROWN WITNESSES AND THE INTEGRITY OF JUSTICE:
ETHICAL AND LEGAL REFLECTIONS FROM THE FERDY SAMBO CASE IN
INDONESIA**

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ABSTRACT

This study examines the role of crown witnesses in the Indonesian criminal justice system through the case study of Ferdy Sambo. Although crown witnesses have proven effective in uncovering complex criminal networks, their use raises serious issues related to credibility, bias, and procedural fairness. This study uses a normative juridical method with a statutory and case approach, as well as descriptive-analytical analysis based on secondary data such as court decisions, legal literature, and laws and regulations, drawing conclusions deductively. The results show that crown witness testimony plays a strategic role in uncovering organized crime, but is vulnerable to inconsistencies and leniency motives that can threaten the rights of the accused and material truth. The novelty of this study lies in a critical analysis of the Ferdy Sambo case as a contemporary precedent that reveals the ethical and legal dilemmas of the use of crown witnesses from the perspective of human rights and procedural fairness. These findings recommend the need for legal policy reform in the form of laws related to strict restrictions on the appointment of crown witnesses in criminal cases, increased training for judges and prosecutors, and strengthened legal protection for crown witnesses and defendants to avoid pressure and manipulation when giving testimony.

Introduction

A crown witness can be understood as a defendant in a criminal case who is presented by the public prosecutor to provide testimony against another defendant in the same case. (Sukarjono et al., 2023). Although this term is not expressly regulated in legislation, including in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), its use is still found in the Indonesian criminal justice system. Specifically, this study highlights the ethical and legal dilemmas in the use of crown witnesses, where the involvement of crown witnesses who are also perpetrators of crimes raises fundamental questions regarding procedural justice within the framework of material truth, protection of human rights, and the validity of testimony. (Ghonu et al., 2018).

The case of Ferdy Sambo in the premeditated murder of Brigadier Josua shows the complexity of the practice of crown witnesses in Indonesia.(Adhani, 2023; Syam et al., 2023). Crown witnesses in the case included Ferdy Sambo himself, then Briпка Ricky Rizal, Hendra Kurniawan, Agus Nurpatria, and Arif Rachman Arifin, who provided related testimony and accused each other, thus raising fundamental questions regarding the limits of the legitimacy of the perpetrator's testimony as valid evidence in the trial process. This issue is directly related to the theory of due process of law as put forward by Herbert L. Packer.(Hiariej, 2024), which demands that every legal process be carried out by upholding the rights of the accused and guaranteeing procedural justice. Then the same thing from a Human Rights perspective, the right to a fair trial is an essential part of legal protection guaranteed by Article 28D paragraph (1) of the 1945 Constitution, and is further explained in Article 10 of the Universal Declaration of Human Rights (UDHR) and Article 14 of the International Covenant on Civil and Political Rights (ICCPR) (Yahyanto, 2019) This is where the principle of procedural justice becomes crucial, how the state balances the need for effective law enforcement with the protection of the rights of the accused, ensuring that the legal process remains transparent, impartial, and free from external pressure, while protecting human rights.

The appointment of a crown witness often occurs when the available evidence is insufficient to prove a crime. This condition is relevant to the principle of evidence law, namely Negative Wettelijk Bewijstheorie, which states that a judge can only issue a verdict if there are at least two legally valid pieces of evidence and the judge's conviction, as stipulated in Article 183 of the Criminal Procedure Code.(Mulyadi, 2007) This theory emphasizes that proof is not only a matter of quantity, but also the quality and legitimacy of the evidence. In this context, the use of crown witnesses presents a dilemma. On the one hand, it helps fulfill the evidentiary requirements in revealing the case (the principle of minimum proof), but on the other hand, it can pose a risk of violating human rights principles for the accused if the testimony of crown witnesses is not strictly monitored.

The analysis in this study is based on the theory of due process of law as the main framework. The theory of due process of law emphasizes that every defendant has the right to a fair legal procedure without discrimination, and ensures that the law limits state authority to prevent abuse of power.(Hiariej, 2024) This theoretical framework is used to assess whether the use of crown witnesses in Indonesia is in accordance with universal standards of justice or whether it opens up loopholes for practices that harm the rights of individuals or defendants.

Studies on the status and protection of crown witnesses in the criminal justice process have become an important focus in legal research in Indonesia, such as the study conducted by Sapia Waleulu et al. entitled "The Status of Crown Witness Testimony as Evidence in the Criminal Justice Process." Then, the study conducted by Muhammad Alif Akbari et al., entitled "Legal Standing of Witness Protection in Relation to Legislation in the Case (Richard Eliezer)" highlighted the aspect of legal protection for witnesses who cooperate with law enforcement officers (Justice Collaborators). Both studies emphasize the importance of the role of crown witnesses and Justice Collaborators in the criminal justice process, both in terms of evidentiary strength and legal protection aspects. However, both have not yet thoroughly examined the ethical and legal dilemmas that arise from the use of crown witnesses in criminal cases in Indonesia, especially in the case of Ferdy Sambo.

This research is urgently needed due to the lack of clear regulations regarding crown witnesses in the Criminal Procedure Code (KUHP) or other laws and regulations, which creates legal uncertainty and potentially violates the principles of due process of law and human rights. Therefore, this research offers crucial insights that can serve as a reference for legal developments in Indonesia in refining the approach to the use of crown witnesses.

Literature Review

In Indonesia, a crown witness is someone who, despite being a suspect or defendant, is willing to testify against another party involved in the same crime upon appointment by the investigator or public prosecutor. This mechanism is usually used when other evidence is insufficient or difficult to obtain. One way to implement this is through case file splitting, based on Article 142 of the Criminal Procedure Code (KUHP), which separates the cases of the suspects so that one of them can be presented as a witness against the other defendant.(Ningsih & Aryati, 2025).

The use of co-defendants raises a number of legal and ethical issues. On the one hand, testimony from co-defendants can strengthen the prosecution's position by providing crucial information that could reveal the crime. However, on the other hand, it also raises concerns about potential violations of the defendant's rights, such as the right to non-self-incrimination and the right to a fair trial. Furthermore, the credibility of co-defendants is often questioned due to concerns that the testimony was given under pressure, threats, or the promise of certain benefits, potentially compromising objectivity and fairness.(Mulyati, 2025).

The murder case involving Ferdy Sambo of his aide, Nofriansyah Yosua Hutabarat, in July 2022 serves as a concrete example of the challenges of using crown witnesses in the Indonesian criminal justice system. During the trial, several defendants, including Bripka Ricky Rizal, Hendra Kurniawan, Agus Nurpatia, and Arif Rachman Arifin, were presented as crown witnesses. They testified that gunshots were heard at Ferdy Sambo's residence at the time of the incident, further strengthening the suspicion of murder.(Meita, 2024).

The testimony of these crown witnesses is crucial because it provides a chronological picture of events from a perspective directly involved in the inner circle of the main defendant. However, the use of crown witnesses in this case has also sparked debate, particularly regarding aspects of fairness and objectivity. This is because the crown witnesses are also defendants in the same case, so their testimony could potentially be influenced by personal interests to mitigate the sentence or avoid criminal liability.(Meita, 2024).

Thus, the Ferdy Sambo case highlights a fundamental dilemma in the practice of using crown witnesses. On the one hand, their presence provides access to crucial information that helps uncover the substantive truth. However, on the other hand, their dual status as both defendant and witness raises serious questions about the consistency, validity, and integrity of court decisions within the framework of law enforcement in Indonesia.(Dewi et al., 2023).

Methodology

This study examines the role of crown witnesses in the Indonesian criminal justice system using normative juridical research. The approaches employed are statutory and case studies. The data sources used are secondary sources, including court decisions, legal doctrine, legislation, and legal literature in the form of books, journals, and other articles. Data analysis techniques were conducted qualitatively through several more systematic stages.(Creswell & Poth, 2016)First, data reduction, which involves sorting and filtering the obtained legal data so that only data relevant to the role of crown witnesses is used. Second, data presentation, which involves compiling the study results in a descriptive-analytical format so that the relationship between norms, doctrines, and judicial practices can be clearly seen. Third, data verification, which is carried out by comparing various legal sources, such as legal theories, legal principles, and related laws and regulations, to ensure the consistency, validity, and relevance of the analyzed data. This verification process is carried out through triangulation of legal sources, namely cross-examining primary, secondary, and tertiary legal materials to obtain data with greater

assurance of validity. Fourth, drawing conclusions, which involves formulating the results of the analysis to answer the legal issues related to the dilemma of using crown witnesses in the Indonesian criminal justice system deductively.

Result and Discussion

Result

The criminal justice system is an important element in maintaining justice and ensuring public security.(Husin & Budi Rizki Husin, 2022) One of the prominent features of this system is the role of the crown witness, an individual who often provides crucial information to solve complex crimes. The concept of the crown witness plays a vital role in law enforcement, particularly in solving complex and organized crimes.(Hardum, 2024).

The concept of the crown witness first emerged in 18th century England as a strategy against organized crime by utilizing individuals with direct knowledge of criminal activity.(Lippman, 2020) In the Anglo-Saxon legal systems of England and the United States, the concept of a crown witness is fundamentally the same: giving testimony in exchange for leniency or immunity, but differs in its terminology and application. In England, it's known as a crown witness or supergrass, where a criminal cooperates with the prosecution to testify against their associates. In return, they can receive leniency or immunity and identity protection. This practice is widely used in cases of organized crime and terrorism. In the United States, a similar concept is called a cooperating witness, where a perpetrator cooperates with prosecutors to provide information or testimony against another perpetrator. In return, they can obtain reduced charges through plea bargaining or recommendations for a lighter sentence. This practice is also commonly used to uncover complex organized crime.(Muharikin, 2015).

In Indonesia, a crown witness is generally someone who participated in a crime but is willing to testify against another party in exchange for a reduced sentence or even immunity. However, the use of crown witnesses presents its own challenges. One key issue is the credibility of their testimony. Because they often testify to mitigate a sentence, there is the potential for them to provide inaccurate or even false statements to implicate the other party.(Morgan, 1946). In addition, there is concern that dishonest or exaggerated testimony for personal gain could undermine the principle of justice and lead to an unfair verdict.(Allen et al., 2020). What is more worrying is the potential for abuse of this concept by prosecutors. As Jacobs and Jackson note(Jacobs & Jackson, 2017), there is a risk that the prosecutor will force a confession or testimony from the defendant that does not reflect the truth, thus compromising the integrity of the judicial process.

Criminal law experts have differing views on the use of crown witnesses. Some support it, while others oppose it. Those who support it argue that crown witnesses are crucial for uncovering complex criminal networks. Information from witnesses is often the only way to obtain detailed information, especially when other evidence is inadequate.(Grosso & O'Brien, 2017). In cases of organized crime, this testimony can reveal the structure and operations of criminal groups, which is very useful for law enforcement officials.(Allen et al., 2020).

On the other hand, critics of the use of crown witnesses highlight that this mechanism has the potential to obscure the search for material truth in the criminal justice process. This is different from a justice collaborator, which is an initiative of the defendant or suspect in exchange for a reduced sentence as a reward for their cooperation, as stipulated in Article 10A paragraph (3) of Law Number 31 of 2014, thus upholding human rights in the criminal justice process as recommended by the International Convention.(Semendawai, 2016). Meanwhile, the crown

witness was not present because of the initiative of the defendant or suspect, but was appointed directly by the investigator or public prosecutor.(Wijaya, 2012) This provides an illustration that in practice the presence of crown witnesses raises a problem, namely the violation of human rights and the credibility of the testimony of crown witnesses.

Each crown witness who also has the status of defendant in the same case tends to try to justify their respective actions to reduce the burden of criminal responsibility.(Williams, 1962)As a result, their testimonies often contradict each other, weakening the consistency of the evidence presented in court. This situation can lead to confusion in assessing the actual legal facts and risks cornering other defendants without a strong evidentiary basis. Thus, the presence of crown witnesses, while intended to help uncover the truth, has the potential to obscure the material truth.(Hammar & Renjaan, 2022).

Then, ironically, the implementation of crown witnesses in the criminal justice system in Indonesia is not accompanied by the provision of protection from the Witness and Victim Protection Agency (LPSK).(Syafii, 2023). In fact, the appointment as a crown witness is carried out directly by the investigator or public prosecutor, so that it indirectly reduces the defendant's human rights because they are forced to provide information in the same case.(Wijaya, 2012) This imbalance raises fundamental issues in procedural justice within the framework of material truth. Crown witnesses are in a vulnerable position, because in addition to being held accountable for their actions as defendants, they also receive no guarantee of protection for their testimony. This situation not only creates a negative perception of the criminal justice system but also highlights the inconsistency in legal treatment of those who contribute to the search for material truth in court.(Sasmito, 2012).

The Ferdy Sambo case serves as a stark example of the complexities and challenges of using crown witnesses in criminal trials. Sambo, a central figure in a criminal network, faces charges of premeditated murder and obstruction of justice. This case raises significant ethical and legal questions, particularly because the crown witness was also a defendant involved in the crime. A review of trial records, the judge's ruling, and legal studies reveals several important patterns, relationships, and implications related to this case.

One of the main issues is the credibility of crown witness testimony. A thorough review of the academic literature shows that crown witnesses sometimes provide false or biased testimony in order to obtain a lesser sentence.(Fyfe & Sheptycki, 2005) In the Ferdy Sambo case, inconsistent testimony raised doubts about its reliability and raised concerns about the fairness of the legal process. The use of crown witnesses can significantly influence the course of the trial. In the Ferdy Sambo case, the testimony of crown witnesses played a crucial role in shaping the construction of events and influencing the judge's decision. However, according to Azizi,(Azizi, nd) Over-reliance on this type of testimony, without adequate policy, has the potential to result in unfair verdicts. Trial records show that judges and prosecutors sometimes accept crown witness testimony too readily without asking sufficient follow-up questions. This risks leading to erroneous verdicts. In the Ferdy Sambo case, the decision to grant crown witness status to several defendants drew criticism, raising issues of procedural and substantive fairness in the Indonesian criminal justice system.

Discussion

Crown witnesses are a legal instrument that arose from practical needs in the process of proving criminal cases, especially in cases involving organized crime.(Hardum, 2024) This instrument is seen as a breakthrough because it can open access to internal information about criminal networks that is difficult for law enforcement to access. One example of its application can be

seen in the Ferdy Sambo case, where the presence of a crown witness played a crucial role in constructing the legal framework at trial.

However, the question is whether someone who is also involved in the crime can provide honest and accurate testimony. Allowing such a person the opportunity to testify raises doubts about the veracity of their testimony. Adhani stated that crown witnesses often expect rewards such as reduced sentences, which can influence the honesty of their testimony.(Adhani, 2023). In the case of Ferdy Sambo, witnesses gave inconsistent statements (Palguna, 2022), raising questions about its credibility. It also suggests that without strong policies, such testimony can be biased and unreliable.

In the Ferdy Sambo case, the presence of the crown witnesses had a significant impact on the trial. The panel of judges at the South Jakarta District Court appointed the crown witnesses because their testimony was deemed crucial in uncovering Ferdy Sambo's role as the main perpetrator and mastermind of the murder. Throughout the trial, both the judge and the public prosecutor relied heavily on the testimony of these three crown witnesses. Their testimony served as the basis for drafting the indictment, charges, and the judge's decision. Through their testimony, it was clearly revealed that there were orders, manipulation, and attempts to systematically eliminate evidence after the murder. The panel of judges concluded that although the crown witnesses were involved in the incident, they were not the main perpetrators. Their honesty and courage were seen as helping to shed light on a case previously shrouded in manipulation and pressure. Because of this role, the judges gave special consideration to these three crown witnesses, who contributed significantly to uncovering the truth about Ferdy Sambo's case.(Nufus, 2022).

The use of a crown witness in the Ferdy Sambo case can be analyzed within a legal theoretical framework, namely the theory of due process of law and the negative principle of *wettelijk bewijstheorie*. These theories and principles in the criminal law system are important in assessing the extent to which the presence of a crown witness is acceptable within the Indonesian criminal procedure system.(Hiariej, 2024).

First, from the perspective of due process of law, the criminal justice system is obliged to guarantee the rights of the accused to receive a fair, impartial and bias-free trial.(Hiariej, 2024) This principle emphasizes that every action by law enforcement officials, including the use of crown witnesses, must not harm the fundamental rights of the accused.(Hiariej, 2024). Absolute reliance on a single witness who is also a defendant does have the potential to lead to injustice, especially if the testimony is influenced by promises of leniency or external pressure. However, as long as the testimony of the crown witness is rigorously tested through direct examination/cross-examination mechanisms and consistently compared with other evidence, its use cannot be considered contrary to the principle of due process of law.(Fuady, 2012). However, if the use of crown witnesses is not implemented with a strict mechanism, namely with direct examination and cross-examination consistently by considering the suitability with other evidence as regulated in Article 184 of the Criminal Procedure Code in conjunction with electronic evidence, Article 5 paragraph (1) of Law Number 19 of 2016 concerning Amendments or Law Number 11 of 2008 concerning Information and Electronic Transactions, then for the sake of justice and protection of the Human Rights of the accused and witnesses, it should not be implemented in the criminal justice process in Indonesia. In other words, crown witnesses can be accepted as long as they are placed within the framework of human rights protection and procedural justice.

Second, within the framework of the negative principle of legal theory as stipulated in Article 183 of the Criminal Procedure Code, a defendant can only be convicted based on at least two

valid pieces of evidence plus the judge's conviction. This principle reflects the balance between formal evidence (legal evidence) and the judge's conviction (judicial conviction). (Judge, 2020) This is where the crown witness finds its relevance. If a case lacks evidence, the testimony of a crown witness can serve as an alternative to supplement the evidence, thereby fulfilling the minimum requirement of two pieces of evidence. (Yuwono, 2011). Thus, the presence of crown witnesses is not a violation of the principle of proof, but rather an instrument that supports the implementation of that principle.

So that the use of crown witnesses does not necessarily conflict with human rights or the principles of procedural justice. (Chaerudin et al., 2025). In fact, as long as their use is carried out carefully, with clear regulations, and strict oversight through testimony and cross-examination, crown witnesses can serve as a vital instrument for uncovering material truth in complex cases. Therefore, transparent regulations regarding the requirements and limitations of crown witnesses are key to ensuring their use remains proportionate, fair, and in accordance with the principles of due process of law.

Based on the research findings, several important recommendations are made to improve Indonesia's criminal justice system. First, a clearer and more comprehensive legal framework is needed to ensure the credibility of witness testimony, free from the influence of personal interests. Second, a strict policy on the appointment of crown witnesses is needed to ensure that appointed crown witnesses can truly reveal the material truth in the case. Third, judges and prosecutors need additional training on the ethical use of crown witnesses to reduce the potential for bias and maintain the fairness of the judicial process. Fourth, legal protection for crown witnesses needs to be strengthened so that crown witnesses can testify without fear of intimidation or retaliation. By providing important recommendations for strengthening Indonesia's legal framework, it is hoped that the criminal justice system in Indonesia can provide a sense of fairness, efficiency, and harmony with the protection of human rights and procedural justice within the framework of material truth.

Conclusion

This research confirms that the use of crown witnesses in the Indonesian criminal justice system plays a strategic role and poses a fundamental challenge to the integrity of the judicial process. While the presence of crown witnesses can help uncover organized and complex criminal structures, the credibility of their testimony is often questioned due to personal motives for seeking leniency. An analysis of the Ferdy Sambo case demonstrates that inconsistencies and bias in the testimony of crown witnesses have the potential to undermine the validity of evidence and cast doubt on the principle of substantive justice.

The novelty of this research lies in the proposed legal reconstruction model for the crown witness policy through the establishment of a special Law on Crown Witnesses, which strictly regulates the appointment mechanism, credibility verification, and legal protection for crown witnesses. This model proposes that crown witnesses are positioned not merely as additional evidence, but as legal instruments subject to standards of objectivity, transparency, and accountability in criminal justice. This legal reform is crucial to prevent abuse of prosecutorial authority in the splitting process as stipulated in Article 142 of the Criminal Procedure Code, while also ensuring the fulfillment of the principles of due process of law and fair trial, which are part of human rights protection.

Practically, this study recommends several concrete steps: first, implementing a pre-appointment evaluation mechanism for crown witnesses through an independent institution or judicial oversight to ensure objectivity in accordance with existing laws and regulations. Second, developing technical guidelines for evidence that require consistent cross-examination

between crown witnesses and other evidence. Third, improving the competence of judges and prosecutors through continuing legal education that emphasizes the ethics of evidence and the rights of the accused. Fourth, strengthening the legal protection framework for crown witnesses to protect them from pressure, intimidation, and manipulation in providing testimony.

Thus, this study confirms that the use of crown witnesses in the Indonesian criminal justice system is not only relevant to the application of the principle of negative wettelijk bewijstheorie, but also has broader implications for the development of legal theory and the practice of human rights protection. The existence of crown witnesses reflects a legal effort to balance the interests of law enforcement and the protection of the rights of the accused, particularly in the context of the principle of minimum proof which requires two valid pieces of evidence and the conviction of the judge. In practice, the use of crown witnesses must be in line with the principle of due process of law, namely by implementing strict direct examination and cross-examination mechanisms and assessing the consistency of witness testimony with other evidence. This approach not only ensures that the standard of proof is met, but also serves as a concrete manifestation of respect for human rights, especially the right to a fair trial.

Thus, these findings provide a theoretical contribution to strengthening the integration of evidentiary theory in criminal law and human rights principles in the judicial process. If these protection mechanisms are not strictly enforced, the use of crown witnesses could potentially conflict with the primary objectives of the law, namely ensuring substantive justice and protecting human dignity in the Indonesian criminal justice system.

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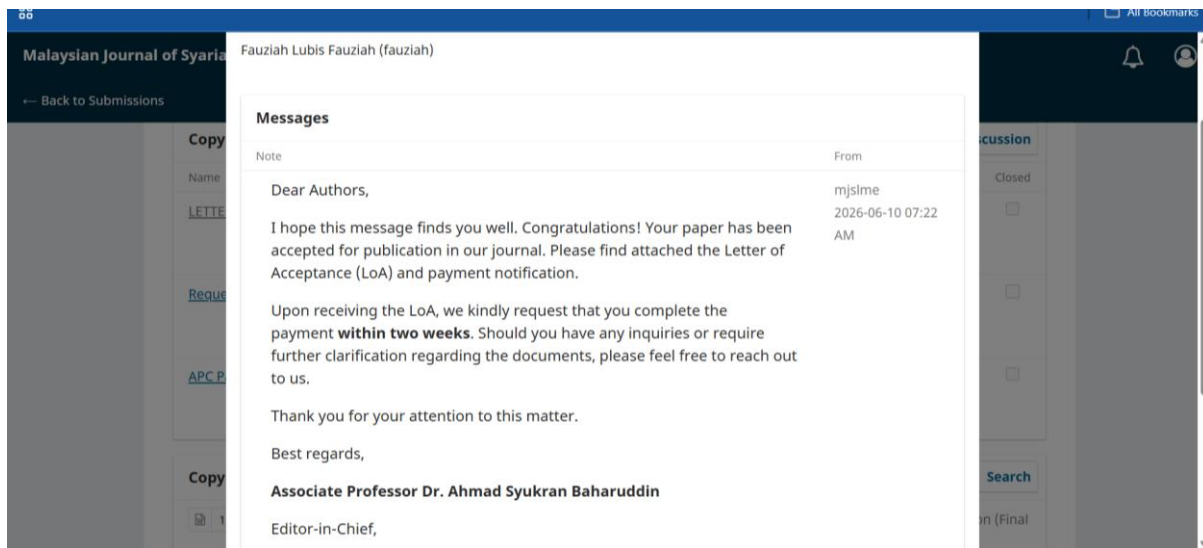
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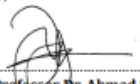
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CROWN WITNESSES AND THE INTEGRITY OF JUSTICE: ETHICAL AND LEGAL REFLECTIONS ON THE FERDY SAMBO CASE IN INDONESIA

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