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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 research examines the role of crown witnesses within Indonesia's criminal justice system through the case study of Ferdy Sambo. The use of crown witnesses has proven effective in exposing complex criminal networks; however, it remains controversial as their testimony is often marked by inconsistency, bias, and personal motives to obtain lighter sentences. The study adopts a normative juridical method, employing both statutory and case approaches. The analysis is conducted in a descriptive-analytical manner using secondary data, including court decisions, legal literature, statutory regulations, and legal doctrines. The findings indicate that, while crown witnesses play a strategic role in uncovering organized crimes, their testimonies frequently suffer from credibility issues and biases, particularly the tendency to shift blame onto other defendants to mitigate their own punishment. This undermines procedural justice and poses risks to the protection of both defendants' and witnesses' rights. The novelty of this research lies in its critical examination of the Ferdy Sambo case as a contemporary precedent that vividly illustrates the ethical and juridical dilemmas surrounding the use of crown witnesses in Indonesia's legal system. Unlike most studies, it highlights the issue through the lenses of human rights, procedural fairness, and the pursuit of material truth. The study recommends the development of stricter legal mechanisms governing the appointment of crown witnesses, improved training for judges and prosecutors, and the strengthening of protective frameworks for such witnesses. Beyond contributing to the construction of Indonesian legal policy, the research also offers comparative insights for other civil law countries in evaluating crown witness policies and in fostering a criminal justice system that is fairer, more transparent, and grounded in the protection of human rights.

Introduction

This research provides valuable insights that can serve as a reference for the development of Indonesian law in refining the approach to the use of crown witnesses. A crown witness can be understood as a defendant in a criminal case who is presented by the public prosecutor to testify against another defendant in the same case (Sukono et al., 2023). Although the term itself is not explicitly regulated in statutory provisions, including Law No. 8 of 1981 on the Indonesian Code of Criminal Procedure (KUHP), its practice continues to be found within Indonesia's criminal justice system.

Specifically, this study addresses the ethical and legal dilemmas in the use of crown witnesses, where the involvement of such witnesses who are themselves perpetrators of crime raises fundamental questions regarding procedural justice, the pursuit of material truth, the protection of human rights, and the reliability of testimony (Ghonu et al., 2018). The Ferdy Sambo case, concerning the premeditated murder of Brigadier Josua, illustrates the complexity of crown witness practice in Indonesia (Adhani, 2023; Syam et al., 2023). The crown witnesses in this case included Ferdy Sambo himself, as well as Briпка Ricky Rizal, Hendra Kurniawan, Agus Nurpatia, and Arif Rachman Arifin. This case underscores a crucial issue: whether the testimony of an offender can serve as legitimate evidence without violating the principle of due process of law as articulated by Herbert L. Packer (Hiariej, 2024), and without undermining the defendant's right to a fair trial as guaranteed under Article 28D of the 1945 Constitution, as well as under international human rights instruments such as 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). It is in this context that the principle of procedural justice becomes indispensable, requiring the state to carefully balance the effectiveness of law enforcement with the protection of defendants' rights, thereby ensuring that judicial processes remain transparent, impartial, and free from external interference.

The appointment of a crown witness generally occurs when the existing evidence is not sufficiently strong to prove a criminal act. This situation is closely related to the principle of the *Negatief Wettelijk Bewijstheorie* in the law of evidence, which stipulates that a judge may render verdict only if there are at least two lawful pieces of evidence as prescribed by statute, combined with the judge's conviction. This principle is embodied in Article 183 of the Indonesian Code of Criminal Procedure (KUHP) (Mulyadi, 2007). The theory underscores that proof is not merely a matter of quantity but also of quality and the legitimacy of evidence. Within this framework, the use of crown witnesses presents a dilemma: on the one hand, it assists in fulfilling the evidentiary requirements necessary for uncovering a case; on the other, it carries the risk of infringing upon the human rights of the accused if the testimony of a crown witness is not subject to rigorous judicial scrutiny.

The analysis in this research is grounded in the theory of due process of law as its primary framework. The theory emphasizes that every defendant is entitled to fair legal procedures without discrimination, while at the same time ensuring that the law serves as a limitation on state authority to prevent the abuse of power (Hiariej, 2024). This framework is employed to assess whether the application of crown witnesses in Indonesia aligns with universal standards of justice or, conversely, creates avenues for practices that may undermine the rights of individuals or defendants.

The urgency of this study arises from the absence of explicit regulation on crown witnesses within the Indonesian Code of Criminal Procedure (KUHP), which results in legal uncertainty and raises the potential for violations of both due process of law and human rights. Accordingly, this research is significant in ensuring that the practice of crown witnesses remains consistent with the principles of justice, legal certainty, and the protection of defendants' rights.

Literature Review

In Indonesia, a crown witness refers to an individual who, despite being a suspect or defendant, agrees to testify against another party involved in the same criminal act. This mechanism is generally applied when other forms of evidence are insufficient or difficult to obtain. One common method of implementation is through the separation of case files (*splitsing*), whereby the cases of co-defendants are divided so that one may be presented as a witness against the others (Ningsih & Aryati, 2025).

The use of crown witnesses, however, raises a number of legal and ethical concerns. On the one hand, testimony from a fellow defendant can strengthen the position of the public prosecutor by providing crucial information that helps uncover the criminal act. On the other hand, it also raises apprehensions about potential violations of the defendant's rights, such as the right against self-incrimination and the right to a fair trial. Moreover, the credibility of a crown witness is frequently questioned, as there are concerns that testimony may be influenced by pressure, threats, or promises of certain benefits, thereby affecting both objectivity and fairness (Mulyati, 2025).

The murder case involving Ferdy Sambo and his aide, Nofriansyah Yosua Hutabarat, in July 2022 serves as a concrete example of the challenges in applying the crown witness mechanism within Indonesia's criminal justice system. During the trial, several defendants namely 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 during the incident, which reinforced suspicions of premeditated murder (Meita, 2024).

The testimony of these crown witnesses carried significant weight, as it provided a chronological account of events from individuals who were directly within the inner circle of the main defendant. Yet, the use of crown witnesses in this case also sparked debate, particularly concerning fairness and objectivity. Since a crown witness is simultaneously a defendant in the same case, their testimony may be shaped by personal interests, such as the desire to obtain a lighter sentence or to evade criminal liability (Meita, 2024).

Thus, the Ferdy Sambo case underscores the fundamental dilemma in the practice of using crown witnesses. While their involvement grants access to vital information that aids in uncovering substantive truth, their dual status as both defendant and witness raises serious questions regarding consistency, validity, and the integrity of judicial decisions within the framework of Indonesia's criminal justice system (Dewi et al., 2023).

Methodology

This study examines the role of crown witnesses in Indonesia's criminal justice system through a normative juridical approach. The research employs both statutory and case-based methods. The data relied upon are secondary sources, including court decisions, legal doctrines, statutory regulations, and legal literature such as books, journals, and other scholarly articles. The data analysis was carried out qualitatively through several systematic stages (Creswell & Poth, 2016). The first stage is data reduction, which involves selecting and filtering the legal materials obtained so that only those relevant to the role of crown witnesses are retained. The second stage is data presentation, where the findings are organized in a descriptive-analytical manner to clearly reveal the interrelation between legal norms, doctrines, and judicial practice. The third stage is data verification, conducted by comparing various legal sources such as legal theories, legal principles, and statutory provisions to ensure the consistency, validity, and relevance of the analyzed materials. This verification process is carried out through triangulation of legal sources, namely cross-checking between primary, secondary, and tertiary legal materials, thereby ensuring the reliability of the data. The final stage is drawing conclusions, which consists of formulating the results of the analysis to address the legal issues surrounding the dilemma of using crown witnesses in Indonesia's criminal justice system.

Result and Discussion

Result

The criminal justice system is a vital element in safeguarding justice and ensuring public security (Husin & Budi Rizki Husin, 2022). One of its distinctive features is the role of the crown witness, an individual who often provides crucial information in uncovering complex criminal acts. The concept of a crown witness plays a pivotal role in law enforcement, particularly in addressing organized and sophisticated crimes (Hardum, 2024).

This study seeks to explore the historical background, significance, and ongoing debates surrounding crown witnesses, while also examining the perspectives of Indonesian criminal law scholars on their function and application. The notion of crown witnesses first emerged in eighteenth-century England as a prosecutorial strategy to combat organized crime, relying on individuals with firsthand knowledge of

criminal activity (Lippman, 2020). Typically, a crown witness is someone involved in the crime who agrees to testify against others in exchange for reduced punishment or, in some cases, immunity from prosecution.

Nevertheless, the use of crown witnesses presents significant challenges. A central concern lies in the reliability of their testimony. Because their cooperation is often motivated by the prospect of a lighter sentence, there is a substantial risk of inaccurate or even fabricated statements aimed at incriminating others (Morgan, 1946). Beyond this, dishonest or exaggerated testimony for personal gain threatens the integrity of justice and may lead to wrongful convictions (Allen et al., 2020). An even more troubling issue is the potential misuse of this mechanism by prosecutors. As noted by Jacobs and Jackson (Jacobs & Jackson, 2017), there is a risk that prosecutors may pressure defendants into confessions or testimonies that do not reflect the truth, thereby undermining the integrity of the judicial process.

Criminal law scholars remain divided on the matter. Supporters argue that crown witnesses are indispensable in dismantling complex criminal networks. Testimonies from insiders often provide the only viable access to critical details, particularly when other investigative methods prove insufficient (Grosso & O'Brien, 2017). In cases involving organized crime, such testimonies can reveal the structure and operational mechanisms of criminal groups, offering law enforcement a significant advantage (Allen et al., 2020).

Criticism of the use of crown witnesses often emphasizes that this mechanism may obscure the pursuit of material truth in criminal proceedings. Unlike justice collaborators, who may receive reduced sentences in return for their cooperation, crown witnesses are not afforded such treatment. Ironically, it is precisely this position that often gives rise to serious concerns about their testimony.

A crown witness who simultaneously holds the status of a defendant in the same case is naturally inclined to justify his or her own actions in an attempt to reduce criminal liability (Williams, 1962). As a result, their statements frequently contradict one another, thereby weakening the consistency of evidence presented at trial. Such inconsistencies risk creating confusion in establishing the actual legal facts and may unfairly implicate other defendants without sufficient evidentiary foundation. Thus, while the role of the crown witness is intended to facilitate the discovery of truth, it may paradoxically contribute to the obscuring of material truth (Hammar & Renjaan, 2022).

Another issue lies in the absence of protection from the Witness and Victim Protection Agency (LPSK) for individuals designated as crown witnesses in Indonesia (Syafii, 2023). The designation is made directly by investigators or prosecutors, which indirectly curtails the rights of defendants who are compelled to testify in a case in which they themselves are implicated. This stands in stark contrast to justice collaborators or whistleblowers, who voluntarily and in good faith agree to assist in uncovering a case, and as a result are granted legal protection by the LPSK (Wijaya, 2012).

Such disparities create fundamental problems in upholding procedural justice within the framework of material truth. Crown witnesses occupy a particularly vulnerable position: not only must they account for their own criminal conduct as defendants, but they are also deprived of legal safeguards for the testimony they provide. This situation not only fosters negative perceptions of the criminal justice system but also highlights inconsistencies in the treatment of individuals contributing to the discovery of material truth in court (Sasmito, 2012).

The case of Ferdy Sambo serves as a concrete example of the complexities and challenges associated with the use of crown witnesses in Indonesian criminal trials. Sambo, a central figure in a criminal network, faced charges of premeditated murder and obstruction of justice. The case raised significant ethical and legal questions, particularly because the crown witnesses were also defendants implicated in the crime. A review of trial records, judicial decisions, and scholarly literature reveals a number of patterns, relationships, and key implications surrounding this case.

One of the principal concerns is the credibility of crown witness testimony. A closer examination of trial transcripts and academic discussions indicates that crown witnesses sometimes provide false or biased accounts in exchange for lighter sentences. In the Sambo case, inconsistencies in witness statements cast doubt on their reliability and raised broader concerns about the fairness of the judicial process.

The reliance on crown witnesses has had a considerable impact on the course of the trial. In Sambo's case, their testimonies played a pivotal role in shaping the narrative of events and ultimately influenced the court's decision. However, as noted by Azizi (Azizi, n.d.), excessive dependence on such testimony, absent clear and adequate safeguards, may lead to unjust verdicts. Trial records further suggest that judges and prosecutors occasionally accepted crown witness accounts too readily, without posing sufficient follow-up questions. This raises the risk of erroneous judgments. In Sambo's trial, the decision to grant crown witness status to several co-defendants sparked criticism, underscoring procedural and substantive justice issues within Indonesia's criminal justice system.

Discussion

The crown witness is a legal instrument that emerged from practical needs in the evidentiary process of criminal cases, particularly those involving organized crime (Hardum, 2024). This instrument is regarded as a breakthrough because it provides access to internal information within criminal networks that law enforcement agencies would otherwise find difficult to obtain. A notable example of its application can be seen in the Ferdy Sambo case, where the presence of a crown witness played a crucial role in reconstructing the chain of legal events during trial proceedings.

The core issue, however, lies in whether an individual who is also implicated in a crime can deliver testimony that is truthful and reliable. Allowing such individuals to testify inevitably raises doubts about the credibility of their statements. As Adhani observes, crown witnesses often anticipate certain benefits, such as reduced sentencing, which may compromise the sincerity of their testimony (Adhani, 2023). In the Ferdy Sambo case, inconsistencies in the witness's statements further fueled questions about reliability. This situation illustrates that without firm legal safeguards, testimony of this kind can easily become biased and untrustworthy.

²⁰ In countries such as the United States and the United Kingdom, clear rules have been established to ensure that the testimony of crown witnesses remains credible. Zulfan points out that in both jurisdictions, such testimony is admissible only when corroborated by independent evidence (Zulfan, 2018). This requirement minimizes the risk of false testimony motivated by personal gain. In Indonesia, the adoption of stricter regulations and more explicit procedures is urgently needed so that crown witness testimony can be both fair and dependable.

In the Ferdy Sambo case, the use of a crown witness had a significant ³³ influence on the course of the trial. Findings indicate that both judges and prosecutors relied heavily on the testimony of the crown witness in constructing the case. The use of such testimony in this trial can be better understood through the lens of legal theory, particularly the principles of due process of law and the doctrine of *negatief wettelijk bewijstheorie*. Both frameworks are crucial for assessing the extent to which the testimony of a crown witness can be deemed acceptable within Indonesia's criminal procedure system (Hiariej, 2024).

From the perspective of due process of law, ²⁹ the criminal justice system is obliged to safeguard the rights of the accused to a fair, impartial, and unbiased trial (Hiariej, 2024). This principle underscores that every action taken by law enforcement officials, including the use of crown witness ³⁹ must not infringe upon the fundamental rights of the defendant (Hiariej, 2024). Exclusive reliance on the testimony of a witness who is also a co-defendant can easily jeopardize fairness, particularly when the testimony is shaped by promises of leniency or external pressure. Nevertheless, as long as the crown witness's testimony is rigorously tested through mechanisms such as direct examination and cross-examination ⁴⁰ and is consistently weighed against other forms of evidence, its use cannot be considered inconsistent with the principle of due process of law (Fuady, 2012). Put differently, the testimony of a crown witness may be admissible provided it is firmly situated within a framework that protects fundamental rights and procedural fairness.

Second, within the framework of the *negatief wettelijk bewijstheorie*, ⁶ as stipulated in Article 183 of the Indonesian Criminal Procedure Code (KUHP), a defendant can only be convicted if the decision is based on at least two valid pieces of evidence, complemented by the judge's conviction. This principle reflects a balance between formal proof (legal evidence) and judicial conviction (HAKIM, 2020). It is within this context that the crown witness finds its relevance. When a case lacks sufficient evidence, the testimony of a crown witness can serve as an alternative to fulfill the minimum requirement of two pieces of evidence

(Yuwono, 2011). Consequently, the presence of a crown witness does not violate the principle of evidence but rather supports its proper implementation.

Therefore, the use of a crown witness does not automatically conflict with human rights or procedural fairness (Chaerudin et al., 2025). On the contrary, if applied carefully, under clear regulations, and subjected to strict oversight through examination and cross-examination, a crown witness can serve as a crucial instrument for uncovering material truth in complex cases. Transparent regulation regarding the criteria and limits for crown witnesses is key to ensuring that their use remains proportional, fair, and consistent with the principles of due process of law.

Based on research findings, several important recommendations emerge to improve Indonesia's criminal justice system. First, there is a need for a clearer and more comprehensive legal framework to guarantee the credibility of witness testimony, free from personal interests. Second, policies for appointing crown witnesses should ensure that the selected individuals are genuinely able to reveal the truth of the case. Third, judges and prosecutors require additional training on the ethical use of crown witnesses to minimize potential bias and uphold procedural justice. Moreover, legal protections for witnesses should be strengthened so that crown witnesses can testify without fear of intimidation or retaliation. By providing these recommendations to reinforce Indonesia's legal framework, it is hoped that the criminal justice system can operate fairly, efficiently, and in harmony with the protection of human rights and procedural justice, while remaining oriented toward uncovering material truth.

Conclusion

In conclusion, this study underscores both the crucial role and the significant challenges associated with the use of crown witnesses in Indonesia's criminal justice system. While crown witnesses can be effective in uncovering complex organized crimes through insider testimony, their credibility is frequently questioned due to personal motives, such as the expectation of sentence reductions. An analysis of the Ferdy Sambo case illustrates that inconsistencies in the testimony of crown witnesses raise doubts regarding the reliability and validity of their statements. This highlights the importance of a robust legal framework governing the appointment of crown witnesses to ensure that their testimony is credible, properly validated, and not subject to misuse.

The study also emphasizes the ethical dimension of using crown witnesses. Testimony from a witness who seeks to protect themselves in order to obtain leniency is considered unfair, particularly if other defendants have a lesser degree of involvement in the crime. To address these concerns, the study proposes several key measures: the establishment of stricter legal provisions regarding the appointment of crown witnesses, enhanced training for judges and prosecutors, and strengthened protections for both crown witnesses and defendants to shield them from undue pressure or manipulation during testimony.

The findings indicate that the use of crown witnesses in Indonesia's criminal justice system is closely linked to the *negatief wettelijk bewijstheorie*, which requires at least two valid pieces of evidence to convince the judge. In certain cases, crown witnesses are necessary to meet this evidentiary requirement. However, their use must remain consistent with the principles of due process of law, which emphasize the protection of defendants' human rights and procedural fairness within the framework of material truth. Accordingly, crown witnesses can serve as legitimate instruments of proof without compromising human rights, thereby achieving procedural justice grounded in the pursuit of material truth.

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