



# Ensuring Justice: An In-depth Analysis of Witness Protection in Divorce Cases within the Religious Court in Indonesia

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## Abstract

*The aim of this research is to analyze witness protection in divorce cases in Indonesia. Witnesses are one of the pieces of evidence used in divorce cases in the Religious Court, yet witnesses brought forth during trials face threats and legal demands. Meanwhile, the aspect of witness protection remains unregulated. This article questions why it is crucial to protect witnesses in divorce cases in religious courts and what constitutes an ideal concept of witness protection. This research employs a legislative and case-based approach. This article suggests that witness protection is highly significant as witnesses are often utilized as evidence. Based on 709 applications from non-criminal cases seeking protection from the Witness and Victim Protection Agency, it is evident that the Witness and Victim Protection Act only regulates witnesses in criminal offenses. It extends beyond the interests of the petitioner and the respondent. Yet, it has to be in the interest of the witnesses and the court so as to achieve truth and justice. Simply speaking, the protection of witnesses should be regulated under the Witness and Victim Protection Act.*

**Keywords:** *witness protection, threats to witnesses, divorce cases, divorce proceedings, significance of witness protection*

## Introduction

The consequences of marriage entail the existence of rights and obligations for each party, both the husband and the wife. These rights and obligations serve as the boundaries and rules that must be adhered to in navigating the voyage of a household. In line with this, Tamarut (2015) asserts that the relationship between husband and wife is one of love and affection, and the bond of marriage fundamentally extends beyond mere material and biological services. The provision of material needs such as food and clothing serves only as a means to achieve nobler and higher needs, namely those of spiritual satisfaction, love, and affection. Thus, the assumption is that material services will be rendered by darling within the context of a relationship characterized by emotional love and affection (Rosmawati, 2018). In cases of divorce, Nur (2020) said that there are several factors that contribute to its occurrence, including: Firstly. Persistent conflicts (*shiqāq*) involving continuous interference from third parties and a lack of harmony. Secondly, Failure to fulfill responsibilities as a husband or wife, including forced marriages, economic issues, irresponsibility, and abandonment by one party. Thirdly. Moral crises encompassing adultery, substance abuse, insanity, gambling, unhealthy polygamy, and jealousy. Fourthly, harming the spouse, including instances of domestic violence.

According to Nofiardi (2023), the Judge of the Religious Court in Maros, in divorce cases based on continuous quarreling (*syiqaq*), only family members are allowed to testify, but beyond that, other family members are not permitted as witnesses. This means that family members are restricted to testifying only in cases of *syiqaq*, as in situations where the reason for divorce is continuous quarreling, the family is presumed to have a better understanding of the matter (Devy et al., 2021). If there is no *syiqaq* reason, such as alcohol abuse, adultery, committing sexual offenses, or irresponsibility, all of which can be observed by individuals outside the family, then witnesses from outside the family may be considered. For instance, if the reason for divorce is the husband's frequent consumption of alcoholic beverages, those who are most likely to know the truth are individuals outside the family, as such drinking activities usually occur outside the home or its immediate surroundings. Therefore, it is highly unlikely that the family would be aware of this, and the likelihood is greater that individuals outside the family, such as neighbors or colleagues, would have knowledge of this matter. This forms the basis for the testimony of family members in cases of *shiqāq* (Nur, 2020).

Divorce is an attempt to dissolve the bond between husband and wife in a marriage for various reasons. Divorce occurs when there is no way out (termination of the marriage). According to data from the Religious Courts of the Supreme Court, in 2010, there were 285,184 divorce cases. This number increased by 17% in 2011 to 333,368 cases. In 2012, the number of divorce cases increased again to 371,343 cases. In 2013, the divorce rate increased by 9% to 406,099 cases. In 2014, the number of divorce cases reached 429,362. In 2015, there were 455,044 divorce cases. In the following year, 2016, divorces in Indonesia experienced a decrease

to 436,957 cases. However, the divorce rate increased again by 10% to 472,780 cases. Until 2018, there were 588,266 divorce cases in Indonesia. In customary law, divorce is generally influenced by the religion adhered to by each indigenous community. The extent of the influence of religious law on the customs of community members is not uniform because customs and social environments vary, even within the same indigenous community (Sururie, Athoillah, & Ulhaq, 2023). Divorce occurs not only because of religious laws and regulations but also due to significant influences from cultural shame and societal control. In communities with strong kinship ties, divorce is more challenging to occur, while in communities with weaker kinship ties, divorce is more likely (Basri & Haris, 2015).

Divorce cases in Indonesia are predominantly initiated by divorce or talak petitions filed by wives. In 2010, there were 169,673 divorce cases in Indonesia. The following year, in 2011, there were 191,013 cases. In 2012, the number rose to 212,595 cases. In 2013, there were 250,360 cases, and in 2014, the figure reached 268,381 cases. In 2015, there were 253,900 cases. The subsequent year, 2016, saw 263,700 cases. In 2017, the number of divorce petitions was 276,700, and in 2018, it increased to 307,800. By the end of 2019, there were 355,800 cases. In 2020, there were 291,677 cases, followed by 447,743 cases in 2021, and 284,169 cases in 2022. The number of divorces and legal claims in Indonesia continues to rise each year. Interestingly, the ratio of divorce petitions initiated by wives (*talāq* filed by wives) compared to those initiated by husbands (*talāq* filed by husbands) is 70:30.

However, not all evidence presented during the proceedings is accepted by the Panel of Judges, as in examining a case, judges have the duty to consolidate. In this process, judges must assess whether the events or facts presented by the parties actually occurred. The qualification implies that the judge considers the law by establishing the legal relationship between the subject matter of the case or the lawsuit and the parties involved. The final step is to form a decision, meaning that the judge decides on a case that has been determined and meets the requirements, and this can only be achieved through evidence. Therefore, the Panel of Judges must not fully trust the testimonies of witnesses, especially if the witnesses presented in a divorce case are family members, but the reason for the divorce is not due to persistent quarrels (*shiqāq*) (Nofiardi, 2023). This is because everything stated in the lawsuit cannot be fully trusted by the Panel of Judges until proven. For instance, if the husband is an alcoholic, and that is the reason for the divorce, it is unlikely that only the family knows about it, as the husband drinks outside the home, not inside it, so neighbors would also be aware. Similarly, if a wife has been absent for 2 years without any communication, besides the family, neighbors would also be aware of it. Therefore, the Panel of Judges must be impartial in the process of proving (Nur, 2020).

To file for divorce, the Plaintiff or Applicant can visit the local court according to the region specified in the marriage certificate. However, this does not apply to women who are given the

privilege to file for divorce anywhere. On the other hand, if a man files for divorce, it must align with the region indicated in the marriage book. According to Soemijati (1986), for Muslims, divorce is carried out by filing a divorce petition with the Religious Court, while for non-Muslims, the divorce petition is submitted to the District Court. An essential stage in the legal proceedings is the presentation of evidence. Often, witness testimony is utilized by the parties involved in a case. One study explains that the role of witnesses in divorce trials at the Religious Court in Takalar is deemed crucial, and proving through testimony is considered the most significant method of evidence in a case being examined before a judge (Basri & Haris, 2015). In its evolution, it is possible that witnesses present in court may face threats, violence, or even legal consequences for the statements they provide. However, the aspect of witness protection is not regulated by law. Despite Indonesia having enacted Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection (Witness and Victim Protection Law), and the establishment of a specialized institution for witness protection, namely the Witness and Victim Protection Agency (LPSK), this law only covers the protection of witnesses in criminal cases, leaving witnesses in non-criminal cases without protection.

This law aims to provide a sense of security to witnesses and victims when providing information in criminal justice proceedings (Sani, 2018). However, the scope of this law is limited to protecting witnesses in criminal cases, causing the Witness and Victim Protection Agency (LPSK) to be unable to provide protection to witnesses in divorce cases. This situation has sparked the interest of the author to conduct a study and analysis of witness protection in divorce cases in Indonesia. Therefore, there is a need to explore the extent to which the current legal framework involves the protection of witnesses in the context of divorce, and to consider the possibility of expanding the scope of legal protection for witnesses involved in the divorce legal process. Through this research, it is hoped that solutions or recommendations can be found to enhance witness protection, especially in divorce cases, to support a fair judicial process and respect individual rights.

## Methods

The research methodology employed in this study encompasses three main approaches: the normative juridical approach, the legal approach, and the conceptual approach. The normative juridical approach is used to analyze legal aspects in a normative manner (Riyadi, Fauzan, & Budiman, 2023). The primary legal material that is the focus of the research is Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection. In addition, secondary legal materials involving books, journals, and other relevant sources to the research topic are acknowledged as crucial components. The technique for collecting legal materials is conducted through a literature review with a focus on legislative regulations governing the subject of this research (Soekanto & Mamudji, 2004). The legal

interpretation applied in the analysis is systematic and grammatical interpretation, providing a strong foundation for interpreting the relevant legal context. The significance of testing the theory of justice in this writing is the main focus, aiming to evaluate whether the concept of justice has been fulfilled in protecting witnesses in the context of divorce cases. The questions regarding the fulfillment of this sense of justice are expected to be answered through the research results. Thus, this article not only reflects a comprehensive research method but also illustrates its contribution in testing and developing an understanding of witness protection within the legal system.

### **Finding and Discussion**

Protection for witnesses in the context of divorce cases still lacks clear legal foundations, resulting in witnesses often facing threats, violence, and the risk of punishment for the testimony provided. This situation can lead to the reluctance of witnesses to appear in court. Meanwhile, witnesses play a crucial role as evidence often called upon by parties involved in divorce cases. The absence of laws regulating witness protection can create risks of inequality in the justice system, where the interests of the litigants dominate (Devy et al., 2021). The interests in divorce cases seem to prioritize the personal interests of the parties involved, although this perspective needs to be reconsidered. The regulation of witness protection in the law is becoming increasingly urgent, especially to ensure that witnesses can testify without fear or pressure, in line with the principles of justice aiming to achieve truth and fairness in the judicial system (Wahyudi, 2018).

As individuals inherently endowed with human rights from birth, witnesses are considered a divine gift that must be respected, safeguarded, and protected by society, individuals, and the state. Human rights play a central role in the concept of respect and protection, emphasizing the safety of human existence through a balance between rights and duties, as well as between individual interests and public interests. The coordination and integration of potentially conflicting interests in society are realized through the role of law, which, as stated by Rahardjo (2000), functions to integrate and coordinate these interests by limiting and protecting them. The family law context gives special meaning to the duty of witnesses, regulated in Article 76 of Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts. Divorce petitions based on grounds such as continuous quarreling (*shiqāq*), for example, require the testimony of witnesses from the families or closest associates of the husband and wife (Nofiardi, 2023). The court may appoint judges from the respective families after hearing witness testimonies regarding the nature of the disputes between them.

Witnesses in divorce cases can come from the families of the husband and wife, unlike in civil cases, where those considered incapable of acting as witnesses are individuals entirely incapable, such as blood relatives or siblings according to direct lineage of one party, and the ex-spouse of one party, even if divorced. This differs from the rules in civil cases. Additionally, the criteria for incapacity also include those who are allowed to be heard but cannot act as witnesses, such as children under the age of 15 and individuals with mental disorders (Reavey, Wilcock, Brown, Batty, & Fuller, 2016), even if their memory is sometimes sound, where their statements are only considered as explanations (Fakhriah, 2015). Interestingly, witnesses in divorce cases are provided with operational costs to cover the expenses related to the case. This is crucial as it can prevent access barriers to the court for witnesses who may face financial difficulties (Setiyono, 2018). By providing financial support, the court can ensure that witnesses with crucial information can participate without financial hindrances. Thus, this step creates conditions where all parties, including witnesses who may be economically disadvantaged, feel supported and have an equal opportunity in the divorce judicial process.

The next step, in the context of divorce cases, establishes that witnesses have the obligation to bear their transportation costs, in accordance with the provisions outlined in Article 90. The details of case costs, as elucidated in Article 89, encompass crucial aspects such as the costs of clerks and stamp duties necessary for the case, as well as expenses related to the presence of witnesses, expert witnesses, interpreters, and the costs of administering oaths required in the course of the case (Setiyono, 2018). Additionally, the costs required to conduct on-site inspections and other actions mandated by the Court are also part of the case costs, along with the costs of summons, notifications, and other elements related to the Court's orders in the case process. Emphasizing that the amount of case costs is regulated by the Minister of Religion with the approval of the Supreme Court provides a regulatory framework that offers guidance on the obligations and rules related to case costs, including assigning responsibility to witnesses regarding transportation costs that may arise in their involvement in the judicial process.

The costs provided to witnesses can be considered a form of procedural protection. However, witnesses feel that this protection is not sufficient because there is a possibility that they may face threats, violence, or legal action for the testimony they provide (Bajda, 2023). Forms of physical and legal protection have not been regulated in legislation. Unlike witnesses in criminal cases who are granted physical and legal protection under Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection, there is an injustice experienced by witnesses in divorce cases. Yet, witnesses in both criminal and divorce cases serve as evidence frequently used in court proceedings. The Witness and Victim Protection Agency (hereinafter referred to as LPSK) is an independent institution, meaning it operates autonomously without interference from any party, and is based in the

capital of the Republic of Indonesia. The Witness and Victim Protection Law (hereinafter referred to as UU PSK) states that LPSK is an independent institution, commonly known as an independent commission, which is ideally an independent state apparatus and, therefore, outside the responsibility of its branches. Although it is under the executive, legislative, and judicial powers, it has a mixed function among these three branches (Rauf et al., 2022).

The importance of legal protection for every member of society is one of the reasons for the enactment of Law Number 13 of 2006 concerning Witness and Victim Protection, promulgated on August 11, 2006. In Law Number 13 of 2006 concerning Witness and Victim Protection, there is an institution responsible for safeguarding witnesses and victims. This institution, known as the Witness and Victim Protection Agency (LPSK), handles the protection and assistance for witnesses and victims. LPSK has the duty and authority to provide protection and assistance to witnesses and victims. The scope of LPSK's protection extends to all stages of the criminal justice process (Waliadin & Nofianti, 2021), ensuring that witnesses and/or victims feel secure in providing information. The existence of the Witness and Victim Protection Agency, as an institution handling the protection of witnesses and victims, at least brings a breath of fresh air to the community, especially for those who have been victims of human rights violations or witnesses to crimes (Sari, 2023). The Witness and Victim Protection Agency is a crucial actor and part of the government's function to ensure the openness of the truth and uphold justice for witnesses and victims in the criminal justice system in Indonesia. As a form of legal relationship with the state's authority, the State Institution was established based on Law Number 13 of 2006, as amended by Law Number 31 of 2014 concerning the Witness and Victim Protection Agency, determined by the institution's vision of protecting witnesses and victims, namely "realizing the protection of witnesses and victims in the criminal justice system." From the institution's vision for protecting witnesses and victims (Riyadi, 2023), a mission for protecting witnesses and victims was built, consisting of several aspects, including realizing protection and fulfillment of the rights of witnesses and victims in criminal justice, creating a professional institution in providing protection and fulfilling the rights of witnesses and victims (Iskandar, 2021).

Law Number 13 of 2006 concerning Witness and Victim Protection was enacted to provide a sense of security for every witness and/or victim in providing information during any criminal justice process. Protection in the law of 2006 is defined as all efforts to fulfill rights and provide assistance to ensure the safety of witnesses and/or victims, which must be carried out by the Witness and Victim Protection Agency (LPSK) or other institutions in accordance with legal provisions. Recognizing the crucial role of witnesses and/or victims in revealing a criminal case, it is equally important to provide protection for witnesses and victims (Mansyah & Ali, 2023). As an institution born with the primary task of providing protection for witnesses and victims, LPSK has shown a track record that, although still relatively small, has received commendation from

various parties (Feriya et al., 2020). Some protections are afforded to witnesses and victims in serious cases, and these protections subsequently contribute to law enforcement to achieve justice. However, from a regulatory perspective, the existence of LPSK is considered not yet optimal. Upon closer examination, the tasks and authorities of LPSK are not specifically regulated in the Witness and Victim Protection Law. The law only regulates the responsibilities of LPSK, its membership, and the selection process, as well as decision-making and funding, but it does not specifically address organizational and institutional support (Iksan et al., 2023).

Through LPSK, the state is present to provide assurance of protection for witnesses and victims. LPSK serves as an extension of the state's arm in safeguarding witnesses and victims. Who are the authorities? Law enforcement officials often face difficulties in uncovering criminal activities due to the challenges of presenting witnesses who can provide information related to the criminal acts. Protection for witnesses and victims is granted based on several principles as outlined in Article 3 of Law Number 13 of 2006, namely: respect for dignity and honor (Mansyah et al., 2023), security, justice, non-discrimination, and legal certainty. Before witnesses and victims receive legal protection from LPSK, they must go through established procedures. Additionally (Pasaribu, 2020), LPSK must meet the criteria to qualify for protection from LPSK as explained in Articles 28 to 36 of Law Number 13 of 2006. Several conditions stipulated by LPSK in providing protection and assistance to witnesses and victims are outlined in Article 28 of Law Number 13 of 2006, which states: The protection agreement provided by LPSK to witnesses and/or victims of criminal acts as referred to in Article 5 paragraph (2) is granted by considering the following provisions: a. The importance of the testimony of witnesses and/or victims; B. The level of threats endangering witnesses and/or victims; C. The results of the medical or psychological team's analysis of witnesses and/or victims; D. The criminal record of witnesses and/or victims. Article 28 explains that every witness and/or victim is entitled to receive protection (Iksan et al., 2023).

The legal protection for witnesses and victims has traditionally relied on the Indonesian Criminal Code (KUHP) as the substantive legal source, utilizing the Indonesian Criminal Procedure Code (KUHP) as procedural law. However, within the KUHP, there is a greater focus on the suspect compared to the witnesses and victims. The position of witnesses and victims seems to be less than optimal compared to that of the perpetrators (Mansyah, 2023). Despite the enactment of Law Number 13 of 2006 on the Protection of Witnesses and Victims, the protection provided to witnesses and victims is considered to be still suboptimal. The constitutional framework for the protection of witnesses and victims is seen as insufficient in guaranteeing their protection, directly hindering the performance of the LPSK itself. One notable issue is that the Law on the Protection of Witnesses and Victims does not specifically regulate the authority that LPSK possesses to provide protection for witnesses and victims, leading to

situations where LPSK may struggle to fulfill its duties and place witnesses and/or victims in complex situations.

The Witness and Victim Protection Agency (LPSK) provides protection exclusively to witnesses in criminal cases; however, paradoxically, witnesses in criminal cases face difficulties in obtaining protection from LPSK. Similar constraints are also encountered by witnesses in divorce cases, which, from a normative perspective, have not been regulated within the legal protection framework for victims or witnesses, creating a normative vacuum that needs to be addressed. In an effort to address this gap, it is important to acknowledge that legal protection norms need to be expanded to encompass situations involving witnesses in divorce cases. The justice theory of Thomas Aquinas (Dierksmeier, 2011) offers three dimensions of the justice concept: first, distributive justice that emphasizes proportionality in the field of public law; second, commutative justice that establishes equality between performance and counter performance in interpersonal relationships, with the principle that each individual should be treated fairly regardless of status or position; and third, retributive justice that highlights the enforcement of punishment or compensation in accordance with the committed crime. Therefore, there is a need for a deep understanding and application of these justice concepts in designing a protection system for witnesses, especially those involved in divorce cases, to achieve a balanced and fair legal objective.

In divorce cases brought before the Religious Court, situations often arise where family members or witnesses present in the proceedings did not witness the Plaintiff and Defendant engaging in physical altercations. Instead, they more frequently observed a lack of communication or silence between the Plaintiff and Defendant. To address such cases, the Supreme Court of the Republic of Indonesia issued Jurisprudence Number: 299K/AG/2003 on June 8, 2005, which affirms that the testimony of two witnesses in divorce disputes that only describes legal consequences (*rechts bevolg*) holds legal weight as evidence (Abas, Hashim, & Hak, 2012). This rule emphasizes that the testimony of a witness who is aware only of the legal consequences in divorce cases, as stipulated in Article 19 letter f of Government Regulation No. 9 of 1975 and Article 116 letter f of the Compilation of Islamic Law, where the witness is only aware that the Plaintiff and Defendant lived separately or together for a certain period, is considered acceptable evidence. In other words, a witness must have real knowledge of the events to be recognized as evidence. From the perspective of distributive justice, the state, through legal instruments, establishes qualification criteria for someone wishing to be a witness, aligning with the applicable legal principles (Mansyah et al., 2022).

Commutative justice, both for witnesses in criminal cases and witnesses in divorce cases, shares a similarity as evidence subject to obligations, but the granted rights differ (Iksan et al., 2023). This implies different treatments under the law. Referring to the Constitution of the

Republic of Indonesia of 1945, several articles regulate the guarantee of protection for every individual, particularly Article 28D(1), which states, "Every person is entitled to recognition, guarantees, protection, and legal certainty and fair treatment before the law." Protection guarantees must be provided by the state in writing. Article 28I(4) emphasizes, "Protection, empowerment, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government." Referring to the constitution contradicts the Witness and Victim Protection Law because it only regulates witness protection in criminal cases. However, constitutionally, there is an effort to ensure protection for witnesses in divorce cases, although it needs to be specifically regulated.

In the context of retributive justice, the legal system provides the possibility of imposing sanctions on witnesses deemed to violate rules or be uncooperative. For instance, if a witness refuses to testify, the court may compel their appearance to ensure their participation in the trial (Nofiardi, 2023). Additionally, to prevent false testimony, criminal penalties are imposed on witnesses proven to have given untrue statements. These measures are taken with the aim of ensuring that the testimony provided by witnesses contributes to creating a fair trial, revealing the truth, and simultaneously preserving the integrity and dignity of the court (Mansyah & Ali, 2023). This approach is reinforced by efforts to uphold the dignity of the court, emphasizing the importance of the role of witnesses in providing information that can assist the court in achieving justice.

In addition to being examined from a theoretical standpoint on justice, it is essential to explore it philosophically, particularly in the context of Pancasila justice. Pancasila serves as the direction for national legal development, and the philosophy of Pancasila is the identity of the Indonesian nation (Pahlevi, 2016). Among the Pancasila principles, "Social Justice for All the People of Indonesia" is particularly relevant. According to Dierksmeier (2011), who expresses opinions on what is considered just, there are three aspects concerning the understanding of justice: firstly, justice means placing something in its proper place. Secondly, justice involves receiving rights without deduction and giving to others without deduction. Thirdly, justice means granting full rights to every deserving individual without more or less among those entitled in the same circumstances and punishing the wicked or lawbreakers according to their faults and violations. Justice and fairness entail balanced recognition and treatment of rights and obligations. If there is balanced recognition and treatment of rights and obligations, it is reasonable to acknowledge the "right to live"; conversely, one must uphold that right to live by working hard, and the hard work done should not cause harm to others, as others also have the same right (the right to live) as the right inherent in the individual (Lunis, 2000). The author interprets the fulfillment of rights and obligations in a balanced manner. If obligations are given, then rights must also be given. No one can obtain their rights without fulfilling their obligations, both before and after, and conversely, no one can be demanded for their rights without fulfilling

their obligations, both before and after (Amin, 2019). In the context of witnesses in divorce cases, witnesses burdened with the duty to provide testimony in court must prove it, as stipulated in Article 76 of the Law on Religious Courts. Meanwhile, the rights possessed by witnesses are merely procedural rights, such as providing transportation costs. Rights and obligations have been regulated in the Law on Religious Courts. However, witness protection is considered still unfair, as physical and legal protection is not yet regulated. On the other hand, witnesses are not immune to threats, violence, or legal action.

Legal protection is a mechanism provided to legal subjects in various forms of legal instruments, both preventive and repressive, and can be written or unwritten. In this context, legal protection reflects the comprehensive function of the law, where the law plays a role in providing justice, order, certainty, welfare, and peace for society (Rauf et al., 2022). This means that legal protection is not only an effort at prevention but also a tool for upholding justice and maintaining order in society (Vapniarchuk, Hryniuk, Drozdov, Bepalko, & Strashok, 2023). Thus, legal protection plays a crucial role in shaping a legal system that instills a sense of justice, protects individual rights, and creates a legal environment conducive to the common good and peace.

## Conclusion

The protection of witnesses in divorce cases in Religious Courts is not regulated by law. Conversely, this leaves the possibility that witnesses may face threats, violence, or legal action for the testimony they provide. This contrasts with the experience of witnesses in criminal cases who are granted protection under the Witness and Victim Protection Law. Naturally, this situation raises concerns of injustice for witnesses in divorce cases from a justice perspective. The state should ensure protection as witnesses bear the responsibility of being crucial evidence presented in court. Constitutionally, Article 28D(1) and Article 28I(4) of the 1945 Constitution of the Republic of Indonesia essentially guarantee security for every individual. Consequently, the Witness and Victim Protection Law only covers protection for witnesses in criminal cases, aligning with the principles of the 1945 Constitution. Looking ahead, the protection of witnesses in divorce cases should be addressed in the Witness and Victim Protection Law. Legislative bodies and the government should have a vision to ensure a balanced approach to fulfilling rights and obligations in this regard. It is crucial for further research to delve into the specific challenges faced by witnesses in divorce cases within Religious Courts and to propose comprehensive legal provisions within the framework of the Witness and Victim Protection Law. This research could explore the potential impacts of witness vulnerability, gaps in the current legal framework, and the feasibility of extending protection to divorce case witnesses. Additionally, an in-depth examination of international best practices in witness protection related to family law

proceedings may provide valuable insights for legislative bodies and the government in formulating effective policies. Such research endeavors would contribute to advancing the legal safeguards for witnesses in divorce cases, ensuring a more equitable and just legal environment.

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