

The Importance Of Whistleblower Protection In The Environmental Sector

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ABSTRACT

Whistleblower protection in the context of the environmental and Natural Resources sector is a key element in efforts to prevent corruption and sustainable management. This sector has a direct impact on human lives and societal well-being, and therefore, maintaining its integrity is essential. This research outlines the importance of whistleblower protection in the environmental and natural resources sectors. The method used in this research is normative with a doctrinal approach. Protection of whistleblowers has an important role in maintaining transparency and accountability in the environmental and natural resources sectors. Through the protection provided to whistleblowers, corrupt practices can be exposed and accountability can be realized. However, challenges and limitations still exist, and concerted efforts are needed to improve the implementation and effectiveness of these laws. With continued efforts, whistleblower protection laws can become a powerful tool in promoting transparency and accountability in the environmental and natural resources sectors.

Keywords: Whistleblower, Corruption, Environment

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INTRODUCTION

As awareness of the importance of transparency and accountability in the environmental and natural resources sector increases, protection of whistleblowers becomes increasingly important. A whistleblower is an individual who discloses violations or acts of corruption that have occurred. To encourage safe and effective disclosure, many countries have adopted whistleblower protection laws.

The environmental and natural resources sectors have a very important role in maintaining the sustainability of people's lives. However, this sector is often the target of corruption and violations of the law. To maintain the integrity of the sector, transparency and accountability must be a top priority. In this context, whistleblower protection has a crucial role. With the existence of whistleblower protection laws, individuals who know of violations or acts of corruption can report them without fear of retaliation or repression. This not only increases transparency and accountability, but also strengthens public trust in the environmental and natural resources sectors.

To understand how important whistleblower protection laws are, we need to know what whistleblower protection laws are and how they operate. Whistleblower protection laws are regulations designed to protect individuals who report violations or acts of corruption from retaliation or repression. This law provides incentives and legal protection to whistleblowers so that they feel safe and protected when reporting these violations. In many cases, whistleblower protection laws also provide financial rewards to whistleblowers if their disclosures lead to legal action or recovery of state losses. This research will explain the importance of whistleblower protection in fighting corruption in the environmental and natural resources sectors.

METHOD

The research method used is a normative research method. Normative research methods are research used to analyze and evaluate legal norms or rules in order to understand, interpret and consider the implications and application of these norms. This method is often used in legal and social science research to develop a deeper understanding of legal and ethical norms.

The approach used in this research is a doctrinal approach. This approach focuses on analyzing legal texts and existing legal norms. Doctrinal research involves the analysis of statutes, court decisions, and other legal literature. The main objective is to interpret and analyze applicable law

RESULT AND DISCUSSION

1. The Importance of Protection for Whistleblowers

Have you ever wondered how environmental crimes and corruption can get away with it in Indonesia? How do illegal logging, pollution and abuse of natural resources continue despite laws and regulations prohibiting such actions? The reality is, most of these crimes would never have been uncovered if not for brave citizens willing to blow the whistle on shady dealings by companies and government officials. But whistleblowers take huge risks in exposing corruption, often facing threats, intimidation and retaliation. That is why the new Whistleblower Protection Law in Indonesia is a breakthrough. This law provides legal protection for citizens who report environmental and natural resource crimes. With the authority for whistleblowers to speak out without fear of consequences, perpetrators of corruption will no longer be able to hide in the shadows. This law is perhaps the most powerful weapon in fighting the corruption that is destroying Indonesia's natural heritage.

The Whistleblower Protection Act is a law that protects people who report acts of corruption, fraud, or violations within an organization. This law aims to encourage transparency and accountability by protecting people who dare to speak out. The Whistleblower Protection Act is a powerful weapon to fight corruption because it encourages the disclosure of information regarding corrupt practices in an organization. With this law, it is hoped that the public will be more courageous in reporting acts of corruption, fraud and violations that they know about.

The most important reason why Whistleblowers need legal protection is to protect them from retaliation by their employers or organizations they disclose to. This can include demotion, harassment, reassignment to an undesirable task, or even termination. Legal protections help prevent whistleblowers from facing unfair punishment for doing the right thing. Many whistleblowers prefer to report problems anonymously to avoid potential retaliation. Legal protection for Whistleblowers should allow them to file reports confidentially and anonymously, especially regarding sensitive matters such as corruption. Their identity and any identifying details must be kept confidential.

If a Whistleblower faces retaliation and loses employment or income as a result of his or her report, legal protection must provide compensation for the losses incurred. This can include reimbursement of lost wages, benefits, and legal fees. Compensation provides Whistleblowers with the security of knowing that they will not suffer major financial losses from exposing the truth.

When whistleblowers receive legal protection and security, this will build credibility and trust in the violation reporting process. The public will feel more confident in reporting a problem, and the public will view the reporter's report as legitimate and well-intentioned. This creates an environment where misconduct is not tolerated and accountability is rewarded.

In short, legal protection for Whistleblowers is very important to encourage reporting of violations, reduce corruption, and encourage transparency and accountability, especially in sectors such as the environment and natural resources. Protecting Whistleblowers from potential retaliation and providing a confidential way to safely report concerns is key to creating an open and fair culture.

The following are the rights that a whistleblower will get:

- a. Protection from dismissal, demotion, intimidation, or other forms of discrimination in the workplace.
- b. Personal identity and confidentiality of information are maintained. The identity of the reporter can only be revealed with the consent of the person involved or based on a court order.

- c. If you were dismissed arbitrarily, you are entitled to compensation. Whistleblowers have the legal right to sue parties who commit arbitrary acts in civil or criminal court.
- d. Legal representation during the investigation and trial process. Whistleblowers have the right to obtain legal representation to protect their rights from the time they report until the time they are tried.

2. Whistleblower Law in Indonesia

The term whistleblower is stated in the Supreme Court Circular (SEMA) Number 4 of 2011 concerning the Treatment of Criminal Whistleblowers. SEMA was issued due to unclear implementation of Article 10 of Law Number 13 of 2006. In relation to the protection of witnesses and reporters of criminal acts of corruption, it is regulated in Law No. 13 of 2006 concerning Protection of Witnesses and Victims, Law no. 31 of 1999 concerning Eradication of Corruption Crimes, and Law no. 30 of 2002 concerning the Corruption Eradication Commission which is a reference for law enforcement officials in protecting witnesses and reporters of criminal acts of corruption.

Before the formation of Law no. 13 of 2006, witness protection policies for certain criminal acts have been regulated in various statutory regulations. In these regulations there are differences in the parties who need protection. In human rights violations, for example, the protection of witnesses and victims is regulated in Article 4 of Government Regulation (PP) No. 2 of 2002 concerning Procedures for Protection of Victims and Witnesses in Serious Human Rights Violations (implementing regulations for the provisions of Article 34 paragraph (3) of Law No. 26 of 2000 concerning Human Rights Courts), the protection of witnesses to criminal acts of money laundering is regulated in Article 5 PP No. 57 of 2003 concerning Procedures for Special Protection for Whistleblowers and Witnesses to Money Laundering Crimes (implementing regulations for the provisions of Article 40 paragraph (2) and Article 42 paragraph (2) of Law No. 15 of 2002 concerning Money Laundering Crimes as amended by Law No. 25 of 2003), and the protection of witnesses to criminal acts of terrorism is regulated in Article 3 PP No. 24 of 2003 concerning Procedures for Protection of Witnesses, Investigators, Public Prosecutors and Judges in Terrorism Crime Cases (implementing regulations for the provisions of Article 33 and Article 34 of Law Number 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism, Becoming Law).

Specifically for criminal acts of corruption, witness protection is regulated in Article 41 paragraph (2) letter e of Law no. 31 of 1999 concerning the Eradication of Corruption Crimes, which states that "people who participate in assisting efforts to prevent and eradicate criminal acts of corruption have the right to receive legal protection, in the event that they are asked to appear in the process of inquiry, investigation and at court hearings as reporting witnesses, witnesses, or expert witnesses, in accordance with the provisions of applicable laws and regulations." Apart from that, Law no. 30 of 2002 concerning the Corruption Eradication Commission also regulates witness protection. Article 15 Law no. 30 of 2002 states "The Corruption Eradication Commission is obliged to provide protection for witnesses or reporters who submit reports or provide information regarding the occurrence of criminal acts of corruption."

The implementing regulations for the provisions regarding community participation in preventing and eradicating criminal acts of corruption in Law no. 31 of 1999 is PP no. 71 of 2000 concerning Procedures for Implementing Community Participation and Giving Awards in the Prevention and Eradication of Corruption Crimes. Article 5 paragraph (1) of the PP states that "Every person, Community Organization, or Non-Governmental Organization, which provides information accompanied by information regarding alleged perpetrators of criminal acts of corruption, has the right to legal protection both regarding legal status and a sense of security." However, legal protection is not provided if from the results of the investigation or investigation there is sufficient evidence that strengthens the involvement of the reporter in the reported criminal act of corruption. Legal protection is also not provided if the reporter is charged in another case.

3. Challenges in Implementing the Whistleblower Protection Law in Indonesia

Ensuring the successful implementation of the Whistleblower Protection Law in Indonesia is not easy. There are a number of challenges that must be faced, especially considering the culture of secrecy and loyalty that is still strong in the public sector. First, there is still a negative stigma towards whistleblowers.

The general public still tends to view whistleblowers as "snitchers" or "providers of false information". This can create fear for whistleblowers to report criminal acts of corruption that they know about. Second, the lack of public trust in the protection process. There have been many previous cases of whistleblowers who did not receive adequate protection, giving rise to doubts about the effectiveness of the Whistleblower Protection Law. The government needs to increase outreach and publication of whistleblower cases that have been followed up to build public trust.

Third, lack of resources and capacity. Implementation of the Whistleblower Protection Law requires the allocation of adequate budget and human resources in related ministries/institutions such as the Corruption Eradication Committee, Ministry of Law and Human Rights, and Ministry of Administrative and Bureaucratic Reform. Without sufficient resource support, this law will only take the form of "formal requirements". By overcoming these challenges, the Whistleblower Protection Law can become a powerful weapon to eradicate corruption in the environmental and natural resources sectors. Transparency and accountability are the keys to the success of this effort. The government needs to be fully committed to protecting whistleblowers and following up on every report that comes in.

To properly implement the Whistleblower Protection Law in the environmental and natural resources sectors, there are several best practices that can be followed. First, it is important to educate the public about the rights and protections they have as whistleblowers. This can be done through effective awareness and outreach campaigns. Apart from that, there also needs to be a clear and easily accessible mechanism for individuals to report violations, such as a reporting hotline that guarantees confidentiality. Finally, there needs to be an effort to increase cooperation between the government, civil society organizations and law enforcement agencies to overcome violations and maintain the sustainability of the environmental and natural resources sectors.

Collaboration between government, the private sector and society has great benefits in protecting the environment. By working together, we can support and complement each other in protecting and monitoring the environment. The government can create policies and laws that support the implementation of whistleblower laws, the private sector can implement environmentally responsible business practices, and the public can play an active role in reporting actions that are detrimental to the environment. Through this collaboration, we can create positive change and protect the environment for future generations.

CONCLUSION

Whistleblowers are a valuable source of information that can help uncover acts of corruption that harm the environment and natural resources. They have access to information that others may not know. Whistleblower protection encourages transparency and accountability in environmental and natural resource management. By enabling fearless reporting of acts of corruption, it encourages disclosure of violations allowing for legal action and improvements in the management of the sector. With whistleblower protection, the environmental and natural resources sectors can more effectively prevent corruption rather than just handling cases after they occur. This means saving valuable resources and reducing negative impacts on the environment and society. Legal protection for whistleblowers is especially important because they are often at risk of retaliation or threats as a result of their reporting. With adequate protection, they feel safer to speak out.

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