

Public Effort and Participation in the Enforcement of Corruption Eradication in Indonesia

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Abstract

Corruption remains a pressing issue with far-reaching adverse effects on numerous aspects of human existence globally. Combating corruption is a crucial priority in Indonesia that requires concerted efforts. This study employs a normative legal research methodology to construct and conceptualize laws based on applicable doctrines and legal concepts. In addition, it employs a case study approach to investigate specific instances of corruption in depth. This study aims to provide an overview of the regulations regarding the eradication of corruption and to demonstrate how community involvement can contribute to enforcing anti-corruption measures. The results show that Law Number 1 of 2023 concerning the Criminal Code in the article concerning corruption, the penalties set for corruptors are very far from what they are entitled to receive. In relation to reports of corruption cases, this study suggests that a public education strategy aiming at educating the general public directly or via social media must be conducted. This strategy intends to increase public awareness and encourage membership in the IFC (Indonesia is Free of Corruption) organization, which provides legal protection against alleged corruption offenders. In addition, regarding the punishment for corruptors, DPR RI (House of Representatives) are suggested to revise the current law that perpetrators of corruption who have amassed more than Rp 100,000,000 will face court-determined punishments, such as the return of illicit gains or the maximum penalty of the death penalty.



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A. Introduction

Corruption is an issue in the world's nations and harms many facets of human activity. In Indonesia, corruption is a top priority for the nation's problems that must be resolved. Due to the inherent complexity of corruption and the need for substantial time and a well-designed strategy to combat it effectively, achieving complete eradication of corruption is challenging. Implementing robust measures to address corruption with excellence and ultimately eradicating it pose formidable tasks.¹ In planning measures to eradicate corruption, a strategy and ideas are essential. Given how pervasive corruption is in every aspect of life, it will affect the order of state life. In addition, corruption-related criminal activity is detrimental to the state. Corruption harms the economic order of a nation. It prevented the acceleration of community-oriented infrastructure development.²

Corruption will have a highly detrimental impact on the collective aspirations of the Indonesian people, who anticipate a significant improvement in the government's capacity to fulfill their various needs. Corruption limits the available cash budgeted by the government to meet the needs of the people of Indonesia. These sectors include education, forestry, land and security, social, public works, and transportation, as well as other sectors budgeted for in the annual draft of state expenditure revenue to meet the needs of the Indonesian people.³

Corruption must not be allowed to persist and plague every state budget through the misappropriation of funds by corrupt public officials. The corruption issue should be addressed to the extent that it should be

eradicated from its roots. Corruption is a crime that undermines all generations, organizations, and state institutions.⁴ Corruption is a grave offense that involves dishonest or unethical behavior by individuals in positions of power, often associated with bribery, embezzlement, or abuse of authority for personal gain. Everybody, without exception, will be affected by the existence of a corrupt crime. The existence of a crime of corruption threatens the lives of countless individuals. For instance, since corruption is a felony, poor citizens will encounter delays in aid. Corruption prevents the Indonesian people from understanding the existence of a predetermined budget for people with low incomes. Funds that should be able to assist and meet the needs of people experiencing poverty have not been utilized following their original purposes to assist every underprivileged community.⁵

In collaboration with the legislature, the government, as the organizer of public policy, has enacted a law⁶ against corruption. The government and the House of Representatives of the Republic of Indonesia (DPR RI) have enacted anti-corruption regulations. However, despite these rules, corruption is still widespread in Indonesia.

The Corruption Crime Act's Considering section asserts that the widespread occurrence of corruption crimes has had significant implications. Not only has it impacted the financial state of the government, but it has also infringed upon the social and economic rights of the entire population.⁶

Corruption has become so pervasive that it must be classed as a crime whose elimination must be carried out unpre-

1 Rizkan Zulyadi, "Judge's Role in Court to Eradicate Corruption According to Law Number 20 in 2001 (Study of Decision 16/PID. SUS. K/2011/PN. MDN)," *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)*, 2020, 1280–88.

2 Andrew Ebekoziem, "Corrupt Acts in the Nigerian Construction Industry: Is the Ruling Party Fighting Corruption?," *Journal of Contemporary African Studies* 38, no. 3 (2020): 348–65.

3 Blane D Lewis and Adrianus Hendrawan, "The Impact of Public Sector Accounting Reform on Corruption: Causal Evidence from Subnational Indonesia," *Public Administration and Development* 40, no. 5 (2020): 245–54.

4 Sabrina O Sihombing, "Youth Perceptions toward Corruption and Integrity: Indonesian Context," *Kasetsart Journal of Social Sciences* 39, no. 2 (2018): 299–304. 4

5 Ida Ayu Gede Mirah Saskarayani and Kadek Krisna Puspawati, "Legal Analysis Of Corruption Cases Social Assistance The Minister Of Social Responsibility Based On The Criminal Action Of Corruption And Its Impacts," *Ganesha Law Review* 6 no. 1 (2021): 56–67.

6 Diego Zysman-Quirós, "White-Collar Crime in South and Central America: Corporate-State Crime, Governance, and the High Impact of the Odebrecht Corruption Case," *The Handbook of White-collar Crime*, 2019, 363–80.

requires significant and exceptional efforts, which call for a well-thought-out strategy. Remarkable efforts in corrupt criminal conduct inevitably result in diverse interpretations of these great efforts. The government, DPR RI, Law Enforcers, and society must collaborate to develop innovative strategies for combating corruption.⁷ If the problem of corruption is not addressed seriously and extraordinarily, it will become systemic in the nation and negatively affect every level of society.⁸

Corruption eradication is a form of legal certainty guarantee. According to Section B of the Corruption Crime Law's weighing points, changes need to be made to Law Number 31 of 1999 on Corruption Eradication of Criminal Acts. These changes aim to ensure legal certainty, prevent different interpretations of the law, protect the social and economic rights of the community, and promote fair treatment in combating corruption. The intent of altering the Criminal Act is to commit to eradicating corruption. In addition to the government and DPR RI as the makers of laws for criminal acts of corruption, a judiciary enforces the law and eliminates those who commit corruption crimes. As a law enforcement agency, the judiciary consists of the Police, the Attorney General's Office, the Courts, and particular institutions constituted by the President of the Republic of Indonesia, including the Corruption Eradication Commission (KPK). President believes that KPK would eradicate corruption because it was established to do so. Therefore, the vision and mission of eradicating corruption must be reported directly to the president.⁹

The government's efforts to eradicate corruption have never ended. By establishing a specific agency for corruption, it is the government's responsibility to defend every state-owned asset from parties that generate

7 Sekar Anggun Gading Pinilih, "Politik Hukum Kedudukan KPK Sebagai Lembaga Pemberantasan Korupsi Di Indonesia," *Jurnal Hukum Progresif* 8, no. 1 (2020): 15–27.

8 Bo Rothstein, "Fighting Systemic Corruption: The Indirect Strategy," *Daedalus* 147, no. 3 (2018): 35–

13 Sarmadan Pohan, "Perbandingan Lembaga Anti Korupsi Di Indonesia Dan Beberapa Negara Dunia," *Jurnal Ilmu Hukum Dan Humaniora* 1, no. 1 (2018): 271–303.

or finance corruption. According to data held by KPK and published on their official website, numerous and diverse players and funding fields have been corrupted by state authorities. As public servants, state officials perform duties beyond their power. Using a shortcut to circumvent the rules of the Corruption Criminal Act is not only ethically wrong but also constitutes a violation of the act itself.

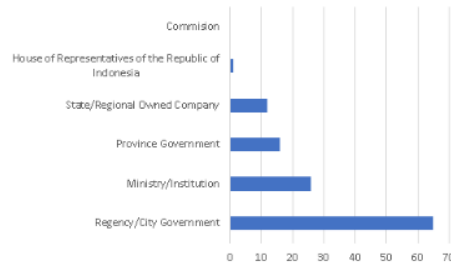


Figure 1. Case Data on Corruption Crimes in Indonesian Based on Agency Level (2022)¹⁰ Source: (Databoks 2023)

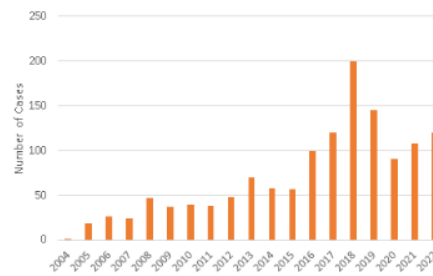


Figure 2. Case Data on Corruption Crimes in Indonesian Since 2004¹¹ Source: (Databoks 2023)

Based on the data presented in Figure 1 and 2, several key law enforcement actions must be undertaken. These include strengthening initial investigations by providing resources and training to investigators, conducting robust investigations through skilled personnel and collaboration, expediting trial proceedings through specialized courts

10 Databoks, "KPK Tangani 120 Instansi yang Terjerat Tindak Pidana Korupsi Sepanjang 2022, Apa Saja?" <http://databoks.katadata.co.id/> (accessed: 11/07/2023)

11 Databoks, "Ada 1.351 Kasus Tindak Pidana Korupsi yang Ditangani KPK Sepanjang 2004 hingga 2022" <http://databoks.katadata.co.id/> (accessed: 11/07/2023)

and technology, improving enforcement capabilities, implementing comprehensive anti-corruption measures, fostering international cooperation, and encouraging public engagement and whistleblower protection. Despite the government's efforts to fight corruption through the development of rules and the formation of KPK, corruption remains rife in this nation. Given the significance of eliminating corruption for the nation's future, it is an exhilarating and demanding subject. The government, DPR RI, and society must be able to make reforms and breakthroughs in order to suppress corruption. Moreover, emphasis on corruption crime requires a new approach, strategy, and even a new method.¹² They will be discussed in this paper as a future design on the subject of eradicating corruption.

B. Methods

This normative research study aims to construct and conceptualize the law based on a specific doctrine. This normative analysis used a conceptual strategy based on numerous legal ideas.¹³ This research examines legal principles and norms, legal systematics, and the degree of synchronization between statutory rules, comparative law, and legal history, focusing on corruption eradication topics. In addition, this study employs a statutory approach in normative law, reviewing all applicable statutes and regulations. The statutory regulatory strategy utilizes laws and rules. Primary, secondary, and supporting legal materials are this study's standard legal research materials.¹⁴ The 1945 Constitution of the Republic of Indonesia, laws, and other relevant legislation are the primary legal resources used in this study.¹⁵ Secondary le-

¹² Paul M Heywood, "Combating Corruption in the Twenty-First Century: New Approaches," *Daedalus* 147, no. 3 (2018): 83–97.

¹³ Roger Cotterrell, *Law, Culture and Society: Legal Ideas in the Mirror of Social Theory*. Routledge, 2017.

¹⁴ Nur Yusriyah Bakhtiar and Muhammad Rinaldy Bima, "Pemenuhan Hak Kebebasan Berpendapat Berdasarkan Undang-Undang Nomor 9 Tahun 1999 Tentang Kemerdekaan Berpendapat Di Muka Umum," *Journal of Lex Theory (JLT)* 1, no. 1 (2020): 41–58

¹⁵ Hasanauddin Hasan, "Hierarki Peraturan Perundang-Undang Negara Republik Indonesia Sebagai Suatu Sistem," *Madani Legal Review* 1, no. 2 (2017): 120–30.

gal materials are legal periodicals, legal ideas, scientific books associated with research titles, symposium outcomes, and scientific publications.¹⁶ In addition, a comparative method is utilized to generate ideas for potential regulatory adjustments applicable to the current regulation regarding corruption.

Moreover, a comparative analysis is an important legal instrument for policy evaluation, as comparisons can provide national and international legislators with a broader perspective when amending existing legislation.¹⁷ In addition, this research employs a case study approach involving an in-depth examination of particular relevant cases or events. The study examines several instances of community involvement in law enforcement and corruption eradication in Indonesia. As data sources, secondary data such as case reports, court judgments, and related documents can be utilized.

C. Results and Discussion Corruption Cases

There were instances of corruption in three state institutions. These three state institutions play a role in the administration of a nation. The followings are descriptions of the three state institutions implicated in corruption cases:

Executive Board

The president, as head of state, often known as the executive authority, plays a role in the organization of the government. Indeed, the president collaborates with the legislature to implement government-created public policies in executing the government's program. Implementing government programs aimed at the welfare of the Indonesian people must be maximally effective and precisely on target. All government projects must be implemented optimally in many domains, such as economy, education, infrastructure,

¹⁶ Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Adilan* 7, no. 1 (2020): 20–33.

¹⁷ Alexandra Ioannidou, "A Comparative Analysis of New Governance Instruments in the Transnational Educational Space: A Shift to Knowledge-Based Instruments?," *European Educational Research Journal* 6, no. 4 (2007): 336–47.

land, security, and fisheries. The federal and local governments develop the program in conjunction with implementing federal policy.¹⁸ However, public officials such as governors and regents/mayors are commonly and often involved in the crime of corruption, including finances and budgets from the central government in the form of public policies to be directed into areas of community needs that must be satisfied by the government.¹⁹ The occurrence of a public official engaging in corrupt activities will hurt the public service policy process, which must allocate various funds to the community in the fields of education, economy, agriculture, fisheries, roads and bridges, and the construction of public facilities. However, because of the public official's corruption, the budget expenditures intended for the community's welfare were not allocated efficiently, optimally, and on target. As a result, the prevalence of corruption offenses done by public officials who are supposed to provide services but instead harm national life results in a substantial loss for the community. The instances of criminal corruption by executive institutions include:

Minister

Defendant Juliari P. Batubara (former Minister of Social Affairs) committed a corruption crime case, namely accepting gifts or gratuity related to Social Assistance for Handling Covid-19 at the Ministry of Social Affairs for the Fiscal Year 2020. In addition, there are several other ministers who have been involved in corruption, such as Johnny G Plate, the Minister of Communication and Information (*Menkominfo*), who has been named a suspect in the Base Transceiver Station (BTS) 4G infrastructure corruption case, causing a total state loss of 32.4 billion Indonesian Rupiah. Meanwhile, Imam Nahrawi, who previously served as the Minister of Youth and Sports (*Menpora*), was implicated in a bribery case involving government assistance to the National Sports Committee of Indonesia (*KONI*) in the 2018 fiscal year. Imam Nahrawi was

¹⁸ Ni'matul Huda, *Hukum Pemerintahan Daerah*, 8 Isa Media, 2019.

¹⁹ Uyat Suyatna, "Evaluasi Kebijakan Tindak Pidana Korupsi Di Indonesia," *Sosiohumaniora* 22, no. 3 (2020): 325-33.

found guilty of accepting bribes amounting to 26.5 billion Rupiah. He was sentenced to seven years in prison and fined 400 million Rupiah, with an alternative of three months in jail. The Corruption Court also revoked Nahrawi's political rights for four years.

Former Minister of Maritime Affairs and Fisheries, Edhy Prabowo, was involved in a bribery case related to the granting of lobster farming permits and the export of lobster larvae. Edhy Prabowo was accused of accepting bribes amounting to \$77,000 or approximately 1.12 billion Rupiah. In addition, he also received bribes in the form of Indonesian Rupiah amounting to 24.62 billion Rupiah. The total amount of money received by him was estimated to reach 25.74 billion Rupiah. Another case is Idrus Marham, former Minister of Social Affairs, who was sentenced to three years by the Corruption Court. He was found involved in corruption related to the construction of the Riau 1 Mouth Tambang Power Plant and proven to have received a bribe of 2.25 billion Rupiah from Blackgold Natural Resource Ltd shareholder Johannes Kotjo. Marham initially received an additional sentence of five years in prison at the appellate level. However, at the cassation level, his sentence was reduced by three years, resulting in a two-year prison term. He was released on September 11, 2020.²⁰

Governor

There was a corruption crime case of accepting gifts or gratuity from Gatot Pujo Nugroho as Governor of North Sumatra Province allegedly committed by the defendants, Magalia Agustina, Ida Budiningsih, Syamsul Hilal, and Mulyani, related to the functions and authorities of the defendants as members of the Regional House of Representatives for North Sumatra Province for the period 2009-2014 and 2014-2019. Furthermore, the latest case involves corruption committed by Governor of Papua, Lukas Enembe. Enembe was arrested in Jayapura on January 2023 after he twice failed to respond to the summons from the Corruption Eradication Commission. Databoks, "Selain Johnny G Plate, Ini Menteri-menteri Era Jokowi yang Terjerat Kasus Korupsi" <http://databoks.katadata.co.id/> (accessed: 11/07/2023)

mission (KPK). He has been designated as a suspect in a bribery and gratification case related to infrastructure projects funded by the Papua Regional Budget. KPK Chairman Firlil Bahuri stated that based on initial evidence, Enembe allegedly received approximately 10 billion Indonesian Rupiah in gratification.²¹

Regent

There was a corruption case in the form of civil servants or state administrators who, when carrying out their duties, requested, received, or withhold payments to other civil servants or civil servants, namely Bogor Regency Regional Work Unit or the general treasury as if they have a debt to them even though it is known not a debt, which was carried out by the defendant, Rachmat Yasin (former Regent of Bogor Regency) to Bogor Regency Government from 2009 to 2014.

Mayor

There was a corruption crime case of giving gifts or gratuity allegedly made by a defendant, Syahril, former Mayor of Tanjung Balai for 2016-2021, to Stepanus Robin Pattuju as KPK investigator related to handling corruption cases involving M. Syahril as Mayor of Tanjung Balai.

Corruption cases involving government officials demonstrate the need to strengthen law enforcement and revise existing laws. These instances reveal a pervasive issue that demands immediate attention. Corruption is detrimental to society because it erodes public trust and diverts funds from essential services. The current lenient penalties do not effectively deter corrupt behavior. The revised laws can deter potential offenders by instituting harsher penalties, such as imprisonment and substantial fines. In addition to restoring public confidence, strengthening law enforcement and revising laws promote accountability and transparency within the government. Enhanced public oversight and conformity with international standards contribute to the anti-corruption effort. To combat corruption and ensure a more honest and accountable government, acting based on

21 Databoks, "Ini Koleksi Mobil Lukas Enembe, Gubernur Papua yang Ditangkap KPK" <http://databoks.katadata.co.id/> (accessed: 11/07/2023)

these reasons and factors is essential.

Legislative Board

The legislature is the representative body of the Indonesian people in budgeting and resource oversight, lawmaking, and law discussion.²² Through the legislature, every government performance will be monitored, and suggestions will be made to suit the requirements of the Indonesian people at every level. In this case, the executive board, as an entity that maintains the operation of the public service process, can receive maximum and accurate feedback from DPR RI on all the demands and requirements of the Indonesian people.²³ Consequently, the legislature is a supervisory agency that contributes to the budget and enacts rules and regulations. Therefore, the legislative body must be free of party influence and meddling. In other words, the legislature is the organization that oversees every program that is scheduled to be developed and implemented and must be devoid of corruption.²⁴

Nevertheless, the reality is that many DPR RI members are implicated in corruption charges.²⁵ According to the collected data, numerous legislators are entangled in corruption. The instances listed below are examples of corruption crimes committed by DPR members.

House of Representative of the Republic of Indonesia (DPR RI)

There was a corruption crime case related to the acceptance of a gift or gratuity to manage to balance funds in the Revised State

Revenue and Expenditure Budget (APBN-P)

22 Bawon Nul Hakim, "Fungsi Pengawasan Dewan Perwakilan Rakyat Daerah Terhadap Pelaksanaan Anggaran Pendapatan Dan Belanja Daerah,"

15 *MIN: Jurnal Penelitian* 3, no. 2 (2019): 97-109.

23 Lindawaty, Debora Sanur, Dewi Sendhikasari Dharmaningtias, Handrini Ardiyanti, and Riris Katharina, *Peningkatan Kualitas Pelayanan Publik di*

5 *Indonesia*, Yayasan Pustaka Obor Indonesia, 2018.

24 André Feliciano Lino, Ricardo Rocha de Azevedo, André Carlos Busanelli de Aquino, and Ileana Steccolini, "Fighting or Supporting Corruption? The Role of Public Sector Audit Organizations in Brazil,"

Critical Perspectives on Accounting 83 (2022):

12 384.

25 Dilya Mariam Rinjani, "Efektivitas Penegakan Hukum Terhadap Tindak Pidana Korupsi Secara Massal Anggota Legislatif Daerah," *Wacana Paramarta: Jurnal Ilmu Hukum* 19, no. 2 (2020): 69-78.

2017 and State Revenue and Expenditure Budget (APBN) 2018 for Pegunungan Arfak Regency on behalf of the defendant, Suki-man (member of DPR RI 2014-2019).

Regional House of Representative for Province (DPRD for Province)

There was a corruption crime case concerning a civil servant or state administrator who received a gift or gratuity related to the ratification of the Regional Revenue and Expenditure Budget Plan (RAPBD) for Jambi Province for Fiscal Years 2017 and 2018 on behalf of the defendants, Cornelis Boston (former Chairman of DPRD for Jambi Province for 2014-2019), AR Syahbandar (former member of DPRD for Jambi Province from 2014-2019), and Chumaidi Zaidi (former Vice Chairman of DPRD for Jambi Province from 2014-2019).

Regional House of Representative for Regency/City (DPRD for Regency/City)

There was a corruption crime case of state officials who jointly accepted gifts or gratuity even though it was known or reasonably suspected that the gift or gratuity was given to mobilize them to do or not do something in their position which was contrary to their obligations related to the Procurement of Goods and Services at the Ministry of Public Works and Housing (PUPR) official of Muara Enim Regency in 2019, which was allegedly carried out by the defendant, Aries HB (former Chairman of DPRD for Muara Enim Regency).

Similar to corruption cases in the executive board, the cases cited demonstrate glaring gaps in Indonesia's anti-corruption law enforcement, especially within the legislative institutions. This occurrence bolsters the claim that ineffective law enforcement requires substantial improvement. Therefore, the public must exercise a stricter and more active watch over the behavior of government officials, including members of the legislative bodies. These corrupt acts demonstrate that legislators, who are supposed to represent the people, engage in corrupt practices detrimental to the nation and its citizens. In this regard, members of

regional legislative bodies should act in the public interest and ensure that public funds are transparent and accountable. However, their participation in corrupt activities indicates their integrity as public officials has been compromised. Regrettably, members of regional legislative bodies are implicated in corruption, as they should be protecting the public's interests and assuming responsibility for the administration of public resources. Their participation demonstrates regional law enforcement system weaknesses and a lack of accountability.

Judiciary Body

For instance, there was a corruption case involving the judiciary in the Balikpapan District Court. The case involved a judge named Kayat, who was accused of accepting gifts or promises concerning handling criminal cases in 2018.

According to the previous description, corruption gets to control three state institutions. If corruption is allowed to live, grow, and develop in state institutions, it adversely influences a nation's development.²⁶ Eradication of corruption must be viewed as a means of eradicating all instances of corruption. Corruption, if unaddressed, will wreak havoc on every level of state life, impeding national aspirations for the welfare of the Indonesian people.²⁷

Specific court decisions and regulations in Indonesia have been perceived as impeding or exacerbating criminal activity. One example is the 2019 ruling by the Constitutional Court that granted immunity for corruption to members of parliament (MPs) unless approved by the parliamentary ethics council. This decision raised concerns because it could insulate corrupt legislators from prosecution and undermine the fight against legislative corruption. In addition, the

²⁶ Anupriya Khan and Satish Krishnan, "Conceptualizing the Impact of Corruption in National Institutions and National Stakeholder Service Systems on E-Government Maturity," *International Journal of Information Management* 46 (2019): 23–36.

²⁷ Muhammad Ali Zaidan, "Sociological Approach to Eradication Corruption in Indonesia (Alternative to Imprisonment)," *The Indonesian Journal of International Clinical Legal Education* 1, no. 1 (2019): 3–18.

2019 revision of the Corruption Law included amendments that increased the burden of proof in corruption cases, making convictions more challenging to obtain. This modification was criticized for potentially undermining efforts to combat corruption by law enforcement. In addition, a 2015 judicial review limited the scope and duration of asset recovery, making it more difficult for authorities to recover assets obtained through corrupt practices. In addition, some corruption convictions have resulted in relatively light sentences, deemed insufficient deterrents. Due to the complexity of international legal cooperation and the lack of comprehensive international agreements, there have also been difficulties in investigating and prosecuting cases of transnational corruption.

Offered Solutions

Future efforts to eradicate corruption will apply the concept of an old strategy combined with a new one, where the government and the community present the concept of change. It is necessary to amend the Corruption Law so that every perpetrator of corruption receives an alternative in applying the concept of punishment for corruption perpetrators.²⁸ Each perpetrator of a corruption offense is provided with two alternatives under the concept of available punishments.

In Law No. 1 of 2023, which came into effect on January 2, 2023, it is stated that Law No. 20 of 2001 on Amendments to Law No. 31 of 1999 on the Eradication of Corruption is declared invalid. The newly enacted Law No. 1 of 2023 is a law concerning the Criminal Code. This law also discusses corruption crimes, stated in Section Three on Corruption Offenses Article 603, that anyone who unlawfully enriches themselves, others, or corporations, thereby harming the state's finances or the national economy, shall be punished with life imprisonment or a minimum of 2 (two) years and a maximum of 20 (twenty) years of imprisonment, and a minimum fine of category II and a maximum fine of category VI.

²⁸ Regarding the mentioned fines, category Anjari Warih, "Penerapan Pidana Mati Terhadap Terpidana Kasus Korupsi," *Masalah-Masalah Hukum* 49, no. 4 (2020): 432–42.

ry II amounts to 10 million rupiahs, and category VI amounts to 2 billion rupiahs, which are still significantly small compared to the state's losses, as in the case of Johnny G Plate's corruption that resulted in losses of more than 30 billion rupiahs. Even these amounts are insignificant compared to Plate's wealth, as reported in the State Officials' Wealth Report (LHKPN) where he last reported his assets on March 16, 2022, for the year 2021. It is recorded that Plate has wealth amounting to 191.23 billion rupiahs²⁹, which may not include assets that may not have been reported yet.

Recovering the Proceeds of Corruption Crimes

As a reduction in their punishment, perpetrators of corruption crimes are required to return the proceeds of corruption. When perpetrators of corruption crimes return all corrupted wealth, the judge will reduce the length of their sentence. Why must we rely on the concept of returning corruption wealth in order to receive a reduction in detention time? The current corruption regulations do not incentivize those who commit corruption crimes to have the intent to return the proceeds of the crime.³⁰ The perpetrators of corruption crimes prefer not to return a single penny of the proceeds of corruption because they do not profit from their actions. In offering the eradication of corruption through the strategy of refunding the proceeds, the state's participation in eradicating corruption is contingent. For funds derived from corruption to be returned, the state must make an offer to corrupt individuals. For instance, the concept view is that "catching a mouse in a trap requires preparing its preferred food so that the target can be taken, prisoner."

Enhanced Sanctions for Corruption Offenses

Currently, the sanctions obtained for corruption crimes are minimal for those

²⁹ Kontan, "Hanya 3 Tahun, Harta Kekayaan Johnny G Plate Naik Dari Rp 126 M Jadi Rp 191 M" kontan.co.id (accessed: 11/07/2023)

³⁰ Bambang Waluyo, *Pemberantasan Tindak Pidana Korupsi: Strategi Dan Optimalisasi*, Sinar Grafika, 2022.

who commit corruption crimes. According to the provisions of Law Number 1 of 2023, life imprisonment is possible, but in practice, those convicted of corruption are far from receiving a life sentence. On average, perpetrators of corruption crimes receive three years in prison. Therefore, as a sanctioner for crimes committed by perpetrators of corruption, the judge must receive a severe sentence commensurate with actions that affect the crime. Corruption-related criminal acts should be punished with the death penalty. Although the death penalty violates human rights, the state must remain resolute in eradicating corruption gradually. If implemented, the possibility of future corruption crimes can be resolved appropriately. Corruption is a crime that negatively affects the Indonesian population. For this reason, the punishments stipulated in Law Number 1 of 2023 include the death penalty for criminals. If it is established, there is a high likelihood that corruption crimes can be resolved optimally by maintaining the effectiveness of law enforcement against corruption perpetrators, which is achieved by implementing reforms and national advancement.

Nonetheless, the state must remain determined to eradicate corruption progressively. Implementing the death penalty could serve as a deterrent against future corruption crimes and guarantee optimal resolution by preserving law enforcement's effectiveness against corrupt offenders. To effectively combat corruption, national reforms and advancements, such as revising existing laws and enhancing law enforcement, are required.

Fajrin et al.³¹ argued that the inclusion of the death penalty in current legislation is viewed as a realistic approach, particularly in cases of corruption considered to be an exceptional crime. Corruption is often organized and capable of causing significant and far-reaching impacts on the country's financial and economic systems. Given its exceptional nature, combating corruption re-

quires the involvement of specialized and extraordinary legal efforts. Throughout history, the death penalty has not been uncommon among the Indonesian population. In the Law Number 1 of 2023, the death penalty is not mandatory for corrupt individuals. It is positioned as an optional measure, allowing judges the discretion to impose death penalty sanctions in cases of corruption under specific circumstances.

The death penalty may be imposed under Law No. 1 of 2023 if the perpetrator of corruption fails to demonstrate remorse and good conduct during a 10-year probationary period. If the perpetrator of corruption exhibits excellent behavior and is granted clemency, the death penalty will not be carried out. This allows convicted corruptors to escape the death penalty, because within that time span several possibilities can occur, even bribes to law enforcement can potentially occur to release suspects from death penalty.

The proposed solutions strive to strengthen the legal framework and enforcement of the law in the fight against corruption. Revising existing laws to impose harsher and more proportional penalties for corruption offenses must be conducted. In addition, national reforms and advances in law enforcement should be pursued to boost the efficacy of anti-corruption measures. These measures may include increased oversight, strengthening anti-corruption institutions, promoting education and increasing public awareness of the importance of integrity and transparency, and fostering greater cooperation between law enforcement agencies to combat corruption cases.

Parties Involved in Implementing Indonesia Free of Corruption in the Future

The parties which can be involved in implementing the idea of eradicating corruption to the fullest for a corruption-free Indonesia in the future are:

Police

Following the duties and authorities of the police, as outlined in Law Number 2 of 2002 concerning the Police of the Republic of Indonesia, which not only functions in

³¹ Fajrin, Yaris Adhial, Arista Putri Purnamasari, Ryvina Izza Rosyida, and Dwi Faizah Maulidiyah. "Death Penalty for Corruptors in Indonesian Human Rights Perspective." *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 6, no. 2 (2020): 287-404.

protecting, fostering, and serving the community but also play a role in eradicating corruption, the police have the authority to conduct investigations in seeking out and locating corrupt individuals. In addition to KPK, the police are one of the parties that can help implement the idea of eradicating corruption in the future, as the police is an institution formed to realize domestic security, which includes maintaining public security and order, upholding the law, implementing protection and service to the community, and establishing public peace by upholding human rights. Based on the goal, the police is an agency that plays a crucial role in eradicating corruption, as eradicating corruption also maintains peace in the Indonesian state; this is consistent with the reason for establishing a police institution.

Attorney

The Prosecutor's Office is authorized to investigate under Law No. 16 of 2016 concerning the Prosecutor's Office contained Article 30 paragraph (1) letter d. In addition, in Article 30 paragraph (1) letter e of Law No. 16 of 2016 concerning the Prosecutor's Office, the prosecutor is given the authority to complete specific files (corruption crimes) and can carry out additional examinations before being transferred to the court. The Prosecutor's Office also has a fundamental rule in eradicating corruption in Indonesia. The prosecutor can give charges to someone who commits a criminal act of corruption, as in Law No. 16 of 2016 concerning the Prosecutor's Office contained Article 30 paragraph (1) letter d.

Corruption Eradication Commission (KPK)

The Corruption Eradication Commission (Indonesia: Komisi Pemberantasan Korupsi) is an institution that is independent and free from any power to eradicate corruption. In Law Number 30 of 2002 concerning the Corruption Eradication Commission, the agency was given extraordinary powers to eradicate corruption.

House of People Representative (DPR)

Article 20 of the 1945 Constitution stipulates that DPR has the authority to make and revise laws, making it the most critical party for achieving our goal of eradicating corruption among the four parties listed above. DPR should consider implementing the abovementioned ideas.

IFC (Indonesia is Free of Corruption)

An organization/group and a party must report a criminal act of corruption. Those who directly observe it can report it to the authorities. The existence of the IFC (Indonesia is Free of Corruption) organization at the central and regional levels guarantees that corruption will gradually decline.

Society

The community also plays an essential role in eradicating corruption in Indonesia. Those aware of or directly witness corruption crimes should report them to the police and KPK so that the institutions with authority to handle corruption can conduct investigations, arrest the perpetrators of corruption, and impose appropriate sanctions.

Strategic steps and procedures should be implemented to encourage parties or organizations who witness or possess direct evidence of corruption to report to the police and KPK. They can conduct investigations so that potential perpetrators of corruption can be identified based on the evidence. Regarding reporting criminal acts of corruption, members of the IFC organization have their rights protected so that the guilty party does not threaten them. After the police or KPK have completed their investigation, the Prosecutor's Office is tasked with conducting further examinations before transferring the case to court.

The Corruption Eradication Commission (KPK) suggests several methods for the community to combat corruption actively. It stresses the significance of individuals refusing to engage in corrupt practices and familiarizing themselves with the various corruption offenses defined by the law. In addition,

the KPK emphasizes the importance of exercising integrity and following one's values. Cases of corruption are strongly encouraged to be reported, as the community's participation is essential to uncovering and combating corruption. Additionally, it is essential to contribute to system enhancements by identifying and addressing corruption vulnerabilities. Through campaigns and innovative actions, the KPK also emphasizes the significance of disseminating values of integrity within the community. They provide programs such as Anti-Corruption Educators (Paksi) and Integrity-Building Experts (API) to encourage community participation. The KPK believes corruption can be reduced and eventually eliminated in Indonesia, resulting in a better and more just society if individuals work together.

D. Conclusion

This study proposed multiple criminal prosecution concepts with two alternatives: the repatriation of the proceeds of corruption crimes and the addition of criminal sanctions, namely the death penalty. If it is established, there is a high likelihood that corruption crimes can be resolved optimally by maintaining the effectiveness of law enforcement against corruption perpetrators, which is achieved by implementing reforms and national advancement. The way to realize this idea has two strategies: 1) Public education strategy (education to the community); and 2) Punishment strategy. The first strategy is implemented by providing education to the general public directly or via social media. The objective of this strategy is to encourage the public to build the IFC organization so that the community is afforded legal protection from parties suspected of committing corruption-related crimes. Moreover, through the second strategy (punishment strategy), DPR amended and enacted a law stating that perpetrators of corruption must earn more than Rp. 100.000.000, the judge then considers an appropriate punishment for the offender, namely, repatriation of the proceeds of the crime or the death penalty.

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