

JOURNAL OF LAW & POLICY STUDIES

LEMKAPI

Lembaga Kajian Strategis Kepolisian Indonesia
(The Indonesian Police Strategic Studies Institute)

Vol. 1 No. 2, 2025,

P-ISSN: 3090-0417, E-ISSN: xxxx-xxxx

The Dynamics of Corruption in Indonesia Between Prevention and Eradication

Ariman Sitompul^{1*},

¹ Masters of Law, Universitas Dharmawangsa, Indonesia

* Corresponding Email: ariman.sitompul@dharmawangsa.ac.id

Abstract

This study aims to examine the challenges between law enforcement or prevention in the ideal corruption in Indonesia. The urgency of this study lies in the increasing cases of corruption that has not been addressed by good, as well as the need to strengthen the legal enforcement and Prevention of corruption in Indonesia. Methods this reseach using juridical normative. The results showed that the system of law enforcement and Prevention was still face various obstacles, including the weakness of inter-agency coordination, political intervention, and permissive culture against corruption. This study also identified that efforts to eradicate corruption requires a holistic approach that involves institutional reform, increased transparency and accountability, as well as changes in legal culture through education and community participation. Summary of this study is that the existing challenges still hinder the effectiveness of law enforcement, so that a more integrative and comprehensive strategy is needed to overcome this problem a more integrative and comprehensive strategy to address this problem. The results of this study are expected can be a reference for policy makers, academics, and legal practitioners in formulating strategies more effective in fighting corruption in Indonesia. The novelty of this study lies in an integrative approach that combines normative and sociological juridical aspects to evaluate effectiveness of law enforcement against corruption in Indonesia, as well as offering concrete solutions such as the application of sanctions on corruption perpetrators, namely asset seizure and even death penalty sanctions for corruption perpetrators.

Keywords: *Strict Sanctions, Death Penalty, Asset Seizure*

1. Introduction

Indonesia's Anti-Corruption behavior index (IPAK) in 2024 is 3.85 on a scale of 0 to 5. This figure is lower than the 2023 achievement of 3.92. The index value closer to 5 indicates that the community is behaving increasingly anti-corruption, while the index value closer to 0 indicates that the community is behaving increasingly permissive towards corruption. IPAK is organized based on two dimensions, namely the dimension of perception and the dimension of experience. The value of the Perception Index in 2024 of 3.76 decreased by 0.06 points compared to the Perception Index in 2023 (3.82). Next, The Experience Index in 2024 (3.89) decreased by 0.07 points compared to The

Experience Index in 2023 (3.96). The IPAK of urban communities in 2024 is higher (3.86) than that of rural communities (3.83). The higher the education, the more anti-corruption society tends to be. In 2024, the IPAK of the educated community below the high school is 3.81; high school is 3.87; and above the high school is 3.97.¹

The Corruption Eradication Commission (KPK) has appointed four new suspects in suspected corruption in the form of receiving gifts or promises related to procurement or work sourced from the Bandung city budget FY 2020-2023 and other receipts. The suspects, namely ES as the Regional Secretary of the city of Bandung and also the chairman of the Regional Government Budget Team (TAPD) for the 2019 s period.d 2024; together with RI, AH, and FCR as members of the Bandung City DPRD for the period 2019 s.d 2024.²

Furthermore, the most phenomenal corruption case is the Attorney General's office appointing a new suspect in the case of alleged corruption in the tin commodity trading system in the mining business license (IUP) area of PT Timah in 2015-2022 with the initials ALW. Thus, there are already 14 suspects designated by The ago in this case. "The investigation team has raised the status of 1 witness to a suspect, namely ALW as director of operations in 2017, 2018, 2021 and director of Business Development in 2019 to 2020 of PT Timah Tbk," said Head of the Legal Information Center (Kapuspenkum), Ketut Sumedana, Friday, March 8, 2024.³

The Government Has Done Many Things To Stop Corruption, Such As The Corruption Eradication Commission (KPK) Law Enforcement, But Corruption Still Occurs In Many Sectors. KPK Eradicate Corruption And Is Responsible For Coordinating And Conduct Investigations, Investigations, And Prosecutions Related To Criminal Acts Corruption. In Addition, The Commission Has The Authority To Take Over The Investigation Or Prosecution Of Perpetrators Of Corruption Which Is Currently Being Carried Out By The Police Or Prosecutors. The Focus Of This Study Is Why The Law Enforcement System Anti-Corruption In Indonesia Has Not Been Fully Successful In Combating Corruption, As Well As Challenges Major Problems Faced By The Process. In Addition, This Study Will Identify Various Components That Hinder The Success Of Anti-Corruption Law Enforcement, Such As The Weakness Of The Judicial System And The Dishonesty Of Law Enforcement.⁴

¹ <https://www.bps.go.id/id/pressrelease/2024/07/15/2374/indeks-perilaku-anti-korupsi--ipak--indonesia-2024--sebesar-3-85--menurun-dibandingkan-ipak-2023-.html> diakses tanggal 7 Desember 2024

² <https://www.kpk.go.id/id/ruang-informasi/berita/kpk-tahan-4-tersangka-pengembangan-perkara-korupsi-pengadaan-proyek-bandung-smart-city> diakses tanggal 7 Desember 2024

³ <https://story.kejaksaan.go.id/hot-issue/kejagung-tetapkan-14-tersangka-kasus-korupsi-komoditas-timah-terbaru-direktur-operasional-pt-timah-99717-mvk.html?screen=2> diakses tanggal 7 Desember 2024

⁴ Bambang Sadono et al., "Kedudukan Komisi Pemberantasan Korupsi Dalam Sistem Ketatanegaraan Di Indonesia," *Jurnal USM Law Review* Vol. 3, No. 2 (2020): pp.259–74, <https://doi.org/http://dx.doi.org/10.26623/julr.v3i2.2870>

As stated in the Preamble to the Constitution of 1945, the state Indonesia is committed to becoming a welfare state by protecting all the Indonesian nation, all the blood of Indonesia, advancing the general welfare, educate people's lives, and contribute to a global order based on lasting peace and social justice.⁵ Indonesia is a rule of law (rechtsstaat) and not the state of power (machtstaat). In cases involving social aspects, culture, economy, education, religion, and politics, people always question and even sued the law. It must be admitted that the escalation of corruption is not controlled will have an impact on the life of nation and state in addition to the loss economy and country. Corruption in Indonesia is a crime financial harm to the state and can afflict the people by enriching themselves or others by abusing one's position of trust which has existed since the country was founded.⁶

From a few brief reviews above, this study focuses on the best methods to combat corruption in Indonesia, it will fill the gap by focusing on law enforcement and integrative strategies for fighting corruption in Indonesia. In addition, this study shows that for ensure that corruption eradication efforts succeed and face various existing barriers, important steps such as system improvement, education, campaign, repression is necessary. The purpose of this penelitain to assess the challenges and enforcement the ideal corruption law in Indonesia.

2. Research Method

This Research Uses Normative Juridical Method With Legal Approach. Types Of Normative Juridical Research Aims To Analyze Various Regulations Legislation Relating To The Topic Of Research, In This Case The Enforcement Corruption Laws In Indonesia. This Method Focuses On Research Against The Norms Of Applicable Law And The Interpretation Of Appropriate Laws. Legal Approach In This Study Was Conducted By Examining Various Relevant Laws, Such As Law Number 31 Year 1999 On The Eradication Of Corruption And Changes In Legislation- Law No. 20 Of 2001, As Well As Other Regulations Related To The Eradication Corruption In Indonesia. This Approach Aims To Understand How The Written Law Formulated, Implemented, And Interpreted In The Context Of Law Enforcement Anti Corruption.

Secondary Data Used In This Study Include Primary Sources Of Law, Such As Laws, Government Regulations, And Court Decisions, As Well As Sources Secondary Law, Such As Articles, Books, Scientific Journals, And Other Documents Relevant To Research

⁵ Jamaruddin, Sudirman, Dimensi Pengukuran Kualitas Hidup Di Beberapa Negara, Jurnal Pallangga Praja Volume 4, No. 1, April (2022), pp. 51-63.

⁶ Jojo Juhaeni, Penyalahgunaan Wewenang Oleh Pejabat Publik Dalam Perspektif Sosiologi Hukum, Jurnal Konstituen Vol. 3, No. 1, Februari (2021), pp41-48

Topics. This Secondary Data Was Collected Through A Thorough Literature Research.⁷ The Purpose Of This Study Is To Gain A Better Understanding Both About The Legal Structure And Practice Of Implementing Anti-Corruption Policies In Indonesia. Various Legislation, As Well As Related Literature, Studied, And Compared To Perform Qualitative Data Analysis. Further, The Results Of This Analysis Are Used To Determine The Weaknesses And Strengths Of The Existing Law Enforcement System In Indonesia And To Make Policy Recommendations That Can Improve Eradication Efforts Corruption In This Country.⁸

3. Result and Discussion

3.1. The Difficult Dynamics Of Combating Corruption

The act of corruption has been crystallized in the joints of life Indonesian nation. Not only threatening the country's economy, corruption can also threaten environment, institutions democracy, human rights and the fundamental rights of freedom, and the worst thing is to block the way development and further aggravating poverty. Corruption in Indonesia has existed since long time, both before and after independence, Old Order era, New Order, continued until the Reformation. Various attempts have been made to eradicate corruption, but the result is still far from satisfying.

Corruption has become acute and systemic problems very harmful and harmful State and society. Mode and corruption perpetrators always change quickly. In the meantime, quick the law itself always changes late a few steps behind his crime. This is what then used by many people, groups, as well as certain persons to perform various actions that can categorized as a criminal offense corruption. One of the ' extraordinary efforts' that done is to form a new law enforcement agency in the criminal justice system, namely Crime Eradication Commission Corruption (KPK) set in Law No. 30 Of 2002 about the Corruption Eradication Commission as a mandate of the law No. 31 of 1999 on The Eradication Of Corruption. In addition to the establishment of the KPK, rules and regulations also need to be addressed so that there is no longer any gap for the plague corruption to grow.

Currently, The Constraint On Law Enforcement In Indonesia Is The Problem Of Returning Corruptors Assets That Have Been Integrated Outside The Competence Of Indonesian Law Enforcement. The Return Of Assets Within A National Jurisdiction From The Perpetrator Alone Is Often Subject To The Constraints Of The National System. Especially Against The Return Of Assets Resulting From Corruption That Is Transnational Or Cross-Country.⁸In Addition To The Above Constraints, There Are Still

⁷ Maswandi, Ariman Sitompul, *Metode Penelitian Hukum Normatif (Mekanisme Dalam Penulisan Ilmiah)*, Mazda Media, Malang, September (2024), pp.138-150

⁸ Ariman Sitompul, *Metode Penelitian Hukum Normatif, (Strategis Praktis Penulisan Skripsi, Tesis & Disertasi)*, Mazda Media, Malang, (2022), pp. 30-60

Some Other Constraints, Which Are Actually Very Innovative In Terms Of Theoretical, But Very Difficult Even Almost Impossible To Put Into Practice. In Principle, Law No. 20 Of 2001 On Amendments To Law No. 31 Of 1999 On The Eradication Of Corruption As Amended By Law No. 30 Of 2002 On The Corruption Eradication Commission (UU PTPK), In Relation To The Seizure Of Assets Due To Corruption, Has Set The Criminal And Non-Criminal Lines.

In Its Development, There Are Several Regulations Regarding The Seizure Of Criminal Assets, Both Generally Regulated In The Criminal Code And Criminal Procedure Code, And Specifically Regulated, For Example In Law No. 8 Of 2010 Regarding The Prevention And Eradication Of Money Laundering (TPPU), Supreme Court Regulation No. 1 Of 2013 On Procedures For Resolving Requests For Handling Property In Money Laundering And Other Crimes. Related To The Return Of Criminal Assets Abroad, There Are Also Several New Legislation Regarding The Seizure Of Criminal Assets In Relation To Mutual Legal Assistance Through Law Number 1 Of 2006 On Mutual Legal Assistance In Criminal Matters And The Ratification Of The Anti Corruption Convention Through Law Number 7 Of 2006 On UNCAC Ratification.

The Indonesian Legal System Currently Does Not Have Specific Provisions Regarding The Seizure Of Criminal Assets. The Concept Of Asset Seizure That Exists Today Is Asset Seizure Based On The Indonesian Criminal Law System Through A Court Decision That Has Permanent Legal Force (Inkracht). These Provisions Are Regulated In Article 39 Paragraph (1) And Paragraph (2) Of The Criminal Procedure Code And Article 18 Paragraph (1) Letter A Of The PTPK Law. In Addition To Being Based On A Court Decision That Has Permanent Legal Force (Inkracht), The Seizure Of Assets Resulting From A Criminal Offense Can Be Carried Out Through A Civil Lawsuit As Stipulated In Articles 32, 33, 34, And The PTPK Law.

At Present, There Are Two Mechanisms For Asset Seizure In Indonesia That Are Taken In The Process Of Returning Assets Resulting From Corruption Crimes. First, By Tracking, Then Assets That Have Been Successfully Tracked And Known To Exist Are Then Frozen. Second, The Frozen Asset Is Then Seized And Seized By The Competent Authority Of The Country In Which It Is Located, And Then Returned To The Country In Which It Was Taken Through Certain Mechanisms.⁹

In Accordance With The Above , The Increase In Cases Of Unusual Wealth By State Civil Servants (ASN) And Their Families Has Become An Important Concern For The Community And Government. This Makes The Discussion Of The Asset Seizure Bill An Urgent Need. The Corruption Eradication Commission (KPK) Has Strengthened This

⁹ Hasibuan, E. S. (2024). When The Police Are Trusted By The Public. *KRTHA BHAYANGKARA*, 18(2), pp. 300-311.

Urgency By Revealing ASN's Dishonesty In Reporting Its Wealth Through The State Official's Wealth Report (LHKPN). In Response To This, President Joko Widodo Has Sent A Presidential Letter Number R22/Pres/05/2023 And The Draft Asset Expropriation Bill To The Speaker Of The House Of Representatives With A Message For This Discussion And Instruction To Be A Top Priority. Therefore, It Is Expected That The Asset Seizure Bill Can Be A Solution That Becomes A Legal Basis That Can Be Executed Without Having To Wait For The Completion Of The Ongoing Legal Process.

Currently “the government is committed to combating corruption by proposing the asset seizure bill, we place it in the 5th order out of 40 proposals for the medium-term Prolegnas bill 2025-2029,” Supratman said in his official statement when attending a meeting with the legislative body (Baleg) of the House of Representatives (DPR) RI at the Parliament complex, Senayan, Central Jakarta, Monday, November 18, 2024.

3.2. Corruption Eradication Strategy

The eradication of corruption in Indonesia is one of the major challenges faced by the government. Corruption has damaged the economy, lowered public confidence, and exacerbated social inequality. By 2024, Indonesia's corruption eradication strategy could involve a range of preventive and repressive measures. Here are some strategies that will probably be implemented or continue to be strengthened:

- a) **Strengthening the role of KPK (Corruption Eradication Commission)** The KPK plays a central role in the eradication of corruption in Indonesia. In 2024, there is hope that the KPK will be increasingly empowered with:
Internal reform: improving the capacity of human resources, both in terms of the quality of investigations, evidence collection, to increased cooperation with international institutions in handling cross-country corruption cases. Protection for whistleblowers: strengthen protection mechanisms for whistleblowers and witnesses to prevent intimidation. Proactive investigation: the KPK can adopt a more proactive approach with a focus on corruption-prone sectors such as politics, business, and procurement of goods/services.
- b) **Improvement of supervision and accountability system** Corruption often occurs due to weak surveillance systems. Strategies in 2024 may include: Utilization of technology: the use of technology-based systems such as e-Government, procurement reporting applications, and transparent monitoring systems to prevent irregularities. Increased accountability of public officials: every public official is expected to make clear, complete, and auditable financial statements on a regular basis. This transparency will increase oversight of state spending. Development of surveillance systems in the regions: the central government can increase supervision of local governments to prevent corruption that occurs at the local level.

- c) **Anti-Corruption Education Empowerment** One of the long-term pillars in combating corruption is building a strong anti-corruption culture. This strategy includes: **Anti-corruption education in schools and campuses:** integrating anti-corruption education materials in the national curriculum from elementary to college level to shape the character of the young generation free from corrupt practices. **Socialization to the public:** raising public awareness of the adverse effects of corruption and their rights to report cases that occur.
- d) **Reform of procurement and bureaucracy** Corruption often occurs in the procurement of goods/services. Therefore, one of the important steps is: **Strengthening the Electronic Procurement System (e-procurement):** this system can increase transparency and reduce the chance of corruption in the procurement of government goods and services. **Bureaucratic simplification and transparency:** reducing complicated bureaucratic barriers and speeding up the process of public service can reduce the opportunity for abuse of authority.
- e) **Collaboration with international institutions** Corruption in Indonesia not only occurs at the domestic level, but also involves various countries in terms of illegal funds flow and money laundering. Some steps that can be taken are: **Collaboration with international agencies:** collaboration with international agencies such as Interpol, the United Nations Office on Drugs and Crime (UNODC), and other global anti-corruption agencies to handle cross-border corruption cases. **Settlement of corruption cases abroad:** enhancing cooperation with other countries to return illegally transferred state assets.
- f) **Strict and indiscriminate law enforcement** A transparent and fair legal process is an important strategy to provide a deterrent effect against corruption perpetrators. **Strengthening the judiciary:** ensuring that the judiciary, both the District Court and the Supreme Court, work professionally and free from political intervention in the handling of corruption cases. **Increased penalties and sanctions:** strict punishment of corruption offenders, including additional penalties such as political disenfranchisement or social sanctions.
- g) **Combating corruption in the private sector** Corruption is also prevalent in the private sector, especially in the relationship between companies and public officials. **Stricter regulations against corruption in the private sector:** draft stricter regulations on corrupt practices in the corporate world, as well as introduce an obligation for companies to have an internal control system that prevents bribery and gratuities.
- h) **Increased public participation in surveillance** Communities must be empowered to take an active role in monitoring and combating corruption. This can be done with: **Encourage people to report corruption:** provide a safe and confidential reporting channel. **Strengthening social control institutions:** empowering civil

society institutions to monitor government policies and report any indication of corruption

4. Conclusion

Corruption in Indonesia is a complex structural problem, involving various sectors and layers of society. The dynamics of corruption in Indonesia reflects the tension between long-term prevention efforts and more assertive and direct eradication actions. Although various prevention efforts have been made through increased transparency, bureaucratic reform, and anti-corruption education, major challenges still arise due to the culture of corruption that is still thick in some circles. Corruption Prevention, which focuses on establishing clean, transparent and accountable systems, has a very important role in reducing the space for corrupt practices. However, without a firm eradication of corruption, both in the public and private sectors, prevention will be less effective. Therefore, eradication involving strong and transparent law enforcement is the key in creating a deterrent effect for corruption perpetrators. Overall, success in fighting corruption in Indonesia will depend on the synergy between these two approaches: prevention that leads to systemic and cultural change, and eradication that enforces the law fairly and firmly. Thus, the dynamics between the prevention and eradication of corruption in Indonesia must continue to be strengthened and harmonized to achieve the goal of cleaner and fairer governance.

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