

The Role of Law in Combating Criminal Acts of Corruption

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Abstract Corruption is a crucial problem that hampers national development and undermines public trust in the government. This article discusses the role of law in combating corruption in Indonesia. Through a qualitative approach, this study explores the effectiveness of legal instruments, institutions, and challenges in their implementation. Law has a strategic function as a tool of social control and a repressive mechanism to provide a deterrent effect to perpetrators of corruption. However, bureaucratic complexity, weak law enforcement, and a permissive culture towards corruption are still major obstacles. The discussion of the article focuses on the role of anti-corruption laws, law enforcement institutions such as the KPK, and the influence of legal reform in strengthening integrity and accountability. This study concludes that although there has been progress in legal instruments and institutions, the role of law has not been maximized without political commitment and public participation. Therefore, collaboration between legal actors and civil society elements is crucial to creating an effective anti-corruption system.

Keywords: Law, Corruption, Law Enforcement

Introduction

Corruption is one of the serious problems faced by many countries in the world, including Indonesia. Corruption not only has an impact on state financial losses, but also damages moral order, weakens public trust in government institutions, and hinders national development. In the context of Indonesia, corruption has become a very complex and systemic phenomenon, touching almost all sectors of life, both public and private sectors. This raises the urgency to design and implement a comprehensive and sustainable mitigation strategy, in which the law plays a central role.

Legally, Indonesia has had relatively adequate legal instruments to handle corruption, such as Law Number 31 of 1999 which was later amended to Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. In addition,



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Law enforcement agencies such as the Corruption Eradication Commission (KPK), the Prosecutor's Office, and the Police also play a role in enforcing the law against perpetrators of corruption. However, the reality shows that corrupt practices are still rampant. Therefore, the role of law in overcoming criminal acts of corruption needs to be continuously studied, strengthened, and adjusted to the developing socio-political and legal dynamics.

The role of law in the context of eradicating corruption is not only limited to the repressive aspect, namely punishing the perpetrators, but also includes preventive and promotive aspects. The law must be able to create a system that prevents the possibility of corruption through good and transparent regulations, accountable governance, and legal education that builds public legal awareness. Therefore, studies on the role of law in overcoming corruption must be carried out comprehensively, starting from the analysis of laws and regulations, the effectiveness of law enforcement agencies, to the involvement of civil society in supervision.

Corruption in Indonesia is not only an ordinary crime, but has developed into an extraordinary crime, so that its handling must be carried out with an extraordinary approach (extraordinary measures). This approach includes the use of criminal law as the main tool, accompanied by bureaucratic reform, transparency in state budget management, public participation, and ethical development of state officials. In this case, the law is required to not only be a normative tool, but also as a means of social engineering (law as a tool of social engineering) to change corrupt behavior and culture in society.

However, in practice, law enforcement against corruption faces various challenges, such as weak integrity of law enforcement officers, political intervention, and overlapping regulations. In addition, the gap between written regulations and implementation in the field is an obstacle in creating a deterrent effect for perpetrators of corruption. Therefore, it is important to analyze the extent to which the law has functioned effectively in overcoming corruption, as well as finding solutions to the various weaknesses that exist.

This study aims to evaluate the role of law in combating corruption in Indonesia, both from normative and empirical aspects. This evaluation is conducted by examining the applicable legal framework, the effectiveness of law enforcement agencies, and the public response to efforts to eradicate corruption. With a qualitative approach, this study is expected to provide a deeper understanding of the strategic role of law in combating corruption, as well as provide policy recommendations to strengthen the existing legal system.

Specifically, there are several main reasons why this study is important to conduct. First, although many enforcement efforts have been made, corruption is still a chronic problem in Indonesia. Second, in many cases, law enforcement has not been able to provide a deterrent effect, either

because of light sentences or non-transparent legal processes. Third, understanding the role of law is often limited to the criminal law aspect, even though law has a broader dimension, including administrative law, civil law, and constitutional law, all of which have contributed to creating governance that is free from corruption.

This study also aims to encourage holistic legal reform, by considering the principles of justice, transparency, and accountability. In the framework of a state of law (*rechtsstaat*), the law must be the commander who is able to regulate, supervise, and impose sanctions on any deviations, including corruption. Therefore, an independent, professional legal system is needed that is not easily intervened by political interests.

In the global context, eradicating corruption is also part of the international commitment that must be fulfilled by Indonesia, as stated in the United Nations Convention against Corruption (UNCAC). This convention emphasizes the importance of cooperation between countries in combating corruption, and encourages countries to strengthen their national legal systems to be more effective in combating corruption. Therefore, the study of the role of law in combating corruption is also part of Indonesia's contribution to realizing clean governance at the global level.

Based on this background, it is important to examine in depth how the law has and should play a role in combating corruption. This study will provide an overview of the dynamics of the role of law in the context of eradicating corruption in Indonesia, including an analysis of the challenges faced and the prospects for strengthening the legal system in the future. Through this study, it is hoped that various constructive recommendations will emerge to strengthen efforts to combat corruption through a just, effective, and sustainable legal approach.

Research methods

This study uses a descriptive qualitative method that aims to analyze and describe the role of law in overcoming corruption in Indonesia. Data collection techniques are carried out through literature studies, analysis of legal documents (legislation, court decisions, reports from anti-corruption institutions), and observations of law enforcement practices related to corruption. The data obtained are analyzed thematically and presented narratively to explain the relationship between law and the effectiveness of overcoming corruption.

Discussion

A. Development of Anti-Corruption Regulations in Indonesia

Since the New Order era to the reform era, legal policies aimed at eradicating corruption have undergone significant developments. Initially, efforts to combat corruption relied on the Criminal Code (KUHP) with certain articles that were considered inadequate in dealing with the complexity of modern corruption. This condition led to the birth of Law Number 3 of 1971 concerning the Eradication of Criminal Acts of Corruption, which was later replaced by Law Number 31 of 1999 and its amendments through Law Number 20 of 2001.

The Corruption Law of 1999 in conjunction with 2001 broadens the definition of corruption, including various acts such as abuse of authority, gratification, bribery, and acts detrimental to state finances. One of the advantages of this law is the determination of the reverse burden of proof in cases of gratification as well as additional penalties in the form of asset confiscation. This shows that legal regulations in Indonesia have moved in a more progressive direction in eradicating corruption.

However, even though the normative apparatus has been prepared quite well, its effectiveness is highly dependent on implementation at the practical level. Many cases show that the implementation of the law is often not comparable to the written provisions. For example, there is inconsistency in the judge's verdict against corruption perpetrators which causes a low deterrent effect, as well as weak supervision of public officials.

B. Law Enforcement Agencies and the Dynamics of Their Authority

Law enforcement against corruption involves a number of institutions, namely the Corruption Eradication Commission (KPK), the Attorney General's Office, and the Indonesian National Police. The KPK, as an ad hoc institution established through Law Number 30 of 2002 (now amended by Law Number 19 of 2019), has a mandate to investigate, investigate, and prosecute corruption cases involving state officials or cases with large losses and high complexity.

The performance of the KPK has been widely appreciated by the public because it is considered more independent and effective than other institutions. Many major cases have been successfully uncovered by the KPK, such as e-KTP corruption, infrastructure project bribery, and the buying and selling of positions in government circles. However, in recent years, the independence of the KPK has been considered to have declined along with the revision of the KPK law in 2019 which changed the institutional status and wiretapping procedures.

Meanwhile, the Prosecutor's Office and the Police also have the authority to handle corruption cases, but often come under scrutiny due to allegations of political intervention, low transparency of the legal process, and cases of prosecutors or investigators involved in criminal acts. This shows that although the law has regulated the division of authority between institutions, in practice there

are structural weaknesses and a legal culture that does not fully support the eradication of corruption.

C. The Role of Law as a Means of Prevention

In addition to the law enforcement aspect, the law also has a preventive function, namely preventing corruption before unlawful acts are committed. This function is reflected in various regulations on public information disclosure, transparent planning and budgeting systems, and internal and external monitoring mechanisms for state institutions.

Law can form a framework for good governance through regulations on official integrity, wealth reporting, conflict of interest control, and administrative sanctions for ethical violations. Instruments such as the State Officials' Wealth Report (LHKPN) and the Whistleblower System are examples of law-based prevention mechanisms.

However, the effectiveness of the preventive function of law is highly dependent on compliance, awareness, and consistency of its implementation. In many cases, preventive regulations are merely formalities and are not accompanied by serious coaching. Reporting of wealth, for example, is often done dishonestly or not thoroughly verified by related institutions. This shows that law alone is not enough without the support of a strong anti-corruption culture among the bureaucracy and society.

Conclusion

Law plays an important role in combating corruption through the formulation of regulations, the establishment of institutions, and the application of sanctions against violators. However, its effectiveness is highly dependent on consistent law enforcement, the integrity of law enforcement officers, and public legal awareness. In the Indonesian context, efforts to eradicate corruption require a holistic approach that involves synergy between state institutions and civil society.

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