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Reformulation of Criminal Sanctions for Recidivist Corruption Offenders

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***Abstract*:** *Corruption crimes as extraordinary crimes remain a serious challenge within Indonesia's criminal justice system, particularly when offenders repeatedly commit corruption after serving their sentences. The phenomenon of corruption recidivism indicates the limited effectiveness of existing criminal sanctions. This study aims to examine the normative vacuum in regulating criminal sanctions for repeat corruption offenders and to formulate directions for reformulating more proportional and effective sanctions. This research employs a normative juridical method using statutory, conceptual, and limited comparative approaches. The findings reveal that Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 on the Eradication of Corruption Crimes does not explicitly regulate aggravated sanctions for corruption recidivists, while recidivism provisions in Law Number 1 of 2023 on the National Criminal Code remain general in nature. This normative gap results in sentencing inconsistency and weak deterrent effects. The study recommends reformulating criminal sanctions through explicit regulation of corruption recidivism, strengthening additional penalties, and synchronizing the Anti-Corruption Law with the National Criminal Code to enhance the effectiveness of corruption eradication and substantive justice.*

Keywords: *Criminal Sanctions; Corruption Crime; Legal Reform; Recidivism; Special Criminal Law*

INTRODUCTION

Corruption is consistently understood as an extraordinary crime due to its systemic impact on state finances, governmental stability, and public trust in legal and political institutions. Corruption not only causes financial losses to the state but also damages the social order, undermines legal legitimacy, and generates prolonged structural inequality. In the global context, Transparency International through the Corruption Perceptions Index indicates that countries with high levels of corruption tend to experience weakened rule of law and low effectiveness of criminal law enforcement[1]. Indonesia, despite having a special legal regime for combating corruption, continues to face serious challenges in suppressing recurrent corruption practices, whether committed by the same individuals or by entrenched power networks.

[1] Transparency International, *Corruption Perceptions Index* (Berlin: Transparency International, berbagai tahun).

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An emerging juridical-empirical phenomenon in law enforcement practice in Indonesia is the recurrence of corruption offenses by perpetrators who have previously served criminal sentences. Repeated corruption cases indicate that imprisonment, fines, and additional penalties imposed by courts have not fully produced an optimal deterrent effect. This reality raises fundamental questions regarding the effectiveness of the corruption sentencing system that has been applied to date. Empirically, recidivism in corruption offenses reflects the failure of punishment functions, both from the perspective of general prevention and special prevention[2].

From the perspective of criminal law, recidivism is an important indicator for assessing the success of penal policy. The repetition of criminal acts by the same offender signifies that prior punishment has failed to internalize legal compliance values or to reform the offender's behavior. However, within the context of Indonesian anti corruption criminal law, recidivism has not been positioned as a significant normative variable in the formulation of criminal sanctions. Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 on the Eradication of Corruption Crimes does regulate various forms of principal and additional penalties, but it does not explicitly regulate mechanisms for sentence aggravation for repeat corruption offenders[3].

The main legal issue of this research is explicitly the existence of a normative vacuum in corruption criminal law concerning the specific regulation of criminal sanctions for repeat corruption offenders. This normative vacuum is reflected in the absence of provisions that clearly distinguish between first time corruption offenders and those who repeat their crimes. Although the Criminal Code recognizes the concept of recidivism as a basis for sentence aggravation, such provisions are general in nature and were not designed to address the specific characteristics of corruption as an extraordinary crime[4]. As a result, the application of recidivism principles in corruption cases becomes inconsistent and highly dependent on judicial discretion.

This normative vacuum becomes increasingly problematic when associated with the enactment of Law Number 1 of 2023 on the National Criminal Code. The National Criminal Code introduces the spirit of codification and criminal law reform, including the re regulation of sentencing objectives and the concept of recidivism. However, synchronization between the National Criminal Code and special criminal laws, particularly the Anti Corruption Law, has not been fully realized. General provisions on repeat offenses in the National Criminal Code have

[2] H. Yusuf, "Policy and Criminal Law Enforcement Against the Perpetrators of Corruption: Reorientation Objective of Condemnation," *International Journal Reglement & Society* 2, no. 3 (2021): 134–145, https://doi.org/10.55357/ijrs.v2i3.191

[3] Y. Bustomi, R. Pahlevi, dan A. Sakinata, "Criminal Law Politics: Law Concerning Corruption Crimes Eradication," *Unifikasi: Jurnal Ilmu Hukum* 8, no. 1 (2021): 1–15, https://doi.org/10.25134/unifikasi.v8i1.3557

[4] P. Hairi, "Konsep dan Pembaruan Residivisme dalam Hukum Pidana di Indonesia," *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 9, no. 2 (2019): 203–222, https://doi.org/10.22212/jnh.v9i2.1048

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not been specifically adopted within the corruption criminal law regime, thereby creating a normative gap in determining sanctions for corruption recidivists.[5]

From a constitutional perspective, this condition potentially contradicts the principles of the rule of law and justice as guaranteed by the 1945 Constitution of the Republic of Indonesia. A state based on the rule of law requires legal certainty, equality before the law, and proportionality in sentencing. When repeat corruption offenders are normatively treated the same as first time offenders, the principle of substantive justice is undermined. In this context, the normative vacuum is not merely a technical legislative issue, but a fundamental problem concerning the legitimacy of the corruption sentencing system.

Academically, studies on corruption law in Indonesia have largely focused on types of punishment, the severity of sentences, and the effectiveness of additional penalties such as restitution payments and asset confiscation. Research by Ahmad, Thalib, and Badaru (2021) emphasizes the importance of restitution as an additional penalty to recover state financial losses, but does not specifically examine recidivism as a basis for sentence aggravation.[6] Meanwhile, Anjari (2023) discusses the application of sentence aggravation in corruption offenses, but the analysis primarily concentrates on judicial practice without constructing a specific normative framework for corruption recidivists.[7] On the other hand, Hairi (2019) examines the concept and reform of recidivism in Indonesian criminal law in general, but does not comprehensively link it to corruption criminal law as an extraordinary crime.

These three studies reveal a significant academic research gap. First, there is an absence of normative studies that specifically position corruption recidivism as a structured basis for sentence aggravation within the Anti Corruption Law. Second, there is a lack of systematic analysis regarding the lack of synchronization between recidivism regulation in the Criminal Code, both the former and the national version, and corruption criminal law. Third, there is a scarcity of prescriptive approaches offering directions for the reformulation of criminal sanctions for repeat corruption offenders within the framework of national criminal law reform. This gap underscores the urgency of research that is not merely descriptive but also normative prescriptive in nature.

[5] T. Indriati, N. Rizkiah, dan M. Mazhar, "Recodification of Corruption Crime Provisions in the National Criminal Code," *Integritas: Jurnal Antikorupsi* 10, no. 2 (2025): 115–132, https://doi.org/10.32697/integritas.v10i2.1152

[6] A. Ahmad, H. Thalib, dan B. Badaru, "Sanksi Pidana Tambahan Pembayaran Uang Pengganti Kerugian Keuangan Negara terhadap Pelaku Tindak Pidana Korupsi," *Jurnal Legalitas* 2, no. 1 (2021): 1–15, https://doi.org/10.52103/jlg.v2i1.285

[7] A. Ahmad, H. Thalib, dan B. Badaru, "Sanksi Pidana Tambahan Pembayaran Uang Pengganti Kerugian Keuangan Negara terhadap Pelaku Tindak Pidana Korupsi," *Jurnal Legalitas* 2, no. 1 (2021): 1–15, https://doi.org/10.52103/jlg.v2i1.285

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Based on this background, the novelty of this research lies in its effort to formulate a reformulation of criminal sanctions for repeat corruption offenders by positioning recidivism as a primary normative variable in corruption sentencing policy. This research does not merely criticize the existence of a normative vacuum, but also proposes a direction for reform that synchronizes the Anti Corruption Law with the National Criminal Code and is oriented toward more effective, proportional, and just sentencing objectives. Accordingly, the purpose of this research is to analyze the weaknesses in the regulation of criminal sanctions for repeat corruption offenders and to formulate directions for a more stringent and structured reformulation of sanctions in order to strengthen the effectiveness of corruption eradication in Indonesia.

METHOD

This research is a normative juridical legal study focusing on the analysis of the regulation of criminal sanctions for repeat corruption offenders within the Indonesian legal system. The approaches employed include a statute approach by examining Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 on the Eradication of Corruption Crimes, Law Number 1 of 2023 on the Criminal Code, and Supreme Court Regulation Number 1 of 2020 on Sentencing Guidelines for Corruption Crimes. In addition, a conceptual approach is used to examine the concepts of recidivism, sentencing objectives, and deterrence theory in modern criminal law, as well as a limited comparative approach to observe trends in the regulation of corruption recidivism in several countries.

Primary legal materials in this research consist of the aforementioned legislation and court decisions demonstrating patterns of repeated corruption offenses. Secondary legal materials include criminal law and criminology literature, as well as reputable scientific journals discussing sentencing policy and corruption eradication. The analysis technique is normative prescriptive, employing systematic and teleological interpretation to assess the conformity of existing norms with sentencing objectives and to formulate directions for reformulating criminal sanctions for corruption recidivists.[8]

RESULTS AND DISCUSSION

Normative Vacuum in the Regulation of Criminal Sanctions for Recidivist Corruption Offenders

The regulation of corruption offenses in Indonesia is normatively based on Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 on the Eradication of Corruption Crimes as special criminal law. This law regulates various forms of corruption offenses along with threats of imprisonment, fines, and additional penalties. However, when examined systematically, the Anti Corruption Law does not contain any provision that explicitly regulates

[8] P. M. Marzuki, *Penelitian Hukum*, Edisi Revisi (Jakarta: Kencana, 2017).

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sentence aggravation for repeat corruption offenders. The absence of such regulation creates a normative vacuum that directly affects legal certainty and sentencing consistency.[9]

Theoretically, recidivism constitutes a fundamental concept in criminal law because it is directly related to the objectives of punishment. In general criminal law, the repetition of criminal acts is understood as an indicator of an increased level of offender culpability and the failure of prior punishment to achieve a deterrent effect. However, within the regime of anti corruption criminal law, the concept of recidivism has not been institutionally embedded in normative terms. As a consequence, corruption offenders who repeat their crimes are treated in the same manner as first time offenders, even though the level of social harm and damage they cause is objectively greater.[10]

This normative vacuum becomes more apparent when examined in relation to the National Criminal Code as regulated by Law Number 1 of 2023. The National Criminal Code does regulate repeat offending as a basis for sentence aggravation, but such regulation is general in nature and designed primarily for conventional crimes. There are no provisions that specifically accommodate the extraordinary crime character of corruption, which should require a stricter and more progressive sentencing policy.[11] Accordingly, a lack of synchronization arises between the reformed general criminal law and the special criminal law on corruption.

Furthermore, Supreme Court Regulation Number 1 of 2020 concerning Sentencing Guidelines for Article 2 and Article 3 of the Anti Corruption Law does provide guidance for judges in imposing sentences based on the level of culpability, impact, and benefits obtained by the offender. Nevertheless, this regulation does not treat recidivism as an independent normative variable in determining the severity of punishment. This condition reinforces the argument that the normative vacuum exists not only at the statutory level, but also within sentencing policy instruments at the judicial level.[12]

In judicial practice, this normative gap results in inconsistent court decisions. Judges often consider repeated corruption offenses merely as non juridical factors or moral considerations, rather than as binding normative grounds for sentence aggravation. This situation contradicts the principles of legal certainty and equality before the law as guaranteed by Article 1 paragraph (3) and Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

[9] Y. Bustomi, R. Pahlevi, dan A. Sakinata, "Criminal Law Politics: Law Concerning Corruption Crimes Eradication," *Unifikasi: Jurnal Ilmu Hukum* 8, no. 1 (2021): 1–15, https://doi.org/10.25134/unifikasi.v8i1.3557
[10] P. Hairi, "Konsep dan Pembaruan Residivisme dalam Hukum Pidana di Indonesia," *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 9, no. 2 (2019): 203–222, https://doi.org/10.22212/jnh.v9i2.1048
[11] T. Indriati, N. Rizkiah, dan M. Mazhar, "Recodification of Corruption Crime Provisions in the National Criminal Code," *Integritas: Jurnal Antikorupsi* 10, no. 2 (2025): 115–132, https://doi.org/10.32697/integritas.v10i2.1152
[12] W. Anjari, "Penerapan Pemberatan Pidana dalam Tindak Pidana Korupsi," *Jurnal Yudisial* 15, no. 2 (2023): 167–186, https://doi.org/10.29123/jy.v15i2.507

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When recidivism is not clearly regulated, judicial subjectivity becomes excessively broad and potentially creates sentencing disparity.[13]

From the perspective of criminal law policy, the absence of explicit norms governing corruption recidivists reflects the weak preventive orientation of the Anti Corruption Law. Research by Bustomi et al. (2021) emphasizes that Indonesia's legal policy on corruption eradication remains focused on repressiveness, yet has not fully integrated a structural approach toward high risk offenders such as recidivists. Therefore, it can be concluded that the lack of explicit norms on corruption recidivism constitutes a fundamental juridical problem that weakens the overall effectiveness of the corruption sentencing system.[14]

Weaknesses of Corruption Criminal Sanctions in Preventing Recidivism

Criminal sanctions stipulated in the Anti Corruption Law in principle consist of imprisonment, fines, and additional penalties such as restitution payments and asset confiscation. Normatively, this sanction structure is intended to produce a deterrent effect and to restore state financial losses.[15] However, the emergence of corruption recidivism indicates that the design of these sanctions has not been fully effective in achieving sentencing objectives, particularly special prevention against the same offenders.[16]

Imprisonment remains the primary instrument in sentencing corruption offenders. Nevertheless, various studies indicate that imprisonment for corruption offenders is often not accompanied by adequate rehabilitative mechanisms. Corruption offenders, especially those possessing strong social, political, and economic capital, are often able to maintain their power networks despite having served their sentences. This condition causes imprisonment to lose its corrective function and fails to prevent offenders from engaging in corruption again after release.[17]

Fines and additional penalties in the form of restitution payments face similar problems. Research by Ahmad et al. (2021) demonstrates that restitution is indeed important for recovering state losses, but it is often disproportionate to the economic benefits gained by corruption

[13] W. Anjari, "Penerapan Pemberatan Pidana dalam Tindak Pidana Korupsi," *Jurnal Yudisial* 15, no. 2 (2023): 167–186, https://doi.org/10.29123/jy.v15i2.507

[14] Y. Bustomi, R. Pahlevi, dan A. Sakinata, "Criminal Law Politics: Law Concerning Corruption Crimes Eradication," *Unifikasi: Jurnal Ilmu Hukum* 8, no. 1 (2021): 1–15, https://doi.org/10.25134/unifikasi.v8i1.3557

[15] Republik Indonesia, Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi, sebagaimana diubah dengan Undang-Undang Nomor 20 Tahun 2001, LN RI Tahun 2001 Nomor 134.

[16] N. Nayla, "The Effectiveness of Criminal Sanctions in Combating Corruption Crimes in Indonesia," *Journal of Strafvordering Indonesian* (2025), https://doi.org/10.62872/79ve0r66

[17] H. Yusuf, "Policy and Criminal Law Enforcement Against the Perpetrators of Corruption: Reorientation Objective of Condemnation," *International Journal Reglement & Society* 2, no. 3 (2021): 134–145, https://doi.org/10.55357/ijrs.v2i3.191

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offenders. This imbalance leads criminal sanctions to be perceived as calculable economic risks, thereby failing to generate a significant deterrent effect for potential offenders and recidivists alike.[18]

The weaknesses of corruption criminal sanctions are also evident in the suboptimal application of non economic additional penalties, such as the revocation of political rights and prohibitions on holding public office. Although the Anti Corruption Law provides legal space for such additional penalties, their application remains limited and unstructured, particularly for repeat corruption offenders. In fact, research by Wangga et al. (2019) shows that the revocation of political rights has strong potential to prevent recidivism by cutting off offenders' access to sources of power that enable the reoccurrence of corruption.[19]

The following table presents a comparison of the weaknesses of corruption criminal sanctions in relation to recidivism:

Table 1. Weaknesses of Criminal Sanctions in Preventing Corruption Recidivism

Type of Sanction	Normative Basis	Intended Purpose	Identified Weakness
Imprisonment	Law No. 31/1999 jo. Law No. 20/2001	Deterrence and retribution	Limited rehabilitative effect for repeat offenders
Criminal Fine	Law No. 31/1999 jo. Law No. 20/2001	Economic punishment	Disproportionate to illicit gains
Asset Recovery	Law No. 31/1999 jo. Law No. 20/2001	Restoring state losses	Ineffective against future offenses
Revocation of Political Rights	Law No. 31/1999 jo. Law No. 20/2001	Prevent abuse of power	Rarely applied to recidivists

The table demonstrates that each type of criminal sanction has structural weaknesses in preventing corruption recidivism. The absence of differentiated sanctions between first time offenders and recidivists exacerbates these weaknesses. In this context, recidivism must be understood as an indicator of the failure to achieve the objectives of punishment as formulated in

[18] A. Ahmad, H. Thalib, dan B. Badaru, "Sanksi Pidana Tambahan Pembayaran Uang Pengganti Kerugian Keuangan Negara terhadap Pelaku Tindak Pidana Korupsi," *Jurnal Legalitas* 2, no. 1 (2021): 1–15, https://doi.org/10.52103/jlg.v2i1.285

[19] M. Wangga, Pujiyono, dan B. Arief, "Revocation of Political Rights of the Perpetrators of Criminal Acts of Corruption," *Journal of Indonesian Legal Studies* 4, no. 2 (2019): 229–248, https://doi.org/10.15294/jils.v4i2.29689

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Law Number 1 of 2023 on the National Criminal Code, which emphasizes a balance between retribution, prevention, and offender rehabilitation.[20]

Accordingly, the weaknesses of corruption criminal sanctions do not lie solely in the severity or leniency of punishment, but rather in the absence of a sentencing design that is sensitive to patterns of repeated offending. Without normative reformulation that specifically targets corruption recidivists, the sentencing system will continue to fail in preventing repeated acts of corruption.

Reformulation of Criminal Sanctions for Repeat Corruption Offenders in the Perspective of Criminal Law Reform

The phenomenon of recidivism in corruption offenses necessitates a reformulation of criminal sanction policies that is more responsive to patterns of repeated crime. Within the framework of Indonesian positive law, Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 on the Eradication of Corruption Crimes has not provided an adequate normative construction to address repeat corruption offenders. The existence of recidivism indicates a higher degree of culpability and social harm compared to first time offenders. Therefore, criminal law reform must position corruption recidivism as a specific and structured basis for sentence aggravation.[21]

The urgency of such reformulation is further reinforced by the enactment of Law Number 1 of 2023 on the National Criminal Code as the most recent codification of criminal law. The National Criminal Code shifts the orientation of punishment from pure retribution toward a balance between community protection, crime prevention, and offender rehabilitation. Nevertheless, the regulation of recidivism in the National Criminal Code remains general in nature and is not designed for extraordinary crimes such as corruption. Without specific regulation in the Anti Corruption Law, the reformist spirit embodied in the National Criminal Code risks being ineffective in the context of corruption eradication.[22]

The reformulation of criminal sanctions for corruption recidivists should begin with the inclusion of explicit norms in the Anti Corruption Law that clearly regulate sentence aggravation for offenders who repeat corruption crimes. Such norms may be formulated in the form of higher special minimum imprisonment penalties for recidivists compared to first time offenders. This approach is consistent with the theory of progressive punishment, which emphasizes that

[20] Republik Indonesia, Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana, LN RI Tahun 2023 Nomor 1.
[21] K. Indratno, S. Wahyuningsih, dan B. Bawono, "Legal Reconstruction of Special Criminal Sanctions against Corruption Based on Justice Values," *Scholars International Journal of Law, Crime and Justice* 6, no. 10 (2023): 412–420, https://doi.org/10.36348/sijlcj.2023.v06i10.004
[22] T. Indriati, N. Rizkiah, dan M. Mazhar, "Recodification of Corruption Crime Provisions in the National Criminal Code," *Integritas: Jurnal Antikorupsi* 10, no. 2 (2025): 115–132, https://doi.org/10.32697/integritas.v10i2.1152

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repeated offending reflects the failure of previous punishment and therefore requires a more severe response from the state.[23]

In addition to imprisonment, reformulation must also strengthen structural additional penalties, particularly the maximum confiscation of assets and the impoverishment of corruption offenders. Studies by Alfitra (2015) and Wiwoho and Budianto (2024) indicate that comprehensive economic sanctions are more effective in reducing incentives for corruption than imprisonment alone. For corruption recidivists, asset confiscation should be positioned not merely as an instrument for recovering state losses, but also as a preventive mechanism to deprive offenders of the economic capacity to reoffend.[24]

Furthermore, the revocation of political rights and long term prohibitions on holding public office must be more firmly institutionalized for corruption recidivists. Although these additional penalties have been recognized in practice and supported by court decisions, their regulation in the Anti Corruption Law remains optional and non differentiated. In fact, research by Wangga et al. (2019) demonstrates that the revocation of political rights has a significant impact on preventing corruption recidivism, particularly for offenders originating from political and bureaucratic elites.[25]

The reformulation of sanctions for corruption recidivists must also be directed toward synchronization between the Anti Corruption Law and the National Criminal Code. Such harmonization is essential to prevent dualism or normative gaps in the application of recidivism. General provisions on recidivism in the National Criminal Code may serve as a basic framework, but they must be reinforced and adjusted to the specific characteristics of corruption through special norms in the Anti Corruption Law as lex specialis. In this way, the principle of lex specialis derogat legi generali is preserved within the national criminal law system.[26]

From the perspective of criminal law policy, the reformulation of sanctions against corruption recidivists must be understood as part of a long term prevention strategy and an effort to restore public trust. When repeat corruption offenders are subjected to stricter, structured, and

[23] A. Wibisono, K. Pangestu, dan R. D, "Right Punishment for the Performers of Corruption," *Journal of Law, Politic and Humanities* 1, no. 1 (2020): 25–36, https://doi.org/10.38035/jlph.v1i1.35

[24] A. Alfitra, "Pemiskinan terhadap Pelaku Tindak Pidana Korupsi dalam Perspektif Hukum Pidana Positif dan Hukum Pidana Islam," *Miqot* 39, no. 1 (2015): 1–18, https://doi.org/10.30821/miqot.v39i1.41 ; S. Wiwoho dan A. Budianto, "Legal Reform of Criminal Responsibility in Imposing Poverty Sanctions for Perpetrators of Corruption to Restore State Losses," *Asian Journal of Engineering, Social and Health* 3, no. 7 (2024): 912–920, https://doi.org/10.46799/ajesh.v3i7.361

[25] M. Wangga, Pujiyono, dan B. Arief, "Revocation of Political Rights of the Perpetrators of Criminal Acts of Corruption," *Journal of Indonesian Legal Studies* 4, no. 2 (2019): 229–248, https://doi.org/10.15294/jils.v4i2.29689

[26] B. Sanjaya, Muladi, R. Sari, dan H. Disemadi, "Inkonsistensi Pertanggungjawaban Pidana Korporasi dalam Peraturan Perundang-Undangan di Luar KUHP," *Pandecta: Research Law Journal* 15, no. 2 (2020): 189–202, https://doi.org/10.15294/pandecta.v15i2.23013

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consistent sanctions, the state demonstrates a strong commitment to upholding justice and the rule of law. Conversely, without normative reformulation, the sentencing system will continue to reproduce public distrust and weaken the legitimacy of anti corruption criminal law in Indonesia.[27]

Accordingly, the reformulation of criminal sanctions for repeat corruption offenders is not merely a normative necessity, but also a sociological and constitutional imperative. Such reform must be situated within the broader framework of national criminal law reform oriented toward substantive justice, effective prevention, and the protection of public interests.

CONCLUSIONS

Based on the results of the analysis, it can be concluded that repeat corruption offenders constitute a serious problem within Indonesia's criminal law enforcement system. The normative vacuum in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 on the Eradication of Corruption Crimes regarding the specific regulation of sanctions for corruption recidivists results in weak legal certainty and sentencing inconsistency. The general provisions on recidivism in Law Number 1 of 2023 on the National Criminal Code have not been able to address the characteristics of corruption as an extraordinary crime.

The weaknesses of existing criminal sanctions demonstrate that imprisonment, fines, and additional penalties have not been designed in a differentiated manner to prevent repeated offending by the same perpetrators. Corruption recidivism ultimately becomes an indicator of the failure to achieve the objectives of punishment, both in terms of deterrence and rehabilitation, and reflects the suboptimal nature of criminal law policy in protecting public interests and state finances.

Therefore, a more stringent and structured reformulation of criminal sanctions for repeat corruption offenders is required through the inclusion of explicit norms in the Anti Corruption Law, the strengthening of additional penalties oriented toward impoverishment and the revocation of political rights, and systematic synchronization with the National Criminal Code. Such reformulation is expected to enhance the effectiveness of corruption eradication, ensure substantive justice, and restore public trust in Indonesia's criminal justice system.

[27] N. Nayla, "The Effectiveness of Criminal Sanctions in Combating Corruption Crimes in Indonesia," *Journal of Strafvordering Indonesian* (2025), https://doi.org/10.62872/79ve0r66

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REFERENCES

Legal Documents

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi, Lembaran Negara Republik Indonesia Tahun 1999 Nomor 140.

Undang-Undang Nomor 20 Tahun 2001 tentang Perubahan atas Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi, Lembaran Negara Republik Indonesia Tahun 2001 Nomor 134.

Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana, Lembaran Negara Republik Indonesia Tahun 2023 Nomor 1.

Peraturan Mahkamah Agung Nomor 1 Tahun 2020 tentang Pedoman Pemidanaan Pasal 2 dan Pasal 3 Undang-Undang Pemberantasan Tindak Pidana Korupsi.

Journal Article

Ahmad, A., Thalib, H., & Badaru, B. (2021). Sanksi Pidana Tambahan Pembayaran Uang Pengganti Kerugian Keuangan Negara Terhadap Pelaku Tindak Pidana Korupsi. , 2, 1-15. https://doi.org/10.52103/jlg.v2i1.285.

Alfitra, A. (2015). Pemiskinan Terhadap Pelaku Tindak Pidana Korupsi Dalam Perspektif Hukum Pidana Positif Dan Hukum Pidana Islam. , 39. https://doi.org/10.30821/miqot.v39i1.41.

Anjari, W. (2023). Penerapan Pemberatan Pidana Dalam Tindak Pidana Korupsi. *Jurnal Yudisial*. https://doi.org/10.29123/jy.v15i2.507.

Bustomi, Y., Pahlevi, R., & Sakinata, A. (2021). Criminal Law Politics: Law Concerning Corruption Crimes Eradication. *UNIFIKASI: Jurnal Ilmu Hukum*. https://doi.org/10.25134/unifikasi.v8i1.3557.

Hairi, P. (2019). Konsep dan Pembaruan Residivisme dalam Hukum Pidana di Indonesia (Concept and Reform of Recidivism in Criminal Law in Indonesia). *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan*. https://doi.org/10.22212/jnh.v9i2.1048.

Hasnda, N., & Alhuda, N. (2025). Eksistensi Perundang-undangan Anti Korupsi Indonesia dalam Penegakan Hukum terhadap Korporasi Multinasional: Analisis Teori Pilihan Rasional. *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan*. https://doi.org/10.22212/jnh.v15i2.4586.

IPSO JURE

Journal

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

Vol.2 . No. 11, December 2025
DOI : https://doi.org/10.62872/wqaatf14

Indratno, K., Wahyuningsih, S., & Bawono, B. (2023). Legal Reconstruction of Special Criminal Sanctions against Corruption Based on Justice Values. *Scholars International Journal of Law, Crime and Justice*. https://doi.org/10.36348/sijlcj.2023.v06i10.004.

Indriati, T., Rizkiah, N., & Mazhar, M. (2025). Recodification of Corruption Crime Provisions In The National Criminal Code. *Integritas: Jurnal Antikorupsi*. https://doi.org/10.32697/integritas.v10i2.1152.

Ismaidar, I. (2021). Reconstruction Criminal Sanctions against Criminal Acts of Corruption based on Justice Value. , 4, 7332-7343. https://doi.org/10.33258/birci.v4i3.2607.

Jesica, J., Rosuul, M., & Singadimedja, M. (2023). Penerapan Pidana Mati Terhadap Terpidana Kasus Korupsi. *De Juncto Delicti: Journal of Law*. https://doi.org/10.35706/djd.v2i2.8026.

Karinda, F., Kristiawanto, K., & Ismed, M. (2022). Upaya Pemulihan Aset Pelaku Tindak Pidana Korupsi Guna Mengoptimalisasi Kerugian Keuangan Negara. *SALAM: Jurnal Sosial dan Budaya Syar-i*. https://doi.org/10.15408/sjsbs.v9i5.27688.

Kautsar, F., & Ismunarno, (2022). Pidana Bagi Pelaku Tindak Pidana Korupsi Bantuan Sosial Di Masa Pandemi Covid-19. *Recidive : Jurnal Hukum Pidana dan Penanggulangan Kejahatan*. https://doi.org/10.20961/recidive.v11i3.67455.

Maesty, A., & Soeskandi, H. (2022). Pemberian Remisi Bagi Pelaku Tindak Pidana Korupsi. *Bureaucracy Journal : Indonesia Journal of Law and Social-Political Governance*. https://doi.org/10.53363/bureau.v2i1.142.

Nayla, N. (2025). The Effectiveness of Criminal Sanctions in Combating Corruption Crimes in Indonesia. *Journal of Strafvordering Indonesian*. https://doi.org/10.62872/79ve0r66.

Noya, N., Toule, E., & Hehanussa, D. (2023). Penyitaan Aset Tindak Pidana Korupsi Pada Tahap Penyidikan Sebagai Upaya Pertama Dalam Pengembalian Kerugian Negara. *PAMALI: Pattimura Magister Law Review*. https://doi.org/10.47268/pamali.v3i1.1052.

Pijar, R., Devi, C., Rotanza, Y., Ancaman, E., & Mati, P. (2023). Efektivitas Ancaman Pidana Mati bagi Pelaku Tindak Pidana Korupsi di Indonesia dari Sudut Padang Hukum, Ham, dan Psikologi. *Kertha Wicaksana*. https://doi.org/10.22225/kw.17.2.2023.147-155.

Sanjaya, B., Muladi, M., Sari, R., & Disemadi, H. (2020). Inkonsistensi Pertanggungjawaban Pidana Korporasi dalam Peraturan Perundang-Undangan di Luar KUHP. *Pandecta: Research Law Journal*, 15. https://doi.org/10.15294/pandecta.v15i2.23013.

IPSO JURE

Journal

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

Vol.2 . No. 11, December 2025
DOI : https://doi.org/10.62872/wqaatf14

Simamora, R., & Yasa, P. (2022). Konsep Sita Jaminan (Conservatoir Beslag) Terhadap Benda Milik Pelaku Tindak Pidana Korupsi: Bagaimana Efektivitas Dalam Penerapannya?. *Kertha Semaya : Journal Ilmu Hukum*. https://doi.org/10.24843/ks.2022.v10.i08.p04.

Wangga, M., Pujiyono, P., & Arief, B. (2019). Revocation of Political Rights of The Perpetrators of Criminal Acts of Corruption. *Journal of Indonesian Legal Studies*. https://doi.org/10.15294/jils.v4i2.29689.

Wibisono, A., Pangestu, K., & D, R. (2020). Right Punishment For The Performers Of Corruption. *Journal of Law, Politic and Humanities*. https://doi.org/10.38035/jlph.v1i1.35.

Wiwoho, S., & Budianto, A. (2024). Legal Reform of Criminal Responsibility in Imposing Poverty Sanctions for Perpetrators of Corruption to Restore State Losses. *Asian Journal of Engineering, Social and Health*. https://doi.org/10.46799/ajesh.v3i7.361.

Yusuf, H. (2021). Policy And Criminal Law Enforcement Against The Perpetrators S Of Corruption: "Reorientation Objective Of Condemnation". *International Journal Reglement & Society (IJRS*. https://doi.org/10.55357/ijrs.v2i3.191.

Zakaria, Z. (2022). Upaya Pencegahan Pluralisme Penyidikan Pada Tindak Pidana Korupsi Dalam Sistem Peradilan Pidana. *Disiplin : Majalah Civitas Akademika Sekolah Tinggi Ilmu Hukum sumpah Pemuda*. https://doi.org/10.46839/disiplin.v28i3.81

Book

Marzuki, P. M. (2017). *Penelitian hukum* (Edisi revisi). Kencana.