

The Integrity Crisis of State Apparatus: A Criminal Law Study of Systemic Corruption Practices

Angga Aldilla Gussman

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Corresponding Author:

Author Name*: Angga Aldilla
Gussman

E-mail*:

anggagussman775@gmail.com

Abstract: *Corruption, as an extraordinary crime, has developed into a systemic practice that threatens the integrity of state officials and weakens governance. The main problem in eradicating corruption lies not only in law enforcement but also in normative weaknesses, particularly the vagueness of norms regarding the element of "abuse of authority." This study aims to analyze how the vagueness of norms in criminal law on corruption contributes to the development of systemic corruption and its implications for the integrity crisis of state officials. The research method used is normative legal research with a statutory, conceptual, and case-based approach, through an analysis of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 as well as related doctrines and court decisions. The results show that the vagueness of norms regarding the element of abuse of authority gives rise to multiple interpretations in judicial practice, which has implications for disparate decisions, inconsistent law enforcement, and the emergence of the phenomenon of policy criminalization and impunity. This condition weakens the effectiveness of corruption eradication and is unable to create an optimal deterrent effect. Furthermore, these substantive weaknesses in the law are correlated with the weak integrity of state officials within the judicial system, thus reinforcing the systemic nature of corruption. Therefore, a reformulation of criminal law norms on corruption is needed that is firmer and more in harmony with administrative law, as well as strengthening the integrity of state officials to achieve legal certainty, justice, and legal benefits in eradicating corruption.*

Keywords: *Systemic Corruption, Normative Blur, Abuse of Authority, Criminal Law, State Apparatus Integrity.*

INTRODUCTION

Within the framework of a state based on the rule of law (rechtstaat), as stipulated in Article 1 paragraph (3) of the 1945 Constitution, all actions of state administrators must comply with applicable law. Corruption committed by state officials directly violates the principle of the supremacy of law and equality before the law. The theory of a state based on the rule of law requires a clean government free from the practice of abuse of power.¹ However, reality shows that corruption is often perpetrated by the very actors who are supposed to be the guardians of legal integrity. This situation creates a paradox in law enforcement, where perpetrators and law enforcers exist in the same circle. Thus, corruption has undermined the normative foundations of the rule of law itself.

¹ Anugerah, M. F. B. (2024). Penyelenggaraan Negara Pemerintahan Yang Baik dan Pemerintahan Yang Bersih Dalam Teori Historis Sosiologis Gustav Radbruch. *Jurnal Bevingding*, 1(12), 62-69.



The impact of corruption is not limited to state financial losses but also encompasses broader social harms, including a decline in public trust in state institutions. From the perspective of public trust theory, the legitimacy of state power depends heavily on the level of public trust in the integrity of the apparatus.² When corruption becomes widespread, that legitimacy will erode significantly. This aligns with the principles of good governance, which demand transparency, accountability, and integrity in government administration. Rampant corruption demonstrates a failure to implement these principles. Therefore, corruption must be understood as a violation of the fundamental principles of good governance.

Empirically, data from the Corruption Eradication Commission (KPK) shows that corruption is still dominated by civil servants, regional officials, and law enforcement officers. This fact indicates that corruption has become deeply rooted in the government bureaucratic structure. From a criminological perspective, this phenomenon can be explained through the white-collar crime theory proposed by Edwin H. Sutherland, which states that white-collar crimes are committed by individuals with high social status in their professional capacity.³ Corruption by state officials is a concrete manifestation of this theory. This situation demonstrates that crime is no longer synonymous with marginalized groups, but rather is perpetrated by the power elite. Therefore, tackling corruption requires an approach that can penetrate complex power structures.

These empirical findings are reinforced by Transparency International's report through the Corruption Perceptions Index (CPI), which shows that the perception of corruption in Indonesia is still relatively high.⁴ From the perspective of legal perception theory, the level of public perception of corruption reflects the effectiveness of existing law enforcement. The higher the perception of corruption, the lower the level of public trust in the legal system. This indicates a gap between applicable legal norms and the reality of their implementation. The legal principles on the books do not align with the law in action, thus creating a crisis of legal legitimacy. Therefore, serious efforts are needed to align legal norms and practices.

The systemic development of corruption indicates that this crime no longer exists in isolation but involves an organized network. In Lawrence M. Friedman's legal system theory, the success of law enforcement is determined by three elements: structure, substance, and legal culture.⁵ Systemic corruption demonstrates the simultaneous failure of all three elements. Weak legal structures, ambiguous legal substance, and a permissive legal culture toward corruption are the main factors contributing to the growth of this practice. Collusion between institutions and the structured abuse of authority reinforce the systemic nature of corruption. Therefore, eradicating corruption cannot be done in parts but must involve comprehensive legal system reform.

² Sari, A. V., & Nusa, D. R. F. (2025). Crisis of Public Trust in Law Enforcement Agencies: TNI, Polri, and Fire Department under the Scrutiny of Law and Political Power. *Perkara: Jurnal Ilmu Hukum dan Politik*, 3(2), 964-977.

³ Rumahorbo, L., & Yusuf, H. (2025). Analisis Mendalam Perilaku Menyimpang White-Collar Crime (Studi Kasus melalui Lensa Teori Convenience). *Media Hukum Indonesia (MHI)*, 3(3).

⁴ Subhan, R. (2024). Dampak Korupsi terhadap perekonomian di Indonesia. *Jurnal Pustaka Cendekia Hukum Dan Ilmu Sosial*, 2(3), 422-430.

⁵ Kore, Y. (2025). Pengaruh Budaya Hukum Terhadap Efektivitas Pemberantasan Korupsi Di Indonesia: Tinjau Dari Sistem Hukum. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(5), 6395-6405.

The state apparatus integrity crisis is a logical consequence of rampant systemic corruption. Integrity, as a moral and ethical value in governance, has been degraded by ongoing corrupt practices. From a legal ethics perspective, integrity is a primary prerequisite for achieving justice and legal certainty.⁶ When state officials lose their integrity, the law no longer functions as an instrument of justice, but rather as an instrument of power. This contradicts the principles of impartiality and independence in law enforcement. Therefore, the integrity crisis must be viewed as a fundamental problem in the Indonesian legal system.

Normatively, the regulation of criminal acts of corruption is regulated in Law Number 31 of 1999 as amended by Law Number 20 of 2001. This regulation regulates various forms of criminal acts of corruption, including abuse of authority, bribery, and gratuities. From the perspective of the principle of legality (*nullum crimen sine lege*), this regulation provides a clear legal basis for law enforcement against perpetrators of corruption. However, the existence of this norm does not automatically guarantee the effectiveness of law enforcement. The implementation of the norm still faces various obstacles, both in terms of interpretation and evidence. Thus, a critical analysis of the effectiveness of existing norms is necessary.

One of the main problems in enforcing corruption laws is the ambiguity of norms, particularly in the interpretation of the element of "abuse of authority." In legal interpretation theory, this ambiguity of norms can give rise to differing interpretations among law enforcement agencies.⁷ This contradicts the principle of legal certainty, which demands clarity and firmness of norms. The unclear boundary between administrative errors and criminal acts of corruption further complicates the situation. State officials are potentially criminalized for policies adopted in their administrative capacity. Conversely, perpetrators of corruption can hide behind ambiguous norms. This ambiguity of norms results in disparate decisions in judicial practice. From the perspective of the principle of justice, disparity in decisions indicates inconsistency in the application of the law. This can undermine public trust in the judiciary as the guardian of justice. Furthermore, the legal uncertainty arising from unclear norms also contradicts the principle of the rule of law. Inconsistent law enforcement opens up space for broader corruption. Therefore, clarity of norms is crucial in efforts to eradicate corruption.

As corruption becomes systemic, the burden of proof in criminal law becomes increasingly complex. In evidentiary theory, crimes involving multiple actors and hidden mechanisms require strong evidence and sophisticated investigative methods.⁸ Law enforcement officials often face difficulties in uncovering organized crime. This is exacerbated by unclear norms that make it difficult to define the boundaries of criminal acts. As a result, many corruption cases cannot be handled optimally. This situation highlights the need for reform in the criminal law evidence system. The ineffectiveness of corruption eradication also results in the failure to achieve a deterrent effect on perpetrators. In criminal punishment theory, the primary

⁶ Rahmanto, F. (2025). Relasi politik hukum, nilai moral, dan kepastian hukum dalam perspektif asas keadilan di Indonesia. *Jurnal Ilmiah Advokasi*, 13(2), 440-458.

⁷ Herlina, M. (2024). Konsep Penyusunan Norma Penjelasan Peraturan Perundang-Undangan Guna Mencegah Multitafsir Dalam Penegakan Hukum Di Indonesia. *Jurnal Penelitian Hukum Galunggung*, 1(3), 54-66.

⁸ Cristina, J., & Manalu, I. (2025). Analisis Peran Alat Bukti dan Keterangan Saksi dalam Menentukan Keputusan Pengadilan Pidana. *Jurnal Kajian Hukum Dan Kebijakan Publik* | E-ISSN: 3031-8882, 3(1), 245-263.

goal of punishment is to provide a deterrent effect and prevent similar crimes from occurring in the future.⁹ However, if law enforcement is ineffective, these goals will not be achieved. Corruption will continue to thrive and become part of the bureaucratic culture. This demonstrates that the existing legal system is unable to adequately respond to corruption. Therefore, a more comprehensive approach to eradicating corruption is needed.

Based on this description, a study of the state apparatus' integrity crisis in relation to systemic corruption is crucial from a criminal law perspective. An analysis of the ambiguity of norms in the regulation and implementation of corruption laws is expected to reveal the weaknesses of the existing system. A normative approach supported by legal theory and empirical data serves as the primary foundation of this research. The primary focus of this study is how this ambiguity of norms contributes to the development of systemic corruption. Furthermore, the implications of this condition for the integrity of the state apparatus are also a major concern. Therefore, this research is expected to contribute to efforts to reform criminal law on corruption in Indonesia.

METHODOLOGY

The research method used in this article is the normative legal research method (normative juridical), namely research that positions law as a norm or rule that applies in society. This approach is based on the analysis of primary, secondary, and tertiary legal materials, especially those related to the regulation of criminal acts of corruption in Law Number 31 of 1999 as amended by Law Number 20 of 2001. In addition, this research uses a statute approach, a conceptual approach, and a case approach to comprehensively examine the ambiguity of norms in the element of "abuse of authority". According to Peter Mahmud Marzuki, normative legal research is a process to discover legal rules, legal principles, and legal doctrines to answer the legal issues faced.¹⁰ Thus, this method is relevant for analyzing the problem of normative ambiguity in criminal law on corruption systematically and argumentatively.

The legal material collection technique in this research was conducted through library research, which included a review of laws and regulations, legal literature, scientific journals, and relevant court decisions. The analysis of legal materials was conducted qualitatively using legal interpretation methods, including grammatical, systematic, and teleological interpretation, to obtain a complete understanding of the norms being studied. According to Soerjono Soekanto, legal research is essentially a scientific activity based on certain methods, systematics, and thinking aimed at studying one or several specific legal phenomena.¹¹ This opinion emphasizes that legal research is not solely focused on data collection but also on in-depth analysis of the structure and substance of the law. Therefore, this method is used to critically

⁹ Dewi, S., Kusumawardhani, D. L. L. H. N., Jaelani, A., Noya, S. W., & Mendrofa, H. P. (2024). Efektivitas Pemidanaan Penjara dalam Mencegah Tindak Pidana Berulang di Indonesia. *Jurnal Kolaboratif Sains*, 7(12), 4568-4573.

¹⁰ Sukmawan, Y. A., & Damayanti, D. (2025). Metode Penelitian Hukum Normatif dan Empiris sebagai Strategi Penguatan Perspektif Kajian Ilmu Hukum. *Notary Law Journal*, 4(3), 114-128. <https://doi.org/10.32801/nolaj.v4i3.116>

¹¹ Zainuddin, M., & Karina, A. D. (2023). Penggunaan metode yuridis normatif dalam membuktikan kebenaran pada penelitian hukum. *Smart Law Journal*, 2(2), 114-123.



examine the relationship between normative ambiguity and the development of systemic corruption practices and their implications for the integrity crisis of the state apparatus.

RESULTS AND DISCUSSION

Normative Construction of Criminal Acts of Corruption from a Criminal Law Perspective: Analysis of Legislation and Doctrine on the Elements of Abuse of Authority

Corruption, from a criminal law perspective, is classified as an extraordinary crime because it has characteristics that differ from conventional crimes, both in terms of *modus operandi*, perpetrators, and its impact on the social and state system. This crime involves not only individuals but also organized and systematic networks of power, resulting in multidimensional losses that go beyond the state's financial losses. Within the framework of modern criminal law theory, corruption is viewed as a crime that undermines the basic structure of the rule of law (constitutional harm), so its handling cannot be equated with ordinary crimes. Therefore, an extraordinary legal approach is required, including the establishment of special norms (*lex specialis*). The principle of *lex specialis derogat legi generali* is an important foundation in justifying the existence of a special legal regime in eradicating corruption.¹² The implication of this approach is the need to formulate norms that are firmer, more comprehensive, and more adaptive to the increasingly complex development of corrupt practices.

In this context, the principle of legality (*nullum crimen sine lege*) is a fundamental pillar that cannot be ignored in defining the crime of corruption. This principle requires that every act classified as a crime be clearly and firmly defined in legislation. Clarity in the formulation of the crime is essential to guarantee legal certainty and protect individuals from state arbitrariness.¹³ However, in practice, the application of the principle of legality in criminal corruption law often faces challenges, particularly when the formulated norms contain abstract or multi-interpretable elements. This situation creates tension between the need to expand the reach of the law in eradicating corruption and the obligation to maintain legal certainty. Therefore, the formulation of norms in criminal corruption law must balance flexibility and legal certainty. Failure to maintain this balance has the potential to create legal uncertainty and disparities in law enforcement.

Normatively, the regulation of criminal acts of corruption in Indonesia has been accommodated in Law Number 31 of 1999 as amended by Law Number 20 of 2001, which substantially regulates various forms of corrupt acts. This law is a manifestation of the need for a special legal regime in eradicating corruption. From a legislative theory perspective, the formation of this law reflects the state's response to the development of increasingly complex and organized corruption crimes. The norms regulated therein cover various forms of offenses, ranging from bribery and gratuities to abuse of authority. However, although normatively quite comprehensive, there are still weaknesses in the formulation of several elements of the offense. This weakness is particularly evident in the use of general terms without clear definitions.

One of the most problematic elements in the construction of criminal acts of corruption is the element of "abuse of authority." From a criminal law perspective, this element is a key element in determining whether or not an unlawful act has occurred within the context of office. However, in practice, this element

¹² Karubun, S. C. (2025). Ketidaktepatan Peleburan Pasal 2 dan Pasal 3 Undang-Undang Tindak Pidana Korupsi ke dalam Pasal 603 dan Pasal 604 KUHP: Analisis Hukum dan Implikasinya terhadap Pemberantasan Korupsi di Indonesia. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(4), 4363-4369.

¹³ Rudi Margono, S. H. (2026). *Pasal Karet dan Kepastian Hukum-Kritik Terhadap Delik Formal*. PROFESOR RUDI MARGONO.

often generates debate due to the lack of a clear definition in legislation. In the doctrine of state administrative law, abuse of authority (*détournement de pouvoir*) is defined as the use of authority inconsistent with the purpose for which it was granted.¹⁴ Meanwhile, in criminal law, this element is associated with malicious intent (*mens rea*) to gain or harm state finances. This difference in perspective creates ambiguity in the application of the law. As a result, the interpretation of this element is highly dependent on the subjectivity of law enforcement.

The conceptual difference between administrative law and criminal law in defining "abuse of authority" is a major source of normative ambiguity. In administrative law, abuse of authority focuses more on procedural aspects and the purpose of the use of authority. Sanctions imposed are generally administrative in nature, such as the revocation of decisions or actions. Conversely, in criminal law, abuse of authority is constructed as an act that carries criminal consequences if it meets certain elements. This difference raises the issue of defining the boundary between administrative violations and criminal acts. This unclear boundary has the potential to lead to the criminalization of public policy. This situation demonstrates the need for harmonization between the two legal regimes.

A doctrinal approach to the concept of abuse of power also provides an important perspective for understanding the misuse of authority in the context of corruption. Legal scholars such as Lord Acton classically stated that "power tends to corrupt, and absolute power corrupts absolutely," indicating an inherent relationship between power and its potential for abuse.¹⁵ In the context of modern law, this concept has been further developed to emphasize the importance of oversight mechanisms for the use of authority. In the Indonesian legal system, the concept of abuse of power is adopted in various regulations, but its implementation still faces various obstacles. This is primarily due to the lack of clarity in the parameters for assessing abuse of power. As a result, this concept is often used broadly without clear boundaries. This situation has the potential to create legal uncertainty.

From the perspective of the principle of legal certainty, clear formulation of norms is a primary requirement for ensuring effective law enforcement. When norms governing abuse of authority are not clearly formulated, they open up room for various interpretations. This impacts not only law enforcement officials but also the legal subjects governed by those norms. Legal uncertainty can give rise to a sense of injustice and distrust in the legal system. Furthermore, this situation can be exploited by perpetrators of corruption to avoid legal accountability. Therefore, the formulation of clear and firm norms is an urgent need in criminal law on corruption. Without such clarity, the goal of eradicating corruption will not be optimally achieved. Overall, the normative construction of corruption crimes in Indonesian criminal law still faces various challenges, particularly related to the clarity and consistency of norms. The need for a special legal regime as a consequence of the extraordinary nature of crimes has not been fully balanced by adequate formulation of norms. Ambiguity in the elements of the offense, particularly abuse of authority, indicates weaknesses in the legislation. This results in inconsistencies in law enforcement and reduces the effectiveness of corruption eradication. Therefore, a more systematic reformulation of norms based on clear legal principles is needed. This reformulation must harmoniously integrate criminal law and administrative law perspectives. This way, criminal law on corruption can function optimally in addressing increasingly complex and systemic corruption practices.

¹⁴ Audia, S. (2025). Makna penyalahgunaan kewenangan dalam perkara tindak pidana korupsi. *Journal of Anti-Corruption*, 36-51.

¹⁵ Adam Ilyas, S. H. (2024). *Kriminalisasi Trading in Influence: (Urgensi dan Pengaturannya di Berbagai Negara)*. PT. RajaGrafindo Persada-Rajawali Pers.

Positional authority in state administrative law basically comes from three main forms, namely attribution, delegation, and mandate, each of which has different legal characteristics in terms of responsibility and implementation.¹⁶ Attribution is the granting of original authority by law to a state organ, delegation is the transfer of authority from one organ to another, while mandate is the transfer of authority without a transfer of responsibility. From a criminal law perspective, these three forms of authority have the potential to be abused when their implementation does not align with the purpose for which the authority was granted. Abuse of authority often occurs within broad administrative discretionary spaces, where officials have discretion in making decisions. The theory of *détournement de pouvoir* asserts that deviation from the purpose of authority is a form of abuse that can have legal implications. Therefore, the relationship between official authority and its potential for abuse is a crucial point in the analysis of criminal law on corruption.

In government practice, the complexity of these authority relationships often creates ambiguity in determining who is responsible for a decision that results in state losses. In the context of delegation and mandates, the boundaries of responsibility between the grantor and recipient of authority become blurred, thus complicating the construction of criminal liability. This is exacerbated by a weak internal oversight system within the bureaucracy, which allows for deviations to occur without adequate controls. From the perspective of criminal responsibility theory, clarity regarding the legal entity responsible is a primary requirement for imposing criminal sanctions.¹⁷ This ambiguity has the potential to give rise to injustice, both in the form of overcriminalization and undercriminalization. Therefore, normative clarity is needed regarding the relationship between authority and responsibility within the government system.

The distinction between maladministration and corruption is crucial from the perspective of the principle of *ultimum remedium*, which positions criminal law as a last resort in law enforcement. In administrative law, administrative errors generally relate to procedural violations, deviations from standard operating procedures, or negligence in the performance of duties. Meanwhile, in criminal law, an act is classified as a crime if it meets the elements of both fault (*mens rea*) and unlawful act (*actus reus*). The unclear boundary between these two regimes often leads to the criminalization of administrative policies that are not inherently malicious. This contradicts the principle of *ultimum remedium*, which requires that criminal sanctions be used only when other legal instruments are ineffective. Therefore, clear criteria are needed to distinguish between administrative errors and corruption.

In this context, the principle of legal certainty is a key parameter in assessing the clarity of the boundaries between administrative and criminal abuse of authority. Legal certainty demands that legal norms be formulated clearly, firmly, and without the possibility of multiple interpretations. When norms governing abuse of authority lack clear boundaries, it opens up room for differing interpretations among law enforcement agencies. This has the potential to lead to disparities in law enforcement and injustice for legal subjects. In legal theory, legal certainty is one of the primary objectives of law, alongside justice and expediency.¹⁸ The lack of legal certainty will undermine the legitimacy of the legal system. Therefore,

¹⁶ Ibad, S., IP, S., & AP, M. (2026). *Hukum Administrasi Negara: Prinsip, Kewenangan, Diskresi, dan Pengawasan dalam Penyelenggaraan Pemerintahan*. PT. Revormasi Jangkar Philosophia.

¹⁷ Hermawan, H., & Waluyo, A. J. (2025). Rekonstruksi Pertanggungjawaban Pidana Korporasi dalam Undang-undang Nomor 1 Tahun 2023 Tentang KUHP. *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam*, 28(2), 244-254.

¹⁸ Aulia, K. N., Lestari, A., Latief, L. M., & Fajarwati, N. K. (2024). Kepastian hukum dan keadilan hukum dalam pandangan ilmu komunikasi. *Journal Sains Student Research*, 2(1), 713-724.

clarity of norms is an absolute prerequisite in criminal law regarding corruption. Normative weaknesses in the formulation of elements of crimes, particularly those related to abuse of authority, are a major factor contributing to multiple interpretations in law enforcement practices. The use of general terms without clear operational definitions leads to vague norms. In legal theory, good norms must meet the principle of clarity of formulation (clarity of norm) so that they can be implemented consistently. This ambiguity not only complicates law enforcement but also opens up opportunities for abuse of power in law enforcement itself. Furthermore, multiple interpretations can be exploited by perpetrators to avoid criminal accountability. Therefore, this normative weakness must be a primary concern in legal reform.

Synchronization between criminal law and administrative law is an urgent need to address the problem of abuse of authority. These two legal regimes have different objectives, but they are interrelated in practice. Administrative law serves as an instrument for regulating and overseeing government actions, while criminal law serves as a repressive instrument against violations of the law.¹⁹ The lack of synchronization between the two can lead to conflicting norms and legal uncertainty. From the perspective of legal systems theory, harmonization between legal subsystems is a prerequisite for achieving overall legal effectiveness. Therefore, better integration between administrative and criminal norms is needed to regulate abuse of authority.

The lack of clarity in the normative construction of corruption criminal law also directly impacts the effectiveness of law enforcement. Law enforcement officials face difficulties in proving elements of crimes that are not clearly formulated. This makes the law enforcement process inefficient and vulnerable to intervention. Furthermore, unclear norms can also foster public distrust in the justice system. From a law enforcement theory perspective, legal effectiveness depends heavily on the clarity of norms and the consistency of their application.²⁰ Therefore, improving normative construction is a crucial step in increasing the effectiveness of corruption eradication. Overall, the relationship between official authority, limits on administrative errors, legal certainty, and synchronization between legal regimes indicates that the main problem in criminal corruption law lies in normative weaknesses. These weaknesses impact not only theoretical aspects but also the practice of law enforcement. Multiple interpretations of norms, unclear boundaries of authority, and a lack of synchronization between legal systems create conditions that are not conducive to corruption eradication. Therefore, comprehensive and systematic legal reform is needed to improve the existing normative construction. This reform must be based on the principles of legal certainty, justice, and benefit. Thus, criminal corruption law can function optimally in facing the increasingly complex and systemic challenges of corruption.

Normative Ambiguity and Its Implications in Judicial Practice: Case Analysis of Systemic Corruption and the Integrity Crisis of State Apparatus

The vagueness of norms governing the element of "abuse of authority" is a fundamental problem in the practice of corruption criminal justice in Indonesia. Undefined norms lead to unclear boundaries between legitimate use of authority and abuse that carries criminal implications. From a legal theory perspective, vague norms fail to fulfill the principle of *lex certa*, a derivative of the principle of legality

¹⁹ Wulandari, L., & Tantri, T. (2025). Titik Singgung Hukum Administrasi Negara dan Pidana Dalam Pencegahan Tindak Pidana Korupsi. *Retorika: Journal of Law, Social, and Humanities*, 4(1), 16-33.

²⁰ Herlina, M. (2024). Analisis dampak implementasi norma penjelasan dalam peraturan perundang-undangan terhadap kepastian dan efektivitas penegakan hukum di Indonesia. *Journal of Interdisciplinary Legal Perspectives*, 1(1), 46-58.

(nullum crimen sine lege).²¹ As a result, law enforcement officials have extensive latitude in interpreting these elements. This situation opens up the possibility of subjectivity in law enforcement, potentially undermining legal certainty. Thus, the ambiguity of norms becomes the starting point for various problems in corruption justice practices.

The legal interpretation approaches used by judges in corruption cases show significant variation, particularly in interpreting the element of "abuse of authority." Grammatical interpretation is often inadequate due to the general and abstract nature of the normative formulation. Therefore, judges tend to use systematic interpretation by linking norms in criminal law with principles in state administrative law. Furthermore, teleological interpretation is also used to understand the purpose of norm formation, namely the effective eradication of corruption. However, the use of these various interpretative methods does not always produce consistent conclusions. Differences in interpretative approaches actually increase the potential for inconsistencies in court decisions. This indicates that legal interpretation methods have not been able to optimally address normative ambiguity.

Disparities in court decisions in corruption cases involving abuse of authority are a direct consequence of this ambiguity. In some cases, acts with similar characteristics can be ruled differently by different courts. This disparity reflects the absence of clear standards for assessing whether an act constitutes abuse of authority or simply an administrative error. From a justice perspective, this situation creates substantive injustice for the parties involved. Furthermore, disparities in decisions also undermine public trust in the consistency and integrity of the judiciary. Therefore, efforts are needed to create uniformity in the application of the law.

Analysis of concrete cases shows a significant difference between administrative policies and criminal acts of corruption. In some cases, policies taken within the framework of discretion are classified as criminal acts of corruption because they are deemed to be detrimental to state finances.²² Meanwhile, in other cases, similar actions are not considered criminal acts because they are deemed to fall within the scope of administrative authority. This discrepancy demonstrates the lack of clear parameters for determining the boundary between policy and crime. In administrative law theory, discretion is a legitimate form of authority as long as it is exercised in the public interest. However, in practice, discretion is often perceived as a potential abuse of authority. This situation creates legal uncertainty for public officials in carrying out their duties.

Inconsistency in the application of the law by law enforcement officials is a further impact of unresolved normative ambiguity. Law enforcement officials, including investigators, prosecutors, and judges, have differing interpretations of the elements of abuse of authority. This leads to differences in the case handling process, from the investigation stage to court decisions. From a legal systems theory perspective, this condition indicates weaknesses in the substance of the law, which impact the legal structure and culture. This inconsistency also opens up room for intervention and abuse of authority within law enforcement itself. Thus, normative ambiguity impacts not only the outcome of decisions but also the entire judicial process.

²¹ Aisyah, R. N., & Mangesti, Y. A. (2026). Akibat Hukum Dari Ketidakjelasan Makna Frasa Merugikan Perekonomian Negara Pada Pasal 2 Ayat (1) Dan Pasal 3 Undang-Undang No. 31 Tahun 1999 Jo. Undang-Undang No. 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi. *RIGGS: Journal of Artificial Intelligence and Digital Business*, 4(4), 2711-2717.

²² Kholik, M. A., Zulfaidah, R., & Septiani, E. (2025). Dilema Pertanggungjawaban Pidana Pejabat Negara dalam Negara Hukum Demokratis. *Interdisciplinary Explorations in Research Journal*, 3(3), 1224-1241.

One serious implication of unclear norms is the potential for the criminalization of public policy. In situations where the line between administrative errors and criminal acts is unclear, public officials can be criminalized for policies adopted in the course of carrying out their duties. This contradicts the principle of *ultimum remedium*, which places criminal law as a last resort. The criminalization of policy can create a chilling effect, where officials become reluctant to make decisions for fear of facing criminal law.²³ This situation can ultimately hinder the effectiveness of government administration. Therefore, clear norms are needed to protect legitimate policies from criminalization.

Conversely, vague norms also open up opportunities for impunity, allowing corruptors to escape prosecution. Corruptors can exploit loopholes in ambiguous norms to defend themselves, claiming their actions fall within the purview of administrative authority. Under these circumstances, proving abuse of authority becomes extremely difficult. Law enforcement officials often lack a strong basis for proving malicious intent or a deviation from the stated objectives of their authority. As a result, many corruption cases are not fully prosecuted. This demonstrates that vague norms not only harm well-intentioned officials but also benefit corruptors. Overall, vague norms governing abuse of authority have led to various negative implications in judicial practice, ranging from disparities in decisions to potential criminalization and impunity. This situation demonstrates a failure in the formulation of norms that fail to provide legal certainty. From the perspective of the principles of justice, legal certainty, and expediency, vague norms clearly contradict the objectives of the law itself. Therefore, a clearer and more assertive reformulation of norms is needed to address this problem. This reformulation must be based on an integrative approach between criminal law and administrative law. In this way, the criminal justice system can function optimally in eradicating corruption without sacrificing basic legal principles.

The legal system theory approach put forward by Lawrence M. Friedman provides a comprehensive analytical framework in explaining the failure of corruption law enforcement in Indonesia through three main elements, namely structure, substance, and legal culture.²⁴ Legal structures encompassing law enforcement agencies often face issues of integrity, professionalism, and suboptimal inter-agency coordination. The legal substance, particularly regarding the regulation of corruption, remains ambiguous, leading to multiple interpretations in its application. Meanwhile, the legal culture of society and law enforcement officials still demonstrates tolerance for certain forms of corruption. These three elements interact and reinforce each other, creating conditions that are not conducive to effective law enforcement. Therefore, the failure of corruption law enforcement cannot be understood in isolation but must be viewed as a systemic failure.

Systemic corruption is closely linked to the weak integrity of state officials, particularly in judicial practice. Official integrity is the primary foundation for ensuring the just and impartial upholding of the law. However, when corruption becomes deeply rooted in the bureaucracy and judicial system, this integrity is significantly degraded. From a legal ethics perspective, the loss of official integrity means that the law no longer functions as a tool of justice but rather as a tool for specific interests.²⁵ This situation undermines

²³ Darmawan, D. (2025). Kebijakan Kriminalisasi dalam KUHP Baru: Studi Kritis terhadap Tindak Pidana Penghinaan Presiden. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(6), 8239-8247.

²⁴ Kore, Y. (2025). Pengaruh Budaya Hukum Terhadap Efektivitas Pemberantasan Korupsi Di Indonesia: Tinjau Dari Sistem Hukum. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(5), 6395-6405.

²⁵ Hijriani, A. N., & Sambas, N. (2026). INTEGRITAS APARAT PENEGAK HUKUM DAN KEPERCAYAAN PUBLIK: ANALISIS SOSIOLOGI HUKUM DI INDONESIA. *JOSH: Journal of Sharia*, 5(01), 120-132.

public trust in the judiciary. Furthermore, weak integrity also opens up opportunities for collusion and nepotism in the judicial process. Thus, systemic corruption and the crisis of state apparatus integrity are two closely interrelated phenomena.

The ambiguity of norms in criminal law on corruption directly impacts the principles of justice, legal certainty, and legal expediency, the three primary objectives of law. From a justice perspective, unclear norms lead to unequal treatment of perpetrators of similar acts. From a legal certainty perspective, multiple interpretations of norms create uncertainty in the application of the law by law enforcement officials. Meanwhile, from a utility perspective, the law is unable to provide optimal preventive and repressive effects against corrupt practices. These three aspects demonstrate that the ambiguity of norms is not only a technical legislative issue but also a fundamental problem within the legal system. Therefore, normative reform is an urgent need. Without clear norms, legal objectives will not be optimally achieved. The effectiveness of the evidentiary system in corruption cases involving organized networks also poses a serious challenge to law enforcement. Systemic corruption typically involves multiple actors with varying roles and utilizes complex and hidden mechanisms. In theory, this requires strong evidence and sophisticated investigative methods. However, in practice, law enforcement officials often face difficulties in uncovering the structure of organized crime. The vagueness of norms regarding abuse of authority further complicates the evidentiary process. As a result, many cases fail to be fully proven in court. This demonstrates that the existing evidentiary system is not fully capable of addressing the challenges of modern corruption.

Normative ambiguity also impacts the suboptimal deterrent effect in eradicating corruption. In criminal law theory, the deterrent effect is one of the primary goals of imposing criminal sanctions.²⁶ However, if the norms underlying criminal penalties are unclear, the law enforcement process becomes inconsistent. This inconsistency leaves perpetrators uncertain about the legal consequences of their actions. Under certain circumstances, perpetrators can even exploit loopholes in norms to avoid punishment. This reduces the law's deterrent effect against corrupt practices. Therefore, clarity of norms is a crucial factor in creating an effective deterrent effect. The need for reformulation of criminal law norms on corruption is becoming increasingly urgent in the face of the problem of existing normative ambiguity. This reformulation must be carried out while taking into account the basic principles of criminal law, such as legality, legal certainty, and justice. Furthermore, the reformulation must also be able to accommodate the increasingly complex developments in corrupt practices. From a legislative theory perspective, the formation of good norms must meet the principles of clarity of formulation and consistency between norms.²⁷ Reformulation is not limited to wording changes but also encompasses improvements to the substance of the norms. Thus, the resulting norms can provide clear guidance for law enforcement.

Harmonizing norms between criminal law and administrative law is a strategic step in addressing normative ambiguity. These two legal regimes should complement each other, not contradict each other. In cases of abuse of authority, administrative law can provide initial parameters regarding the limits of the use

²⁶ Rivanie, S. S., Muchtar, S., Muin, A. M., Prasetya, A. D., & Rizky, A. (2022). Perkembangan Teori-Teori Tujuan Pidanaaan. *Halu Oleo Law Review*, 6(2), 176-188.

²⁷ Cahya, A. D. (2025). Asas Pembentukan Peraturan Perundang-Undangan: Norma Ideal dan Realitas Praktik di Indonesia. *Constituer: Jurnal Hukum Ketatanegaraan*, 1(2), 16-29.

of authority, while criminal law imposes sanctions for serious violations.²⁸ This harmonization is crucial to avoid overlapping and conflicting norms. Furthermore, integration between the two legal regimes can also increase the effectiveness of law enforcement. Therefore, a holistic approach is necessary when formulating legal norms.

Strengthening the integrity of state officials in the criminal justice system is a key prerequisite for successful corruption eradication. Integrity relates not only to moral aspects but also to professionalism and accountability in carrying out their duties. From an institutional theory perspective, strong institutions must be supported by actors with high integrity. Without integrity, no matter how well-formulated norms are, they will not be effectively implemented. Therefore, in addition to normative reform, cultural reform is also necessary to build an anti-corruption legal culture. These efforts must be carried out sustainably and systematically. This way, the criminal justice system can function optimally in realizing justice and effectively eradicating corruption.

CONCLUSIONS

The regulation of the element of "abuse of authority" in the criminal law on corruption is a crucial factor contributing to the development of systemic corruption practices and exacerbating the integrity crisis of state officials. Normatively, although there are provisions in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, the construction of unclear and multi-interpretible norms gives rise to inconsistencies in law enforcement, both in the form of disparate decisions, criminalization of policies, and potential impunity. This condition indicates that the unclear boundary between administrative errors and criminal acts of corruption has weakened the effectiveness of the criminal justice system and disrupted the achievement of the principles of justice, legal certainty, and legal benefits. From the perspective of legal system theory, the weakness of the law's substance is exacerbated by the weakness of the legal structure and culture, particularly regarding the suboptimal integrity of state officials. Therefore, to answer the research problem, it is necessary to reformulate criminal law norms on corruption that are clearer, firmer, and integrated with administrative law, accompanied by strengthening the integrity of law enforcement officers, so that corruption eradication can be carried out effectively, provide a deterrent effect, and restore public trust in the legal system.

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²⁸ Ibrahim, A. S., & Idris, I. (2025). Analisis yuridis terhadap penyalahgunaan wewenang dalam administrasi pemerintahan: Tinjauan berdasarkan Undang-Undang No. 30 Tahun 2014 tentang Administrasi Pemerintahan. *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana*, 7(1), 116-125.

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