

Effectiveness of Criminal Law Enforcement in Eradicating Corruption in National Strategic Sectors

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Abstract: *Corruption in national strategic sectors is a serious problem that has a broad impact on economic stability and development. This study aims to analyze the effectiveness of criminal law enforcement in eradicating corruption in national strategic sectors and to examine the influence of normative ambiguity on legal certainty. The research method used is normative legal research with a statutory, conceptual, and case approach, with primary legal material in the form of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Law Number 20 of 2001, and supported by secondary and tertiary legal materials. The results of the study indicate that the effectiveness of law enforcement is still not optimal due to normative ambiguity, particularly regarding state financial losses and abuse of authority, which gives rise to multiple interpretations and inconsistencies in law enforcement. In addition, disharmony between criminal law and state administrative law, weak coordination between institutions, and the influence of non-judicial factors such as politics and economics also hamper the effectiveness of law enforcement. The resulting legal uncertainty also impacts the investment climate and development implementation in strategic sectors. Therefore, a clearer and more assertive normative reconstruction, harmonization of regulations, and strengthening of legal structures and culture are needed to realize effective, fair law enforcement and provide legal certainty.*

Keywords: *Corruption, Law Enforcement, National Strategic Sector, Legal Certainty, Normative Ambiguity.*

INTRODUCTION

Corruption, as an extraordinary crime, cannot be understood simply as a violation of conventional criminal law, but rather as a structural phenomenon that undermines the very foundations of national life. From a criminal law perspective, corruption has specific characteristics such as the involvement of power, abuse of authority, and widespread and ongoing impacts.¹ Therefore, the response approach must be extraordinary, encompassing both repressive and preventive aspects simultaneously. Theoretically, this aligns with the concept of the Rule of Law Theory, which positions law as the primary instrument for

¹ Puanandini, D. A., Maharani, V. S., & Anasela, P. (2025). Korupsi sebagai kejahatan luar biasa: Analisis dampak dan upaya penegakan hukum. *Public Sphere: Jurnal Sosial Politik, Pemerintahan dan Hukum*, 4(1).



ensuring justice and social order.² Thus, corruption not only damages the legal system, but also injures the principle of the rule of law itself.

In national development, corruption has direct implications for disrupting economic and political stability. The perspective of Legal Development Theory emphasizes that law functions as a tool of social engineering that must support economic growth and social welfare.³ However, corrupt practices actually hinder this function by causing distorted resource allocation and economic inefficiency. This systemic impact is increasingly felt in developing countries like Indonesia, which still rely on investment and infrastructure development. Therefore, eradicating corruption is an absolute prerequisite for sustainable development. This argument emphasizes that corruption is not simply a violation of the law, but a threat to the very existence of the state.

Empirically, reality shows that national strategic sectors are the primary locus of corruption. According to data from the Corruption Eradication Commission (KPK), corruption cases in the procurement of goods and services and infrastructure projects dominate the handling of cases, resulting in significant state losses. This demonstrates a close relationship between economic power and the opportunity for corruption. Within the framework of the Public Interest Principle, strategic sectors should be managed for the greatest prosperity of the people, but corrupt practices actually reverse this objective. This fact highlights the deviation between legal norms and practice on the ground.⁴ Therefore, analyzing the effectiveness of law enforcement is highly relevant. Furthermore, the high rate of recurrence of corruption indicates a weak deterrent effect of criminal law. From the perspective of Criminalization Theory, the purpose of punishment is not only repressive but also preventive, namely, preventing future crimes.⁵ However, if corruptors continue to commit the same crimes, it can be concluded that the criminal justice system is ineffective. This is also related to the implementation of the *Ultimum Remedium Principle*, which is often misinterpreted, thus reducing the firmness of law enforcement. In practice, this lack of firmness actually creates room for impunity for corruptors. Therefore, a comprehensive evaluation of the criminal law enforcement system is necessary.

From a normative perspective, Indonesia has relatively comprehensive legal instruments for eradicating corruption, such as Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption and its amendment through Law Number 20 of 2001. This regulation governs various forms of corruption, including abuse of authority and unlawful acts that harm state finances. Within the framework of the Principle of Legality, the existence of these norms provides a strong legal basis for law enforcement. However, the existence of comprehensive norms does not automatically guarantee effective law enforcement. The implementation of these norms is highly dependent on the interpretation and consistency of law enforcement officials. This is a critical point in the analysis of legal effectiveness.

² Azharie, A. (2023). Pemanfaatan Hukum sebagai Sarana untuk Mencapai Keadilan Sosial. *Lex Aeterna Law Journal*, 1(2), 72-90.

³ Diva, R., Nabila, A. N., Wulansari, T., & Indriani, M. (2025). Filsafat Hukum dalam Perspektif Roscoe Pound. *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat*, 4(01).

⁴ Rasiwan, I. (2025). Pemberantasan Tindak Pidana Korupsi: Dari Konsep, Penindakan, hingga Visi Masa Depan. *AMU Press*, 1-301.

⁵ Muhammad, A. A. (2023). Ancaman Pidana Mati Dalam Prespektif Tujuan Pemidanaan. *Al-Qisth Law Review*, 7(1), 1-19.



The main problem that arises is the vagueness of norms in regulating corruption. This ambiguity is particularly evident in the phrases "state financial loss" and "abuse of authority," which lack clear definitions. From the perspective of the Legal Certainty Theory, legal norms must be formulated clearly to provide certainty and avoid multiple interpretations.⁶ Unclear norms have the potential to lead to disparities in law enforcement and inconsistent court decisions. This situation contradicts the principle of justice, which requires equal treatment before the law. Therefore, unclear norms are a fundamental problem in eradicating corruption. Furthermore, this unclear norm opens up wide scope for interpretation for law enforcement officials, both during the investigation, prosecution, and court hearing stages. This can lead to differences in interpretation between law enforcement agencies, such as the police, prosecutors, and courts. Within the framework of the Principle of Legal Certainty, this situation is clearly not ideal because it creates uncertainty for the parties. In fact, in some cases, these differences in interpretation are exploited by defendants to avoid criminal responsibility. This phenomenon demonstrates that weaknesses in legal norms can have a direct impact on weak law enforcement. Therefore, harmonization of interpretation is an urgent need.

The ambiguity of norms becomes even more complex when linked to the concept of discretion in governance. In the practice of public administration, public officials are given discretionary space to make decisions in certain situations.⁷ However, from the perspective of State Administrative Law, the line between legitimate discretion and abuse of authority is often unclear. This creates a dilemma for public officials in carrying out their duties. On the one hand, they are required to make swift decisions, but on the other, they face the potential for criminalization. Therefore, clear norms are needed to distinguish between administrative errors and criminal acts of corruption.

In national strategic sectors, this complexity increases due to the involvement of various interests, including investment and public policy. Large projects such as infrastructure and energy often require quick and flexible decisions. However, under conditions of unclear norms, these decisions can potentially be considered acts of corruption. From the perspective of the Theory of Justice, this situation can lead to injustice for both officials and the public. Legal uncertainty can also hinder investment and economic growth. Therefore, the reformulation of legal norms is crucial. Furthermore, the effectiveness of criminal law enforcement is also influenced by institutional aspects and coordination between law enforcement officials. Although Indonesia has a dedicated institution such as the Corruption Eradication Commission (KPK), coordination with other institutions often faces challenges. From the perspective of the Legal System Theory, legal effectiveness is determined by three main components: legal substance, legal structure, and legal culture.⁸ The ambiguity of norms as part of the substance of law will impact the legal structure and culture. This demonstrates that corruption issues must be addressed systematically. A piecemeal approach will not yield optimal solutions.

⁶ 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.

⁷ Putri, S. A., Triono, A., & Kasmawati, K. (2025). Diskresi pejabat administrasi dalam pelayanan publik terhadap batasan dan pengawasan diskresi. *Lex Stricta: Jurnal Ilmu Hukum*, 4(1), 33-42.

⁸ 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.



Furthermore, a society's legal culture also influences the effectiveness of corruption eradication. In many cases, corrupt practices are considered commonplace or even part of the system. The Legal Culture Theory perspective asserts that the success of law enforcement is highly dependent on societal values and attitudes toward the law.⁹ If the public lacks a strong legal awareness, efforts to eradicate corruption will be difficult to achieve. Therefore, in addition to improving norms, a shift in legal culture is also necessary. This poses a significant challenge in the Indonesian context. Therefore, it can be concluded that the effectiveness of criminal law enforcement in eradicating corruption in strategic national sectors still faces various obstacles, both normative and empirical. Ambiguity of norms is one of the main factors hindering optimal law enforcement. From the perspective of the Theory of Certainty and Justice, the law must be able to provide both certainty and justice. Therefore, a clearer and more assertive reformulation of legal norms is necessary. This effort must be carried out comprehensively to meet the challenges of eradicating corruption in the future.

METHODOLOGY

The research method used in this article is doctrinal legal research, which focuses on examining applicable positive legal norms and legal principles relevant to the problem under study. The approaches used include a statute approach, a conceptual approach, and a case approach to analyze the effectiveness of criminal law enforcement in eradicating corruption in strategic national sectors.¹⁰ The legal materials used consist of primary legal materials in the form of laws and regulations such as Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001, secondary legal materials in the form of literature, scientific journals, and expert opinions, and tertiary legal materials as supporting materials. The technique of collecting legal materials is carried out through library research, while the analysis of legal materials is carried out qualitatively with descriptive-analytical methods to study and interpret legal norms systematically and comprehensively.

Theoretically, this normative legal research method aligns with Peter Mahmud Marzuki's view that legal research is the process of discovering legal rules, legal principles, and legal doctrines to address the legal issues at hand. Furthermore, Soerjono Soekanto emphasized that normative legal research functions to examine law as a system of norms aimed at creating certainty and order.¹¹ Thus, the use of this method is deemed appropriate because it is able to identify and analyze the existence of unclear norms in the regulation of corruption crimes, particularly regarding the concepts of state financial loss and abuse of authority. This approach also allows the author to formulate a clearer and more systematic legal construction in order to improve the effectiveness of criminal law enforcement. Through this method, it is hoped that prescriptive legal arguments can be obtained to address the research problem.

⁹ 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.

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.



RESULTS AND DISCUSSION

Normative Analysis of the Regulation of Criminal Acts of Corruption in the National Strategic Sector Based on Statutory Regulations and Legal Principles

The normative construction of criminal acts of corruption in Indonesian positive law has essentially been formulated comprehensively in Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001, which classifies various forms of corrupt acts into formal and material offenses. Formal offenses emphasize the fulfillment of the elements of the act without requiring consequences, while material offenses require consequences in the form of state financial losses.¹² This division is theoretically intended to broaden the scope of law enforcement, but in practice it creates significant interpretive issues. From a criminal law perspective, the unclear boundaries between the two types of offenses have the potential to create legal uncertainty. Especially in complex national strategic sectors, this normative construct often fails to capture the reality of corrupt practices involving sophisticated and multi-layered schemes. Therefore, a critical analysis of the effectiveness of this normative construct in addressing the challenges of contemporary corruption is necessary.

The elements of corruption, such as "unlawful acts," "abuse of authority," and "loss to state finances," are key elements in determining whether a crime is true. However, the formulation of these elements tends to be abstract and open to multiple interpretations among law enforcement officials. From a criminal law doctrine perspective, a norm should be formulated clearly and firmly for consistent application.¹³ The ambiguity of the elements of the crime has the potential to create disparities in law enforcement, particularly in cases involving public officials in strategic sectors. This demonstrates that despite detailed normative provisions, the quality of the formulation of these norms still requires improvement. Thus, the primary problem lies not in the absence of norms, but in the quality of the formulation itself.

In the national strategic sector, identifying the scope is important to determine the boundaries of the object of legal protection.¹⁴ Normatively, strategic sectors encompass areas directly related to the public interest, such as infrastructure, energy, and natural resources. From the perspective of the principle of public interest, these sectors have strategic value because they concern the livelihoods of many people. Therefore, any deviation in their management must be classified as a serious violation of the law. However, to date, there is no explicit normative definition of national strategic sectors in the context of corruption. This lack of definition has the potential to create ambiguity in determining the scope of law enforcement.

The absence of clear normative boundaries regarding national strategic sectors results in excessive flexibility in legal interpretation. In practice, law enforcement officials may have differing perceptions when determining whether a sector falls into the strategic category. This leads to inconsistencies in the handling of corruption cases. From the perspective of legal certainty theory, this situation clearly contradicts the principle that the law should provide clarity and predictability. Furthermore, this ambiguity can be exploited by perpetrators to evade legal action. Therefore, a more explicit and measurable normative formulation regarding national strategic sectors is needed.

¹² Hidayat, G. (2024). Efektivitas Pembuktian Unsur Melawan Hukum dalam Pasal 2 dan Pasal 3 Undang-Undang Tindak Pidana Korupsi. *JISPENDIORA Jurnal Ilmu Sosial Pendidikan Dan Humaniora*, 3(2), 303-310.

¹³ Jalil, M. A. (2025). Pengaturan Hukum Terhadap Pelaku yang Menghalangi Proses Peradilan (Obstruction of Justice) Dikaji Dari Perspektif Hukum Pidana dan Kepastian Hukum. *Jurnal Global Ilmiah*, 3(1), 1210-1220.

¹⁴ Prasetyo, D. A. (2024). Efektivitas Perlindungan Hukum terhadap Pembangunan Infrastruktur dalam Mendukung Industri Strategis untuk Kesejahteraan Nasional. *Journal of Social & Technology/Jurnal Sosial dan Teknologi (SOSTECH)*, 4(6).



An analysis of the principle of legality in the formulation of corruption offenses shows that the principles of *lex certa*, *lex stricta*, and *lex scripta* have not been fully implemented optimally. The principle of *lex certa* demands clarity in the formulation of norms, but in reality, ambiguous terminology remains.¹⁵ The principle of *lex stricta* requires a strict interpretation of criminal norms, but practice shows a broadening of interpretations that potentially violate this principle. Meanwhile, the principle of *lex scripta* requires that norms be written, which is formally fulfilled, but the substance remains problematic. The imperfect implementation of this legality principle has a direct impact on legal uncertainty. Therefore, strengthening the legality principle is urgent in the reformulation of corruption law. The vagueness of the norm in the concept of "state financial loss" is a crucial issue in law enforcement against corruption. The debate between actual and potential losses demonstrates a lack of consensus in legal practice. From a criminal law perspective, losses should be demonstrably and measurably proven. However, in some cases, potential losses are also used as a basis for charging perpetrators. This raises problems in proving the elements of the offense and has the potential to violate the principle of legal certainty. Therefore, normative clarity is needed regarding the concept of state loss to avoid multiple interpretations. Furthermore, this vagueness of the norm is also evident in the concept of "abuse of authority," which is often used as a basis for imprisoning public officials. In public administration, officials have discretion to make decisions under certain circumstances. However, the line between legitimate discretion and abuse of authority is often blurred. From the perspective of public administrative law, discretion is a legitimate form of authority as long as it is used in the public interest.¹⁶ However, in criminal law enforcement practice, discretion is often criminalized without considering its administrative context. This creates uncertainty for public officials in carrying out their duties. Furthermore, the unclear boundary between discretion and abuse of authority creates a serious legal dilemma. On the one hand, law enforcement must be firm against corrupt acts, but on the other hand, it must not impede public policymaking. From a justice theory perspective, the law must be able to balance certainty and utility.¹⁷ When norms fail to provide clear boundaries, the potential for injustice increases. Therefore, harmonization of criminal law and state administrative law is essential for creating a just and effective legal system for eradicating corruption in strategic national sectors.

The disharmony of norms between the criminal law regime and state administrative law is a fundamental problem in law enforcement against corruption, particularly in strategic national sectors. From the perspective of State Administrative Law, the actions of public officials are essentially subject to the principle of discretion and general principles of good governance, which provide room for flexibility in decision-making.¹⁸ However, under the Criminal Law regime, the same action can be classified as a crime if it meets the elements of abuse of authority. This conceptual conflict creates normative tension between two legal regimes that should be complementary, but in practice, actually contradict each other. This lack of synchronicity creates legal uncertainty for public officials, especially in managing strategic sectors that

¹⁵ Sinaga, H. D. P. (2023). Kepastian Hukum di Bidang Perpajakan yang Berbasis Cita Hukum Pancasila. *Journal of Tax Law and Policy*, 2(2), 59-74.

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

¹⁷ Firdaus, M. B. (2025). Dialektika Keadilan, Kepastian, Kemanfaatan Hukum dalam Perspektif Gustav Radbruch pada Hukum Indonesia. *Jurnal Kajian Hukum Dan Kebijakan Publik* | E-ISSN: 3031-8882, 3(1), 357-367.

¹⁸ Putri, S. A., Triono, A., & Kasmawati, K. (2025). Diskresi pejabat administrasi dalam pelayanan publik terhadap batasan dan pengawasan diskresi. *Lex Stricta: Jurnal Ilmu Hukum*, 4(1), 33-42.



require quick and high-stakes decisions. Therefore, harmonization of norms is an urgent need to avoid the criminalization of legitimate public policies.

Furthermore, this disharmony is also reflected in the differences in assessment parameters between administrative law and criminal law. In administrative law, a decision is assessed based on procedures, authority, and the purpose of the use of discretion, whereas in criminal law, the primary focus is on consequences and potential losses to the state. This difference in orientation creates ambiguity in determining whether an action constitutes an administrative error or a criminal offense. In nationally strategic sectors, this ambiguity is further complicated by the involvement of significant economic interests and significant political pressure. This situation has the potential to lead to overcriminalization of public officials who are actually acting within their authority. Therefore, clear normative standards are needed to distinguish between administrative errors and criminal acts.

A conceptual approach to the Theory of Legal Certainty and the Theory of Justice is crucial in assessing the quality of legal norms governing corruption. Legal certainty demands that norms be formulated clearly, firmly, and without multiple interpretations, thus providing definitive guidance for law enforcement officials and the public. Meanwhile, justice demands that the application of the law not only be oriented towards formal certainty but also consider substantive values. In practice, these two principles are often in tension, particularly when legal norms are vague. When legal certainty is lacking, substantive justice is also difficult to achieve. Therefore, the balance between these two principles is a key indicator in assessing the effectiveness of legal norms. In addition to certainty and justice, the aspect of utility is also a crucial element in legal analysis. Within the framework of the Theory of Legal Utility, the law must be able to provide the greatest benefit to society, including in eradicating corruption.¹⁹ However, if legal norms are unclear and create uncertainty, these beneficial objectives will not be achieved. In the context of national strategic sectors, legal uncertainty can hinder investment and development, ultimately harming the wider community. Therefore, legal norms must be formulated in a balanced manner to simultaneously accommodate certainty, justice, and benefit. This approach forms the basis for conducting normative evaluations of corruption regulations.

An analysis of court decisions (case approach) reveals inconsistencies in judges' reasoning when handling corruption cases in nationally strategic sectors. Differences in interpretation of the elements of the offense, such as state financial loss and abuse of authority, often result in different decisions in similar cases. This demonstrates that the ambiguity of norms directly impacts disparities in decisions. From the perspective of the Principle of Equality Before the Law, this condition is clearly unjustifiable because it creates injustice for the parties. This inconsistency also undermines public trust in the judicial system. Therefore, standardization of legal interpretation through consistent jurisprudential guidelines is needed. Furthermore, judges' reasoning patterns in corruption cases are often influenced by different approaches, both formalist and substantive. Some judges emphasize the fulfillment of the formal elements of the offense, while others consider the substance and context of the act. These differences in approach demonstrate the lack of a unified paradigm in enforcing corruption laws. In nationally strategic sectors, this difference becomes even more significant because it concerns broad public interests. This inconsistency also opens up space for forum shopping practices by interested parties. Therefore, more structured and uniform interpretation guidelines are needed.

¹⁹ Gussman, A. A., HAFRIDA, H., Usman, U., Sahuri, L., Sudarti, E., & SRI RAHAYU, A. S. T. U. T. I. (2024). Bargaining for Punishment in Corruption Crime Toward Justice from a Victimology Perspective. *IpsO Jure*, 1(10), 10-17.



An evaluation of the adequacy of criminal sanctions in corruption regulations shows that, despite the harsh formulation of criminal penalties, their effectiveness in providing a deterrent effect remains questionable. From a criminal law theory perspective, criminal sanctions must be able to create a significant deterrent effect.²⁰ However, in practice, perpetrators of corruption in nationally strategic sectors often repeat their actions, indicating a weak deterrent effect. This can be caused by various factors, including inconsistent sentencing and weak enforcement of decisions. Furthermore, disproportionate criminal sanctions can also lead to injustice. Therefore, a comprehensive evaluation of the criminal justice system is necessary.

Normative reconstruction is an urgent solution to address the various problems outlined, particularly those related to unclear norms. Legal reform must be directed toward establishing clearer, more assertive, and more open to interpretation, particularly regarding the definitions of state financial losses and abuse of authority. From the perspective of Legal Reform Theory, legal reform must adapt to social dynamics and societal needs. This reconstruction must also consider the harmonization of criminal law and state administrative law. This is expected to create a more effective, just legal system that provides legal certainty in eradicating corruption in strategic national sectors.

Evaluation of the Effectiveness of Criminal Law Enforcement against Corruption in National Strategic Sectors from the Perspective of Legal Certainty

The concept of the effectiveness of law enforcement from a legal theory perspective basically cannot be separated from the interaction between legal substance, legal structure, and legal culture as stated in Lawrence M. Friedman's Legal System Theory.²¹ Legal substance relates to the quality of norms governing criminal acts of corruption; legal structure concerns law enforcement institutions and officials; and legal culture relates to public awareness and attitudes toward the law. These three elements must operate synergistically for law enforcement to be considered effective. In the context of corruption in national strategic sectors, weaknesses in any one element will impact the entire system. For example, vague norms will make it difficult for officials to enforce the law, while a legal culture that is permissive of corruption will weaken the law's deterrent power. Therefore, the effectiveness of law enforcement must be assessed holistically and not in parts.

Evaluations of the performance of law enforcement officials show that despite the institutional presence of various institutions, such as the police, the prosecutor's office, and the Corruption Eradication Commission (KPK), coordination and consistency in handling cases remain problematic. In practice, each institution often has overlapping authority, potentially leading to conflicts of authority. Furthermore, differences in capacity and integrity among officials also affect the quality of law enforcement. From the perspective of legal institutional theory, effectiveness is largely determined by the professionalism and independence of law enforcement officials.²² When law enforcement agencies fail to perform optimally, even sound legal norms cannot be effectively implemented. Therefore, institutional strengthening is a

²⁰ Ulfah, U., Putri, N. A., Rahma, N. A., Agustina, R., Anggara, T. G., Hafis, R. M., ... & Sugama, P. T. (2024). Hukuman Mati dan Seumur Hidup dalam Kasus Korupsi: Studi Indonesia–Tiongkok Berdasarkan Deterrence Theory. *Rechtsvacuum: Journal of Legal Studies*, 1(2), 46-59.

²¹ Lubis, R., Hadiyanto, A., & Bhakti, R. T. A. (2026). Strategi Polri dalam Penegakan Hukum Humanis untuk Meningkatkan Kepercayaan Publik di Kepulauan Riau. *JURNAL USM LAW REVIEW*, 9(2), 809-828.

²² Wahyuni, Y. S. (2026). Optimalisasi Peran Aparat Penegak Hukum dalam Pemberantasan Tindak Pidana Korupsi. *Jurnal Ilmu Hukum*, 1(1), 29-37.



crucial aspect in eradicating corruption. Furthermore, inconsistent law enforcement due to unclear norms is a major factor hampering legal effectiveness. Differences in interpretation of the elements of corruption crimes lead to disparities in the investigation, prosecution, and court decisions. From the perspective of the Principle of Legal Certainty, this situation indicates a failure to provide legal certainty to the public. This disparity also reflects the lack of uniform standards of interpretation among law enforcement officials. As a result, law enforcement becomes inconsistent and unpredictable. This ultimately undermines public trust in the criminal justice system.

In judicial practice, the effectiveness of proving the element of state financial loss is one of the most crucial aspects. Proof of this element often relies on the results of audits by specific institutions, which in some cases give rise to debate regarding their validity and methodology. Differences in audit results between different institutions can create uncertainty in proving the elements of the crime. From a legal perspective, a criminal element must be proven legally and convincingly without raising significant doubt.²³ However, in cases of corruption in strategic sectors, the complexity of transactions and financial schemes often makes such proof difficult. Therefore, clearer and more integrated standards of proof are needed.

This evidentiary problem is also closely related to the concept of state losses, which remains normatively vague. The lack of clarity regarding whether losses must be actual or potential gives rise to differing approaches to the evidentiary process. In some cases, law enforcement officials have used different approaches, resulting in inconsistent decisions. This demonstrates that weaknesses in the legal substance have a direct impact on judicial practice. From the perspective of legal certainty theory, this situation cannot be tolerated, as it has the potential to lead to injustice. Therefore, norm reformulation is an urgent need.

An evaluation of the application of criminal sanctions shows that although the threat of punishment in corruption cases is considered severe, its implementation does not fully reflect the objectives of punishment. From the perspective of Criminal Theory, criminal sanctions must be able to provide a deterrent effect (deterrence), retribution (retaliation), and rehabilitation (rehabilitation) for the perpetrator.²⁴ However, in practice, many decisions impose relatively light sentences compared to the losses incurred. This creates the perception that the law is not sufficiently strict against perpetrators of corruption. As a result, the desired deterrent effect is not achieved optimally. Therefore, consistency in the imposition of criminal sanctions is necessary. Furthermore, the application of criminal sanctions must also consider the proportionality between the act and the punishment imposed. In some cases, there is a disparity between the magnitude of state losses and the length of the sentence imposed. This raises questions about fairness in law enforcement. From the perspective of the Theory of Justice, the law must be able to provide equal justice for all parties.²⁵ When sanctions are disproportionate, public trust in the law will decline. Therefore, sanctions must be imposed objectively and consistently.

²³ Widiarni, N. (2026). Tinjauan Yuridis atas Pertimbangan Hakim dalam Menjatuhkan Putusan Bebas terhadap Perkara Nomor 454/Pid. B/2024/PN. Sby. *RIGGS: Journal of Artificial Intelligence and Digital Business*, 5(1), 1202-1210.

²⁴ Azisa, N., Mirzana, H. A., Rivanie, S. S., Munandar, M. A., & Ramli, R. N. H. (2024). Sistem pemidanaan tindak pidana narkoba dalam perspektif hukum pidana nasional. *UNES Law Review*, 6(3), 9018-9025.

²⁵ Arianto, Y. F., Agustiani, M. F., Shalzabilla, S., & Mayangsari, D. A. (2025). Konsep Keadilan Restoratif Dalam Perspektif Teori Keadilan John Rawls. *Nusantara: Jurnal Pendidikan, Seni, Sains dan Sosial Humaniora*, 3(01).



Overall, the effectiveness of criminal law enforcement in eradicating corruption in strategic national sectors still faces various systemic obstacles. Weaknesses in legal substance, inconsistencies in institutional structures, and a weak legal culture are key interrelated factors. From the perspective of the Theory of Legal Effectiveness, the law will only be effective if these three elements function harmoniously. Therefore, improvement efforts must be comprehensive and sustainable. Without comprehensive reform, the goal of eradicating corruption will not be optimally achieved.

The influence of non-legal factors on law enforcement in corruption cases in strategic national sectors is a reality that cannot be ignored in modern legal analysis. From the perspective of Legal Realism Theory, law is not solely determined by written norms, but also by the surrounding social, political, and economic factors.²⁶ Political factors, for example, often influence the independence of law enforcement officials in handling corruption cases involving strategic actors. Powerful interference can hinder the investigation and prosecution process, thus undermining the principle of equality before the law. Furthermore, economic factors also play a significant role, particularly in cases involving significant investment interests. Therefore, law enforcement is not entirely immune from external influences that could potentially undermine legal objectivity. Furthermore, the relationship between power and law in the context of corruption demonstrates a tendency for law to be used as a tool to legitimize power. Within the framework of the Theory of Power and Law, law is often subordinated to political power. This leads to selective enforcement, where law enforcement is not applied equally to all perpetrators. This situation is extremely dangerous because it can create impunity for certain groups. In nationally strategic sectors, this phenomenon is even more complex because it involves significant economic and political interests. Therefore, the independence of law enforcement officials is an absolute requirement for ensuring fair law enforcement.

Structural obstacles to corruption eradication are also a significant factor affecting the effectiveness of law enforcement. Although various law enforcement agencies, such as the police, the prosecutor's office, and the Corruption Eradication Commission (KPK), exist, coordination between these institutions is often suboptimal. Overlapping authority and sectoral egos are major obstacles in handling corruption cases. From the perspective of Lawrence M. Friedman's Legal System Theory, an unintegrated legal structure will hamper the effectiveness of law enforcement as a whole. Furthermore, the complexity of corruption cases in strategic sectors involving multiple actors and multiple layers of transactions also adds to the difficulties in the law enforcement process. Therefore, strong and coordinated institutional synergy is necessary.

The complexity of corruption cases in strategic national sectors is not only technical but also involves broad cross-sectoral dimensions. These cases often involve public officials, corporations, and private parties in organized schemes. In such circumstances, conventional law enforcement approaches are inadequate. A more comprehensive and multidisciplinary approach is needed to uncover these crimes. Furthermore, limited human resources and technology within law enforcement agencies also pose significant obstacles. This demonstrates the urgent need for structural reform in eradicating corruption.

The role of legal culture in determining the effectiveness of law enforcement cannot be ignored. From the perspective of Legal Culture Theory, the success of law enforcement is greatly influenced by the values, attitudes, and public awareness of the law. In Indonesia, there is still a tendency to tolerate corruption, especially in small forms that are considered commonplace. This permissive culture is one of

²⁶ Gea, M. Y. A., Agusmidah, A., & Rosmalinda, R. (2025). Analisis Sosiologi Hukum atas Penyalahgunaan Wewenang Tindak Pidana Korupsi dalam perspektif Anomie dan Realisme Hukum. *Jurnal Ilmiah Penegakan Hukum*, 12(2), 395-402.



the factors weakening efforts to eradicate corruption. Furthermore, low legal awareness also leads to minimal public participation in oversight. Therefore, changing legal culture is a challenge that must be addressed seriously. Furthermore, legal uncertainty caused by unclear norms and inconsistent law enforcement has a significant impact on investment and national development. From the perspective of Legal Certainty Theory, legal certainty is one of the main factors determining the investment climate.²⁷ When the law lacks clarity, investors face significant legal risks. This can hinder investment, particularly in strategic sectors that require regulatory certainty. Furthermore, legal uncertainty can also hinder the implementation of development projects. Therefore, improving the legal system is a prerequisite for sustainable economic growth.

The impact of legal uncertainty is also felt in the government's public policymaking process. Public officials tend to be overcautious due to concerns about potential criminalization. This situation can hamper the effectiveness of the bureaucracy in carrying out its public service functions. From a justice theory perspective, the law should provide protection for officials who act in good faith. However, when norms are unclear, this protection is weakened. Therefore, a balance is needed between firm law enforcement and protection against legitimate discretion. To improve the effectiveness of law enforcement, a comprehensive and systemic solution is needed. Reform must begin with strengthening the substance of the law through the formulation of clearer and more explicit norms to avoid multiple interpretations. Furthermore, harmonization of regulations between criminal law and state administrative law is a crucial step in addressing normative disharmony. Increasing the capacity of law enforcement officers through training and strengthening integrity is also a key factor. Furthermore, institutional reform and strengthened coordination between institutions must be carried out continuously. This is expected to create an effective, fair law enforcement system capable of optimally eradicating corruption in national strategic sectors.

CONCLUSIONS

The effectiveness of criminal law enforcement in eradicating corruption in strategic national sectors still faces fundamental problems, both in normative and implementation aspects. Normatively, the existence of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Law Number 20 of 2001 has not been able to fully provide legal certainty due to unclear norms, particularly regarding the concepts of state financial losses and abuse of authority. This condition has resulted in disharmony between legal regimes, inconsistency of court decisions, and weak effectiveness of evidence and criminal penalties. On the other hand, non-judicial factors such as political intervention, economic interests, and a weak legal culture have also exacerbated the ineffectiveness of law enforcement. Thus, the main problem lies not only in the substance of the law, but also in the structure and legal culture that have not yet functioned synergistically. Therefore, to realize effective law enforcement, normative reconstruction is needed that clearly defines legal boundaries, harmonization between regulations, and strengthening the institutions and integrity of law enforcement officers so that they are able to guarantee legal certainty while realizing substantive justice in eradicating corruption in national strategic sectors.

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