IPSO JURE JOURNAL

IPSO JURE

Journal

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

Vol 3. No.4, May 2026
DOI : https://doi.org/10.62872/3z6q4137

The Effectiveness of the Implementation of Criminal Sanctions in Efforts to Combat Corruption in Indonesia

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Received: May 03, 2026
Revised: May 15, 2026
Accepted: June 11, 2026
Published: June 24, 2026

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***Abstract*:** *Corruption is an extraordinary crime that systematically damages the foundations of national life in Indonesia. This study aims to analyze the effectiveness of the application of criminal sanctions in efforts to overcome corruption in Indonesia, as well as to identify factors that influence the effectiveness of criminal punishment for corruptors. The research method used is normative juridical with a statute approach, a conceptual approach, and a case approach. Data were obtained from primary legal materials in the form of laws and court decisions, as well as secondary legal materials in the form of literature, journals, and reports from related institutions. The results of the study indicate that the application of criminal sanctions against perpetrators of corruption in Indonesia is not fully effective, as reflected in the still high rate of corruption and the low deterrent effect produced. Factors that influence this ineffectiveness include inconsistency in sentencing by judges, disparities between the threat of punishment and the decisions handed down, and the weak implementation of additional punishment in the form of confiscation of assets. Reforming criminal justice policies that are oriented towards restorative justice and strengthening the mechanism for confiscating assets resulting from corruption are the main recommendations in this study.*

Keywords: Criminal Sanctions; Corruption; Effectiveness of Punishment; Asset Confiscation; Criminal Law Policy.

INTRODUCTION

Corruption is one of the fundamental problems facing the Indonesian nation since independence to the present day. Classified as an extraordinary crime, corruption has caused not only material losses but also immaterial ones, such as a decline in public trust in state institutions and law enforcement. Data from the Corruption Eradication Commission (KPK) shows that throughout 2023, there were more than 1,200 corruption cases handled, with total state losses estimated at hundreds of trillions of rupiah.[1]

At the international level, Indonesia's position in the Corruption Perception Index (CPI) released by Transparency International in 2023 placed Indonesia at 34 on a scale of 0-100, which is still far from the achievements of countries with low levels of corruption.[2] This condition reflects that efforts to eradicate

[1]Komisi Pemberantasan Korupsi (KPK), Laporan Tahunan KPK 2023: Statistik Penanganan Perkara Korupsi, Jakarta: KPK, 2024, hlm. 12-15.

[2]Transparency International, Corruption Perceptions Index 2023, Berlin: Transparency International, 2024, hlm. 3.

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corruption in Indonesia, including through criminal sanctions instruments, have not yet produced satisfactory results.

From a criminal law perspective, sanctions are the main instrument used by the state to prevent and combat crime.[3] Against criminal acts of corruption, Indonesian law enforcement has a number of comprehensive normative instruments, starting from Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, to the establishment of special institutions such as the Corruption Eradication Commission through Law Number 30 of 2002. Theoretically, the threat of severe criminal sanctions, including life imprisonment and the death penalty under certain conditions, should provide a significant deterrent effect.[4] However, empirical reality reveals a stark gap between what is normatively regulated and what occurs in practice. Many court decisions against corruption perpetrators are deemed by the public and academics to be disproportionate to the damage caused. The sentences imposed are often at the minimum threshold, while mechanisms for recovering state losses through compensatory punishment and asset confiscation are not functioning optimally.[5]

The theory of the purpose of punishment teaches that criminal sanctions must fulfill at least three primary functions: retribution (equitable retaliation), deterrence (prevention), and rehabilitation (recovery). When these three functions are not balanced, the effectiveness of criminal sanctions as an instrument for combating corruption is questionable.[6] From a historical legislative perspective, Indonesia has gone through several phases of corruption criminalization policies. The first phase was marked by the enactment of Military Rule Regulation Number Prt/PM/06/1957, which later evolved into Law Number 24/Prp/1960 concerning the Investigation, Prosecution, and Examination of Corruption Crimes. The second phase was marked by the enactment of Law Number 3 of 1971, which marked the modernization of corruption criminalization, and the third phase was marked by the birth of a modern anti-corruption legal regime through Law Number 31 of 1999 in conjunction with Law Number 20 of 2001.[7]

Categorizing corruption as an extraordinary crime is not merely legal rhetoric. The United Nations Convention Against Corruption (UNCAC), ratified by Indonesia through Law No. 7 of 2006, requires each state party to establish effective, proportionate, and deterrent criminal sanctions against perpetrators of corruption. This international obligation serves as the foundation for Indonesia's development of a

[3] Ismanto, Dedi, Ivan Najjar Alavi, and Fauziah Lubis. "Kebijakan Hukum Pidana/Penal Policy." *Innovative: Journal Of Social Science Research* 4.4 (2024): 16351-16361. https://doi.org/10.31004/innovative.v4i4.15096

[4] Ermansjah Djaja, Memberantas Korupsi Bersama KPK: Kajian Yuridis Normatif UU Nomor 31 Tahun 1999 Jo. UU Nomor 20 Tahun 2001 Versi UU Nomor 30 Tahun 2002, Jakarta: Sinar Grafika, 2023, hlm. 45.

[5] Barda Nawawi Arief, Bunga Rampai Kebijakan Hukum Pidana: Perkembangan Penyusunan Konsep KUHP Baru, edisi ke-3, Jakarta: Kencana Prenada Media Group, 2022, hlm. 78.

[6] Indriyanto Seno Adji, Korupsi Kebijakan Aparatur Negara dan Hukum Pidana, Jakarta: CV. Diadit Media, 2023, hlm. 102.

[7] Marwan Effendy, Tipologi Kejahatan Perbankan dari Perspektif Hukum Pidana, Jakarta: Referensi, 2022, hlm. 23-24.

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comprehensive anti-corruption policy.[8] The multidimensional impact of corruption is one of the main reasons why criminal sanctions cannot be a stand-alone solution. Economically, corruption hinders investment, distorts public budget allocations, and weakens national competitiveness. Socially, corruption erodes social capital in the form of trust between citizens and trust in state institutions. Politically, corruption threatens the legitimacy of democratic governance and creates unequal access to public services. When the impacts of corruption are systemic like this, the legal response must also be systemic. [9]

The study of legal effectiveness cannot be separated from the theoretical framework of the legal system proposed by Lawrence M. Friedman, who divides the legal system into three main components: legal substance, legal structure, and legal culture. In the context of the effectiveness of criminal sanctions for corruption in Indonesia, these three components play an equal role and influence each other. A sound legal substance will not produce optimal effectiveness if it is not supported by a strong law enforcement structure and a legal culture that consistently rejects corruption.[10]

Soerjono Soekanto identified five factors that determine the effectiveness of law enforcement: the law itself, law enforcement, facilities, societal, and cultural factors. These five factors operate interdependently and cannot be viewed in isolation. An analysis of the effectiveness of criminal sanctions for corruption in Indonesia shows that weaknesses exist in nearly all of these factors simultaneously, making this issue a complex and multi-layered legal challenge.

Comparisons with the experiences of other countries that have significantly reduced corruption rates provide valuable lessons. China, Singapore, and Hong Kong are examples of Asian jurisdictions that have dramatically reduced corruption through a combination of strict and consistent criminal sanctions, independent anti-corruption law enforcement institutions, and a transformation of bureaucratic culture. This comparative experience is relevant as a reference in formulating strategies to strengthen Indonesia's corruption criminalization system, while still taking into account the socio-cultural context and the prevailing legal system.[11] The urgency of this research is further heightened given several recent legislative developments that have a direct impact on corruption criminalization policies. The enactment of Law Number 1 of 2023 concerning the New Criminal Code (KUHP) brings about several paradigmatic changes in the Indonesian criminal justice system, including a shift in orientation from solely retributive punishment to a more rehabilitative and restorative one. The impact of the new KUHP on the corruption criminalization system regulated by the lex specialis of the Corruption Law requires a comprehensive examination to anticipate potential legal loopholes that may arise.[12]

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[8] United Nations Convention Against Corruption (UNCAC), General Assembly Resolution 58/4 of 31 October 2003, Article 30.

[9] Elwi Danil, Korupsi: Konsep, Tindak Pidana, dan Pemberantasannya, Jakarta: Raja Grafindo Persada, 2023, hlm. 115-118.

[10] Soerjono Soekanto, Faktor-Faktor yang Mempengaruhi Penegakan Hukum, Jakarta: Raja Grafindo Persada, 2022, hlm. 8-11.

[11] Tim Lindsey dan Simon Butt, Indonesian Law, Oxford: Oxford University Press, 2022, hlm. 270-275.

[12] Deni Setyo Bagus Yuherawan, Dekonstruksi Asas Legalitas Hukum Pidana: Sejarah Asas Legalitas dan Gagasan Pembaruannya, Malang: Setara Press, 2023, hlm. 84.

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METHODOLOGY

This research uses a normative legal research method, which involves reviewing and analyzing written legal materials related to the subject matter under study. The research approach employed includes three approaches: the statute approach, the conceptual approach, and the case approach.[13] The statutory regulatory approach is carried out by examining statutory regulations related to criminal acts of corruption and their punishment, including: (1) Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption; (2) Law Number 30 of 2002 in conjunction with Law Number 19 of 2019 concerning the Corruption Eradication Commission; (3) the Criminal Code (KUHP) and Law Number 1 of 2023 concerning the New Criminal Code; and (4) various other related regulations.

The legal materials used in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include relevant laws and regulations, Supreme Court decisions, and corruption court decisions. Secondary legal materials include law books, legal scientific journals, research reports, and annual reports from the Corruption Eradication Commission (KPK) and other related institutions. Tertiary legal materials include legal dictionaries and encyclopedias. The collected data were analyzed using qualitative analysis methods through descriptive-analytical techniques, namely by describing, explaining, and analyzing in depth various legal norms and empirical data related to the effectiveness of criminal sanctions in overcoming corruption in Indonesia. The analysis was conducted deductively, namely from general legal norms to specific conclusions related to the problem being studied.

RESULTS AND DISCUSSION

The Effectiveness of the Implementation of Criminal Sanctions Against Perpetrators of Corruption in Indonesia

Normatively, the Corruption Eradication Law (Corruption Law) has determined the threat of quite severe criminal sanctions for perpetrators of corruption. Article 2 paragraph (1) of the Corruption Law threatens a prison sentence of at least 4 (four) years and a maximum of 20 (twenty) years and a fine of at least Rp. 200,000,000.00 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah) for any person who unlawfully commits acts of enriching themselves or another person or a corporation that can harm state finances or the state economy.[14] In addition to the principal penalties, the Corruption Law also stipulates additional penalties that theoretically can strengthen the deterrent effect, namely the confiscation of the convict's movable and immovable property, payment of compensation, closure of all or part of the company, and revocation of certain rights. These additional penalties are designed as instruments

[13]United Nations Office on Drugs and Crime (UNODC), Good Practices in the Investigation and Prosecution of Corruption, Vienna: UNODC, 2023, hlm. 7.

[14]Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi sebagaimana diubah dengan Undang-Undang Nomor 20 Tahun 2001, Pasal 2 ayat (1) dan Pasal 3.

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that not only punish the perpetrator personally but also recover state losses and prevent the perpetrator from enjoying the proceeds of their crime.[15]

Over time, the Indonesian corruption criminal justice system has also introduced provisions regarding plea bargaining, also known as justice collaborators, where defendants who help uncover larger corruption crimes can receive reduced sentences. This mechanism has been implemented in various major corruption cases, although its provisions have not been comprehensively outlined in a separate regulation.[16] Empirical data on corruption sentencing patterns in Indonesia reveals a worrying phenomenon. According to a 2023 report by Indonesia Corruption Watch (ICW), the average sentence handed down to corruption defendants was three years and five months in prison. This figure is far below the minimum sentence stipulated by the Corruption Eradication Law for corruption, which is derived from Article 2, which is four years in prison.[17]

This anomaly is made possible by the legal construction of Article 3 of the Corruption Law, which carries a minimum prison sentence of one year and a maximum of 20 years. Public prosecutors often charge defendants under Article 3 of the Corruption Law, which carries a lower minimum sentence, allowing judges to impose a lighter sentence. Furthermore, the specific minimum sentence in the Corruption Law has also sparked debate because it is not consistently applied by the courts in practice.[18] Furthermore, data from the Supreme Court of the Republic of Indonesia shows that of the total corruption cases decided in 2022-2023, only around 8% were sentenced to more than 10 (ten) years in prison. Meanwhile, the imposition of the death penalty, which is normatively permitted by Article 2 paragraph (2) of the Corruption Law under certain conditions, such as an economic crisis, has never been implemented in the history of the Indonesian corruption court.[19]

Regarding additional penalties for compensatory damages, the 2023 KPK report revealed that the rate of restitution from corruption court decisions only reached around 30% of the total stipulated in the verdict. This situation indicates that even though judges have ordered the payment of compensatory damages, their implementation in practice is far from optimal.[20] The most fundamental measure of a penal system's effectiveness is its ability to create a deterrent effect, both individually (special deterrence) and generally (general deterrence). In the context of corruption in Indonesia, the question of how well existing criminal sanctions fulfill this function becomes highly relevant.

A World Bank study of Indonesia's corruption justice system shows that the deterrent effect of existing criminal sanctions remains very limited. This is evident in the statistical trend of corruption cases, which shows no significant decline despite the implementation of various new regulations. Between 2020 and 2023, the number of complaints and cases handled by corruption cases tended to stagnate, even increasing

[15]Lilik Mulyadi, Tindak Pidana Korupsi di Indonesia: Normatif, Teoritis, Praktik, dan Masalahnya, Bandung: PT Alumni, 2023, hlm. 130-135.

[16]Putusan Mahkamah Agung Nomor 1555 K/Pid.Sus/2022, tanggal 15 Maret 2022.

[17]Indonesia Corruption Watch (ICW), Tren Penindakan Kasus Korupsi Tahun 2023, Jakarta: ICW, 2024, hlm. 18.

[18]Romli Atmasasmita, Sistem Peradilan Pidana Kontemporer, Jakarta: Kencana, 2022, hlm. 210.

[19]Mahkamah Agung Republik Indonesia, Laporan Tahunan 2023: Data Perkara Tindak Pidana Korupsi, Jakarta: Mahkamah Agung RI, 2024, hlm. 22-25.

[20]Komisi Pemberantasan Korupsi (KPK), Strategi Nasional Pencegahan Korupsi 2023-2024, Jakarta: KPK, 2023, hlm. 30.

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in certain sectors.[21] From the perspective of contemporary criminal justice theory, the ineffectiveness of corruption criminal sanctions in Indonesia can be explained by three main variables: the speed (celerity), certainty (certainty), and severity of punishment. Beccaria's theory teaches that the deterrent effect is not solely determined by the severity of the punishment, but also by the speed and certainty of its imposition. In Indonesia, the legal process is lengthy, complex, and does not always end in punishment, actually reducing the deterrent effect even though the threat of criminal sanctions is already considered severe.[22]

Deepening the analysis of the normative construction of criminal sanctions in the Corruption Eradication Law, it is important to note that the law adopts a special sentencing system that differs from the general Criminal Code. The adopted special minimum sentence system aims to prevent judges from imposing excessively light sentences, while also addressing the reality that corruption has a far more widespread impact than ordinary crimes. However, in its implementation, this system creates a dilemma because its construction does not completely eliminate the possibility of imposing lighter sentences.[23]

Another equally important dimension is the criminalization of corporations as perpetrators of corruption. Corruption Eradication Commission (KPK) data shows that corruption involving corporations generally has a greater impact on state losses than corruption committed by individuals alone. Although Supreme Court Regulation Number 13 of 2016 has laid the legal basis for criminalizing corporations, in practice, corporations are still rarely held criminally accountable. Of the total corruption cases handled during the 2020-2023 period, cases involving corporations constituted less than 5% of the total.[24] The justice collaborator mechanism, as stipulated in Supreme Court Circular Letter (SEMA) Number 4 of 2011, offers significant potential for uncovering broader corruption networks. However, its effectiveness is limited by unclear criteria for granting justice collaborator status, inconsistent implementation by public prosecutors and judges, and the lack of comprehensive regulations that protect those with justice collaborator status. These regulations, scattered across various legal instruments, require consolidation into a single, comprehensive law.[25]

An analysis of the typology of corruption cases handled by the Corruption Eradication Commission (KPK) in the 2020-2023 period shows that procurement corruption dominates, accounting for approximately 40% of the cases, followed by licensing corruption at 20%, bribery at 18%, and the remainder distributed across various other types of corruption. This diverse typology demands a diverse and differentiated criminal response. Uniform criminal penalties that do not consider the typology and impact of corruption have the potential to create injustice and reduce the overall effectiveness of the deterrent effect.[26] An analysis of sentences handed down by corruption courts over the past five years reveals a worrying pattern. In addition to the average sentence being below the minimum sentence, there is also a tendency for courts to excessively

[21]World Bank, Combating Corruption in Indonesia: 2023 Progress Report, Washington D.C.: World Bank, 2024, hlm. 15.

[22]Eddy O.S. Hiariej, Prinsip-Prinsip Hukum Pidana, Yogyakarta: Cahaya Atma Pustaka, 2022, hlm. 415.

[23] R. Wiyono, Pembahasan Undang-Undang Pemberantasan Tindak Pidana Korupsi, Jakarta: Sinar Grafika, 2023, hlm. 56.

[24] Sutan Remy Sjahdeini, Pertanggungjawaban Pidana Korporasi, Jakarta: Grafiti Press, 2022, hlm. 180-185.

[25] Indonesia Corruption Watch (ICW), Laporan Pemantauan Pengadilan Tipikor 2023, Jakarta: ICW, 2024, hlm. 25-30.

[26] Komisi Pemberantasan Korupsi, Laporan Survei Persepsi Korupsi Nasional 2023, Jakarta: KPK, 2024, hlm. 18.

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DOI : https://doi.org/10.62872/3z6q4137

consider mitigating factors, such as the defendant's status as the breadwinner, length of service, or social contributions, without adequately considering the magnitude of the state's losses and the resulting social impact. This pattern indicates the need for standardization of sentencing considerations in corruption cases. When compared with international standards set by the UNCAC, Indonesia's corruption sentencing system still lags significantly behind recommended best practices.[27] In its Good Practices in Asset Recovery (2023) report, the UNODC emphasized that the effectiveness of corruption criminalization depends heavily on the state's capacity to track, freeze, confiscate, and forfeit corrupt assets. In this regard, Indonesia still needs to substantially strengthen its legal framework and institutional capacity.[28]

Factors Influencing the Effectiveness of Criminal Sanctions and Efforts to Strengthen Them

One of the most important factors influencing the effectiveness of criminal sanctions for corruption is the consistency and independence of the judiciary. Disparity in decisions in corruption cases remains a serious problem in the Indonesian justice system. Cases with similar backgrounds can result in very different verdicts, depending on the discretion of the judges examining the case.[29] This problem is inextricably linked to the culture of broad judicial discretion within the Indonesian justice system. Judges have extensive authority to determine the type and severity of sentences imposed, without binding sentencing guidelines. This lack of comprehensive sentencing guidelines opens up room for inconsistencies and even potential corruption within the judicial process itself.[30]

This situation is exacerbated by the ongoing practice of bribery of law enforcement officials, which undermines the anti-corruption law enforcement process from within. The National Development Planning Agency (Bappenas) report on the 2023-2024 National Action Plan for Corruption Prevention and Eradication identifies corruption in the judicial sector as one of the main obstacles to effective corruption eradication.[31] At the normative level, there are a number of regulatory weaknesses that prevent criminal sanctions for corruption from being implemented optimally. The overly broad and open-ended formulation of corruption offenses has the potential to create legal uncertainty. Constitutional Court Decision No. 25/PUU-XIV/2016, which removed the word "can" from the definition of corruption offenses in Articles 2 and 3 of the Corruption Law, changed corruption from a formal offense to a material offense, actually increasing the complexity of the evidentiary process in corruption cases.[32]

The overlapping authority between the Corruption Eradication Commission (KPK), the Prosecutor's Office, and the Police in handling corruption cases remains an unresolved issue. Amendments to the KPK Law,

[27] Muhamad, Riza Nur, and Eva Arief. "Pengaruh Ratifikasi UNCAC Terhadap Kebijakan Antikorupsi di Indonesia." *JURNAL ILMIAH HUKUM DAN DINAMIKA MASYARAKAT* 23.1 (2025): 69-77. https://dx.doi.org/10.56444/hdm.v23i1.6276

[28] Yunus Husein, Rahasia Bank: Privasi Versus Kepentingan Umum, Jakarta: FHUI, 2022, hlm. 232-237.

[29] Harkristuti Harkrisnowo, 'Reformasi Hukum Pidana: Beberapa Pemikiran', Jurnal Hukum dan Pembangunan, Vol. 53, No. 2, 2023, hlm. 350-365.

[30] M. Arief Amrullah, Politik Hukum Pidana dalam Perlindungan Korban Kejahatan Ekonomi di Bidang Perbankan, Malang: Bayumedia Publishing, 2023, hlm. 67.

[31] Badan Perencanaan Pembangunan Nasional (Bappenas), Rencana Aksi Nasional Pencegahan dan Pemberantasan Korupsi 2023-2024, Jakarta: Bappenas, 2023, hlm. 5.

[32] Putusan Mahkamah Konstitusi Nomor 25/PUU-XIV/2016, tanggal 25 Januari 2017.

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through Law No. 19 of 2019, which, among other things, established a Supervisory Board and transferred wiretapping authority to the KPK, are considered by some to have weakened the KPK's independence and capacity to eradicate corruption.[33] Regulations regarding criminalization of corporations as perpetrators of corruption also still require attention. Although Supreme Court Regulation No. 13 of 2016 concerning Procedures for Handling Criminal Cases by Corporations was issued in response to the legal gap in corporate corruption cases, its implementation in practice remains very limited.[34]

From an asset recovery perspective, one of the most important measures of corruption eradication effectiveness is the extent to which corrupt assets are returned to the state. In Indonesia, asset recovery mechanisms still face significant structural challenges, ranging from regulatory limitations, limited investigator capacity, to the complexity of financial transactions used by perpetrators to conceal their corruption.[35] PPATK data shows that the total value of assets frozen and seized in corruption cases remains far smaller than the estimated total state losses due to corruption. This imbalance not only harms state finances but also sends a false signal to potential perpetrators that the profits from corruption far outweigh the criminal risks they face.

Referring to the various weaknesses identified, several strengthening efforts need to be implemented systematically. One example is the establishment of sentencing guidelines that bind judges when sentencing corruptors. These guidelines should contain clear parameters regarding the factors that must be considered when imposing aggravating or mitigating sentences, thereby minimizing disparities in sentencing.[36] Strengthening the asset forfeiture mechanism through the establishment of a comprehensive Criminal Asset Forfeiture Law. This regulation is crucial to enable asset forfeiture without relying on a criminal conviction against the perpetrator (non-conviction-based asset forfeiture), allowing for more effective recovery of state losses, even in cases where the defendant has fled or died.

Strengthening the capacity of law enforcement institutions, particularly in the aspects of financial investigation and asset recovery.[37] Closer coordination between the Corruption Eradication Commission (KPK), the Prosecutor's Office (AGO), the Police, the Financial Transaction Reports and Analysis Center (PPATK), and other relevant institutions needs to be established within a more formal and structured framework. The paradigm of corruption sentencing should be reformed, oriented not only toward punishing perpetrators but also toward redressing losses suffered by society and the state. The restorative justice

[33]Undang-Undang Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi sebagaimana diubah dengan Undang-Undang Nomor 19 Tahun 2019, Pasal 6 huruf e.

[34]Peraturan Mahkamah Agung Nomor 13 Tahun 2016 tentang Tata Cara Penanganan Perkara Tindak Pidana oleh Korporasi.

[35]Pusat Pelaporan dan Analisis Transaksi Keuangan (PPATK), Laporan Tahunan 2023: Tindak Lanjut Laporan Transaksi Mencurigakan Terkait Korupsi, Jakarta: PPATK, 2024, hlm. 20.

[36]Theodora Kristina Sitorus, 'Efektivitas Pemidanaan dalam Penanggulangan Tindak Pidana Korupsi', Jurnal Recidive, Vol. 12, No. 1, 2023, hlm. 45-60.

[37] Ikun, Adrianus, Juli Krisman Berkat Zega, and Dian Eka Prastiwi. "Pelaksanaan Putusan Pengadilan Tipikor dan Pemulihan Aset Negara: Studi Kasus Korupsi BTS 4G Kominfo (Johnny G. Plate): Implementation of Corruption Court Decisions and State Asset Recovery: Case Study of 4G BTS Corruption at the Ministry of Communication and Information Technology (Johnny G. Plate)." *Blueprint Journal* 2.1 (2026): 7-12. https://bosteknikjournal.com/bj/article/view/58

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approach to corruption cases, while controversial, deserves in-depth study as an alternative that can comprehensively integrate aspects of punishment, prevention, and recovery.[38]

Strengthening corruption prevention strategies through integrated anti-corruption education, ongoing bureaucratic reform, and increased transparency and accountability in state financial management. Effective criminal sanctions should be viewed as a complementary instrument to prevention efforts, not the sole solution.[39] In addition to institutional factors, legal culture is a crucial determinant that is often overlooked in discussions about the effectiveness of criminal sanctions for corruption. A permissive culture of gratuities and bribes in everyday life, which some still view as "grease payments" or commonplace forms of "return of favors," contributes to a conducive environment for the growth and development of corruption. Changing legal culture requires long-term investment through integrated anti-corruption education at all levels of education, from elementary school to university.[40]

The quality of human resources within law enforcement is a crucial factor in determining the effectiveness of implementing criminal sanctions for corruption. Handling increasingly complex corruption cases, particularly those involving cross-border financial transactions, complex corporate structures, and the use of sophisticated financial instruments, demands specialized technical competencies that not all law enforcement officers possess. Structured and sustainable capacity-building programs, particularly in the areas of forensic accounting, financial analysis, and international law, are an urgent need.[41] One of the weak components of Indonesia's anti-corruption system is adequate protection for whistleblowers and witnesses in corruption cases. Law No. 13 of 2006 in conjunction with Law No. 31 of 2014 concerning Witness and Victim Protection provides a basic framework, but its implementation still faces serious obstacles. The public's reluctance to report acts of corruption they witness, partly due to a sense of insecurity and distrust of the existing protection system, is a barrier to comprehensively disclosing corruption cases.[42]

The technological dimension of corruption eradication is increasingly becoming indispensable. The use of information technology to monitor government procurement of goods and services through e-procurement, the development of a digital-based state financial reporting system, and the application of artificial intelligence to detect suspicious financial transactions are all potential prevention tools. The Financial Transaction Reports and Analysis Center (PPATK) has developed the Goaml system for early detection of suspicious transactions, but coordination with law enforcement officials regarding follow-up actions on findings still needs to be significantly strengthened. The draft law on the forfeiture of assets for criminal offenses, currently under legislative process, is one of the most anticipated legal breakthroughs in Indonesia's anti-corruption legal landscape. The bill is designed to allow for the forfeiture of assets in rem, that is, the seizure of the assets themselves without relying on a criminal conviction against the owner. This

[38] Rasiwan, Iwan. "Prinsip Keadilan Restoratif dalam KUHP Nasional: Jalan Tengah Hukum Pidana." *AMU Press* (2025): 1-311. https://ejournal.amertamedia.co.id/index.php/press/article/view/611

[39] Peraturan Presiden Nomor 54 Tahun 2018 tentang Strategi Nasional Pencegahan Korupsi.

[40] Surachmin dan Suhandi Cahaya, Strategi dan Teknik Korupsi: Mengetahui untuk Mencegah, Jakarta: Sinar Grafika, 2022, hlm. 65.

[41] Hasbullah F. Sjawie, Direksi Perseroan Terbatas serta Pertanggungjawaban Pidana Korporasi, Bandung: Citra Aditya Bakti, 2023, hlm. 175.

[42] Andi Hamzah, Pemberantasan Korupsi Melalui Hukum Pidana Nasional dan Internasional, Jakarta: Raja Grafindo Persada, 2022, hlm. 98-104.

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DOI : https://doi.org/10.62872/3z6q4137

mechanism would be particularly effective in cases where corruption defendants have fled abroad, died, or escaped prosecution due to lack of evidence, but their corrupt assets have been identified.[43]

Internationally, Indonesia is under pressure from the Financial Action Task Force (FATF) to strengthen its anti-money laundering (AML) and asset recovery regimes. Indonesia's full membership in the FATF, granted in 2023, carries the obligation to comply with FATF standards for preventing and combating money laundering, including the proceeds of corruption. Compliance with these standards impacts not only Indonesia's international reputation but also the country's actual capacity to recover corrupt assets hidden abroad.[44] Comparative studies of countries that have consistently succeeded in suppressing corruption show that such success is never solely the result of harsh (repressive) enforcement, but rather the result of a balanced combination of enforcement, prevention, and education. Singapore, for example, built its anti-corruption system on three main pillars: a consistently implemented zero-tolerance policy, bureaucratic remuneration reforms that reduce economic incentives for corruption, and a culture of integrity instilled from elementary school. These lessons are highly relevant for Indonesia in formulating a comprehensive and sustainable long-term anti-corruption strategy.[45] Institutionally, strengthening coordination between anti-corruption law enforcement agencies is an urgent need. Coordination between the Corruption Eradication Commission (KPK), the Attorney General's Office (AGO), the National Police (PPATK), the Supreme Audit Agency (BPK), and the Financial and Development Supervisory Agency (BPKP) often fails to function optimally due to overlapping authority, sectoral egos, and differences in technical capacity. The establishment of a Joint Corruption Investigation Unit involving all agencies in an integrated manner, as has been practiced in several countries with advanced anti-corruption systems, could be a model worthy of consideration in the Indonesian context.[46]

CONCLUSIONS

The application of criminal sanctions to combat corruption in Indonesia has not been fully effective. This ineffectiveness is reflected in the persistently high rate of corruption, the average sentence imposed by courts that falls below the minimum sentence stipulated by law, the low rate of recovery of corrupt assets, and the minimal deterrent effect of the existing criminal justice system. The fact that the death penalty, which is normatively permitted by the Corruption Eradication Law, has never been implemented also reflects a fundamental gap between the norms and practices of criminalizing corruption in Indonesia. Various factors simultaneously influence the ineffectiveness of criminal sanctions for corruption, which can be categorized as internal factors (judicial consistency and independence), regulatory factors (legal loopholes and overlapping authorities), and structural factors (weaknesses in asset recovery mechanisms). Efforts to strengthen the effectiveness of criminal sanctions for corruption therefore cannot be carried out

[43] Badan Pembinaan Hukum Nasional (BPHN), Naskah Akademik Rancangan Undang-Undang Perampasan Aset Tindak Pidana, Jakarta: BPHN, 2023, hlm. 12-15.

[44] Organisation for Economic Co-operation and Development (OECD), Anti-Bribery Convention: Annual Report 2023, Paris: OECD Publishing, 2023, hlm. 35.

[45] Transparency International, Global Corruption Barometer Asia 2023, Berlin: Transparency International, 2023, hlm. 42.

[46] Komisi Pemberantasan Korupsi (KPK), Laporan Pemantauan Tata Kelola Pendidikan Anti Korupsi 2023, Jakarta: KPK, 2024, hlm. 8.

IPSO JURE JOURNAL

IPSO JURE

Journal

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

Vol 3. No.4, May 2026
DOI : https://doi.org/10.62872/3z6q4137

only partially but must be comprehensive and systemic, encompassing regulatory reform, institutional reform, strengthening the capacity of law enforcement, and transforming the criminal justice paradigm. In the long term, the effectiveness of corruption eradication in Indonesia cannot rely solely on criminal sanctions. An integrated approach is needed between repressive and preventive efforts, supported by strong political commitment, ongoing bureaucratic reform, empowerment of civil society, and the development of an anti-corruption culture rooted in the values of integrity.

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

Vol 3. No.4, May 2026
DOI : https://doi.org/10.62872/3z6q4137

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https://nawalaeducation.com/index.php/IJJ/

Vol 3. No.4, May 2026
DOI : https://doi.org/10.62872/3z6q4137

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