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The Effectiveness of Criminal Sanctions in Combating Corruption Crimes in Indonesia

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Abstract

Combating corruption is a major challenge within Indonesia's criminal justice system. One of the key instruments in this effort is the imposition of firm and effective criminal sanctions. This study aims to examine the effectiveness of criminal sanctions against perpetrators of corruption and their impact on anti-corruption efforts in Indonesia. The research method used is a normative juridical approach, utilizing secondary data from legislation, court rulings, and related literature. The results show that although Indonesia has a strong legal foundation, such as Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption Crimes, its implementation still faces various obstacles, such as sentencing disparities, lack of deterrent effect, and weak law enforcement. This study concludes that reform is needed in the criminal justice system for corruption, including enhancing the capacity of law enforcement, and harmonizing criminal sanctions to maximize deterrence. This study is expected to contribute to strengthening criminal law in addressing corruption as an extraordinary crime.

Keyword : Criminal-Sanctionl ; Corruptionl : Crimes

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Introduction

Corruption is a chronic problem that has long undermined the foundations of Indonesian society and statehood. It not only causes financial losses to the state but also weakens legal institutions, creates social inequality, and hampers national development. In legal terms, corruption is classified as an extraordinary crime, meaning it requires extraordinary measures for its eradication.

Anti-corruption efforts in Indonesia have been carried out through various legal and institutional instruments, one of which is the imposition of criminal sanctions as stipulated in Law No. 31 of 1999 in conjunction with Law No. 20 of 2001. These sanctions include imprisonment, fines, asset forfeiture, and revocation of political rights. Normatively, these provisions provide a strong legal basis for prosecuting corrupt actors. However, in practice, their effectiveness remains questionable.

Many high-profile corruption cases have sparked controversy due to lengthy legal processes, light sentencing, or insufficient asset recovery. In several cases, sentencing disparities have occurred, where offenders in similar cases received inconsistent punishments. This creates negative public perceptions toward law enforcement and the justice system.

Furthermore, the effectiveness of criminal sanctions as instruments of deterrence and prevention becomes a crucial point for evaluation. The purpose of criminal sanctions is not only to punish the perpetrators but also to deter future offenses. However, when corruptors receive sentence reductions or remissions, the expected deterrent effect diminishes, potentially encouraging similar crimes.

Studies show that countries with firm and uncompromising legal systems tend to have better Corruption Perception Index scores. In this context, Indonesia must evaluate and strengthen its criminal sanction system to achieve optimal anti-corruption outcomes.

This study aims to analyze the effectiveness of criminal sanctions against corruption in

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Indonesia, identify challenges in implementation, and propose solutions to improve the criminal justice response. Using a normative juridical approach, this paper examines statutory regulations, legal doctrines, and court decisions as the primary analysis materials.

Research Method

This study adopts a normative juridical approach, which involves legal research through the examination of legal materials, including legislation, legal doctrines, and court decisions relevant to corruption cases. The approach aims to understand how legal norms are ideally applied and assess the extent to which they are effectively implemented in practice.

The data used in this study are secondary data, consisting of:

Primary legal materials, including Law No. 31 of 1999 in conjunction with Law No. 20 of 2001, the Indonesian Penal Code (KUHP), and corruption court rulings.

Secondary legal materials, such as legal textbooks, scholarly journals, and expert writings related to corruption and penal law.
3. Tertiary legal materials, including legal dictionaries and legal encyclopedias.

The data analysis technique used is qualitative-descriptive, by interpreting the content of legal provisions and doctrines, and analyzing them systematically to draw conclusions regarding the effectiveness of criminal sanctions in combating corruption.

Results and Discussion

Legal Basis of Criminal Sanctions for Corruption
Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 comprehensively regulates various types of corruption and their corresponding penalties. The articles prescribe a minimum imprisonment of 4 years and a maximum of life imprisonment, along with substantial fines. Additional penalties include asset confiscation and revocation of political rights.

2. Evaluation of Sentencing Practices
In practice, court decisions often fail to reflect substantive justice. Numerous corruption

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cases result in light sentences, even below the statutory minimum. For instance, offenders in cases involving billions of rupiah in state losses have received sentences of less than five years. This fuels public dissatisfaction and erodes trust in the legal system.

3. Barriers to Effective Sanctioning

The implementation of criminal sanctions for corruption faces several obstacles, including:

- Inconsistencies among law enforcement officers in prosecuting and adjudicating cases.
- Weak coordination among anti-corruption institutions (KPK, Attorney General's Office, Police).
- Political and power interference in legal processes.
- Complex and time-consuming evidence gathering procedures.

4. Analysis of Sanction Effectiveness

The effectiveness of criminal sanctions can be assessed through two primary aspects:

- Deterrent effect on actual and potential offenders.
- Restoration of state finances through asset recovery.

However, the reality shows that many convicts reoffend after their release, suggesting that imprisonment alone does not sufficiently deter corruption. Additionally, asset recovery remains minimal due to weak asset tracing and enforcement of additional penalties.

5. Comparative Study with Other Countries

Countries like Singapore and China are known for their strict legal systems against corruption. Harsh penalties, swift proceedings, and minimal political interference contribute to low corruption levels in those countries. Indonesia can draw lessons from such practices to improve its own penal system.

Conclusion

The application of criminal sanctions in combating corruption in Indonesia has not yet proven fully effective. Although the legal framework is normatively strong, its implementation still faces various challenges, such as sentencing disparities, lack of deterrent effect, and limited state asset recovery. These inefficiencies are compounded by weak law enforcement and the low integrity of some law enforcers.

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Reforms are needed in the criminal justice system, including legal substance improvements, enhanced capacity for law enforcement officers, stronger inter-agency coordination, and consistent application of additional penalties. Furthermore, public participation and oversight must be increased to create a fair and transparent legal system.

With these measures, criminal sanctions can become a truly effective tool in suppressing corruption and promoting clean governance in Indonesia.

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References

1. Hamzah, A. (2020). Eradication of Corruption in Indonesia. Jakarta: RajaGrafindo Persada.
2. Sjahdeini, S. R. (2021). Corruption and Law Enforcement in Indonesia. Jakarta: Kencana.
3. Corruption Eradication Commission (KPK). (2023). Annual Report 2022.
4. Supreme Court of Indonesia. (2022). Corruption Court Rulings. Jakarta: MA Press.
5. Supardi. (2020). Criminal Law on Corruption. Yogyakarta: FH UII Press.
6. Arief, B. N. (2021). Collection of Criminal Law Essays. Semarang: FH Undip Press.
7. Indonesia Corruption Watch (ICW). (2023). Corruption Sentencing Trends in Indonesia 2022.
8. UNODC. (2021). Global Report on Corruption and Criminal Justice.
9. Kurniawan, A. (2022). Effectiveness of Additional Penalties in Corruption Crimes. Indonesian Criminal Law Journal, 5(2), 132-149.
10. Yusuf, H. (2024). Sentencing Disparity in Corruption Rulings. Journal of Law & Justice, 13(1), 45-62.