

Corruption in Infrastructure Projects: Case Studies and Juridical Analysis

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Entered : April 07, 2025

Accepted : May 20, 2025

Revised : May 05, 2025

Published : May 31, 2025

ABSTRACT

The infrastructure sector in Indonesia is one of the most vulnerable arenas to corruption because of its capital-intensive, complex, and multi-year characteristics. Projects such as the construction of toll roads, bridges, and other public facilities are often abused through budget mark-ups, fictitious procurement, and collusion in auctions. This study aims to analyze the application of Article 2 and Article 3 of Law Number 20 of 2001 in tackling corruption in infrastructure projects. Using a normative juridical approach and case studies, this study highlights that corruption in infrastructure projects is systemic, involves many actors, and is difficult to dismantle due to weaknesses in the procurement, oversight, and legal proofing systems. The results of the study show that the effectiveness of these articles is greatly influenced by the context of implementation in the field, including the understanding of law enforcement officials of the project corruption *modus operandi*. In addition, weak surveillance systems, low transparency, and technical and political obstacles exacerbate the situation. Therefore, legal reform is not enough if it is not accompanied by institutional reform and digitalization of accountable procurement. In conclusion, the eradication of infrastructure corruption must be carried out through a comprehensive, interdisciplinary, and adaptive legal approach to the complexity of project governance in the public sector.

Keywords: Juridical Analysis; Corruption-Infrastructure; Case-Project Studies

INTRODUCTION

Indonesia's infrastructure sector has long been the epicenter of corrupt practices, mainly due to the capital-intensive, complex, and often multi-year nature of its projects. Toll roads, bridges, irrigation, and other public facilities construction projects involve huge budgets from the state budget and state budget, which makes them vulnerable to budget manipulation, price mark-ups, and fictitious procurement. According to a report by the Corruption Eradication Commission (KPK), the infrastructure sector is among the top five sectors most often involved in corruption cases in Indonesia. The absence of a transparent and accountable supervisory system, as well as the weak integrity of the supervisory apparatus, exacerbates the situation. In many cases, corruption does not occur only at one point, but involves a network of actors ranging from public officials, contractors, to internal auditors.

More critically, corruption in the infrastructure sector is often not seen as an ordinary crime, but as a systemic form of state governance irregularities that undermine public trust in government institutions.¹ The practice of collusion between businessmen and public officials in the project auction process is a reflection of the weak meritocratic system and internal supervision. A study from Indonesia Corruption Watch (ICW) shows that of the 240 cases of corruption in infrastructure projects investigated throughout 2020–2022, the majority involved abuse of authority in the procurement process of goods and services. This shows that the main problem is not just individual violations of the law, but weak structural reforms in the government's project administration system. Thus, tackling corruption in the infrastructure sector must start from improving the system, increasing procurement transparency, and strict and independent law enforcement against the perpetrators.

Corruption in infrastructure projects directly affects the effectiveness of development and the quality of public services. When development funds are misappropriated, vital projects such as highways, clean water facilities, bridges, and hospitals and schools are built with low quality, are not completed on time, or even fail completely. This phenomenon is not just a technical failure, but a real form of social disadvantage experienced by the wider community. Corruption in this sector leads to a waste of up to 30% of the total project budget, which means significant structural losses for developing countries like Indonesia. As a result, development that is supposed to bridge economic inequality actually widens the gap of inequality, especially in remote areas that rely heavily on basic infrastructure.²

Furthermore, the damage to the quality of public services as a result of corruption not only creates dissatisfaction, but also encourages a cycle of public distrust of the government. In the context of democracy, the legitimacy of the government depends heavily on its ability to provide basic services equally and with quality. However, corruption causes misallocation of resources and undermines the principle of fair distribution of development. For example, data from *the Audit Board (BPK)* in 2022 shows that a number of infrastructure projects at the district and city levels have experienced inconsistencies in the use of budgets and fictitious jobs have been found, which directly impacts the low quality of work results and the malfunction of public facilities as they should.³ Therefore, the eradication of corruption in infrastructure is not only a matter of enforcing the law, but it is about saving the public interest and the future of sustainable national development.

Handling corruption crimes in infrastructure projects requires a juridical approach that is not only formalistic, but also substantive and contextual. In this case, Law Number 20 of 2001 as an amendment to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, becomes the main legal instrument in ensnaring corrupt perpetrators, especially through the provisions of Article 2 and Article 3. Article 2 paragraph (1) stipulates that every person who unlawfully commits an act of enriching himself or others

¹ Azdi, A. R., & Nurwahid, R. H. (2024). KORUPSI DAN KEGAGALAN ETIKA DALAM ADMINISTRASI PUBLIK: DAMPAK PADA PELAYANAN MASYARAKAT. *Wacana: Jurnal Ilmu Sosial dan Ilmu Politik Interdisiplin*, 11(2), 776-791.

² Hermawan, D., Fatullah, A. P., Cayadi, C., Hidayat, A., & Jainah, Z. O. (2024). Analisis Dampak Korupsi Dalam Pembangunan Infrastruktur Di Negara Berkembang. *Innovative: Journal Of Social Science Research*, 4(1), 4259-4271.

³ Amalia, S. (2022). Analisis dampak korupsi pada masyarakat (Studi kasus korupsi pembangunan shelter tsunami di Kecamatan Labuan Kabupaten Pandeglang). *Epistemik: Indonesian Journal of Social and Political Science*, 3(1), 54-76.

that harms the state's finances can be sentenced to a minimum of 4 years in prison and a maximum of 20 years.⁴ Meanwhile, Article 3 targets abuse of authority by public officials. In practice, infrastructure projects often involve simultaneous violations of these two articles, such as inflating budgets, falsifying documents, and procurement of goods and services that are not in accordance with procedures. However, the biggest challenge in the legal process is not only in formal proof, but also in uncovering systemic patterns of abuse of power that take place in a structured, massive, and repetitive manner.

In addition, the implementation of the Anti-Corruption Law in the context of infrastructure projects often clashes with technical and political obstacles in the law enforcement process. Many cases cannot be prosecuted optimally due to the lack of evidence of valid documents or the deletion of digital traces due to collusion between stakeholders.⁵ On the other hand, a juridical approach that only focuses on individual perpetrators without tracing the traces of the flow of funds and networks involved actually weakens the deterrent effect of the law. Therefore, a critical reading of the articles in the Corruption Law is needed so that they are not rigid and limited to formal elements, but can reach the entire systemic criminal process. In this context, the role of law enforcement officials such as the KPK, the Prosecutor's Office, and the Police must be accompanied by a deep understanding of the dynamics of infrastructure projects, including the *modus operandi* that is often used in the procurement of goods and services. In addition, strengthening the principles of transparency, public participation, and technology-based supervision (e-procurement, digital audits) is also an important complement to the success of fair and long-term law implementation.

One of the main root problems in the rampant corruption of infrastructure projects in Indonesia lies in the weak procurement system of goods and services which is prone to manipulation and conflicts of interest.⁶ Although the government has implemented an e-procurement system through the Electronic Procurement Service (LPSE), practice on the ground shows that digitalization has not completely closed the gap of irregularities. According to a study from the Government Goods/Services Procurement Policy Institute (LKPP), there are various modes of manipulation in the auction process, such as unauthorized direct appointments, bid rigging arrangements, and falsification of contractor eligibility documents. This phenomenon does not occur in a vacuum, but is reinforced by a bureaucratic culture that is permissive to irregularities, as well as a lack of integrity and capacity in local government procurement units.⁷ Therefore, improving the procurement system requires not only good regulation, but also the involvement of independent third parties, including supervisory agencies and civil society, in overseeing the process from planning to execution.

Furthermore, reform of the infrastructure project supervision system is absolutely necessary to create a clean and accountable development ecosystem. So far, the government's internal supervision mechanisms, such as the Inspectorate and the Financial and Development Supervisory Agency (BPKP), are considered to be incapable of acting

⁴ Atmoko, D., & Syauket, A. (2022). Penegakan hukum terhadap tindak pidana korupsi ditinjau dari perspektif dampak serta upaya pemberantasan. *Binamulia Hukum*, 11(2), 177-191.

⁵ Ali, S., & Bakhtiar, H. S. (2025). Audit Forensik dan Bukti Digital dalam Mengungkap Kasus Korupsi BTS Kominform 2023. *Intellektika: Jurnal Ilmiah Mahasiswa*, 3(1), 115-125.

⁶ Susanto, E. A., & Widodo, E. (2024). PENEGAKAN HUKUM TERHADAP PELAKU TINDAK PIDANA KORUPSI DALAM PENGADAAN BARANG PEMERINTAH. *Jurnal Penelitian Ilmiah Multidisiplin*, 8(10).

⁷ Rachmawati, A. F. (2022). Dampak korupsi dalam perkembangan ekonomi dan penegakan hukum di Indonesia. *Eksaminasi: Jurnal Hukum*, 1(1), 12-19.

effectively preventively or repressively. The results of audits often only lead to administrative recommendations without adequate legal consequences, while community oversight is sporadic and unstructured. In this context, it is necessary to implement an integrated supervision system based on technology and open data, where the public can directly monitor the progress of the project through digital channels. A report from Transparency International Indonesia said that public information disclosure in infrastructure procurement is still very low, thus limiting public participation in supervision. For this reason, strengthening the supervisory system is not enough with the addition of rules, but requires institutional transformation and bureaucratic culture that encourages accountability as the main principle in the implementation of state projects. Without serious steps in this direction, the development agenda will only become fertile ground for corrupt actors who take refuge behind the technical and procedural complexities of the project.

METHOD

This study uses a case study and normative juridical approach to examine corruption crimes in infrastructure projects. The case study approach was chosen to analyze several corruption cases that have been or are being processed by law, in order to explore the patterns and effectiveness of the procurement and supervision system. Case studies were purposively selected based on the relevance and characteristics that represent corruption in the sector.

The normative juridical approach is used to examine legal norms in Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, especially Article 2 and Article 3. The analysis was carried out on the application of the law in judicial practice, with the aim of assessing the ability of the law to handle systemic corruption crimes and providing recommendations to strengthen regulations and law enforcement.

RESULTS AND DISCUSSIONS

Juridical Analysis of Corruption Crimes in Infrastructure Projects Based on Law Number 20 of 2001

1. Application of Article 2 and Article 3 of Law Number 20 of 2001 in Cases of Corruption in Infrastructure Projects

To strengthen understanding of the application of Article 2 and Article 3 of the Anti-Corruption Law in the case of corruption in infrastructure projects, this discussion can be supported by a scientific approach from the perspective of criminal law, public administration, and the theory of proof in corruption crimes. The relevant legal literature shows that the two articles have different but complementary characteristics in the framework of eradicating corruption in the public sector. In academic studies, it was explained that Article 2 has a wider scope because it ensnares perpetrators based on "unlawful acts" without requiring position status, while Article 3 is more specific because it targets the abuse of power by state officials who have formal authority.⁸ This is in line with the concept of abuse of power in public administration law, where legitimately granted power can be misappropriated for an unlawful purpose, thus giving rise to the potential for systemic corruption.

⁸ AMRULLAH, M. D. F., Kasmarani, Y., & Mustika, D. (2024). Analisis Sifat Melawan Hukum Formil Terhadap Pelaku Tindak Pidana Korupsi Berdasarkan Pasal 2 Dan Pasal 3 Undang-undang Nomor 20 Tahun 2001. *Ta'zir: Jurnal Hukum Pidana*, 8(1), 57-68.

In the context of proving a criminal act, the criminal law literature explains the importance of the principles of *actus reus* (physical act) and *mens rea* (malicious intent) as the two main elements of criminal acts. In corruption, *mens rea* is often the most difficult element to prove, especially when the perpetrator argues that his actions are part of ordinary administrative procedures.⁹ Therefore, proof often relies on indirect evidence that shows the existence of a motive, pattern of action, or causal relationship that cannot be explained logically if it were not for malicious intent.¹⁰ This becomes especially important in the case of infrastructure projects, where the perpetrator can argue that a technical error alone is not enough to be categorized as a criminal act.

On the other hand, the study of the legal aspect of public administration underscores the importance of separating between maladministration and corruption. In his writing, he emphasized that not all administrative violations can be classified as corruption crimes.¹¹ Therefore, proof must pay attention to the institutional context, internal policies, and decision-making process. In practice, this is a major challenge for law enforcement officials in distinguishing between officials who make administrative mistakes and those who deliberately deviate for personal or group gain.

Theoretically, an integrated legal system approach is also important in understanding the eradication of corruption in the infrastructure sector. According to this concept, as stated by Satjipto Rahardjo, law is not only seen as a written norm, but also as a social institution that is closely related to the power structure, bureaucratic culture, and behavior of actors in the government system. In infrastructure projects, the relationship between public officials and private partners is often underpinned by a complex network of interests, so corruption is not just an individual act, but part of a system that has been distorted. Therefore, the application of Articles 2 and 3 is not enough to be seen only as a sentencing process, but must also be linked to institutional reforms and a legal culture that emphasizes accountability and transparency in the management of public projects.¹²

Finally, based on empirical research by Indonesia Corruption Watch (ICW), the infrastructure sector is one of the sectors with the highest level of state losses due to corruption. In ICW's annual report, physical development projects such as roads and bridges topped the list of types of corruption cases investigated by law enforcement. This shows that the application of Articles 2 and 3 in the case of infrastructure is not only a normative issue, but also a systemic issue that requires a sharp and sensitive legal approach to the technical and political realities of the implementation of public projects.¹³

By referring to the theoretical foundations and empirical findings, it can be concluded that the application of Article 2 and Article 3 of the Anti-Corruption Law in the case of infrastructure projects must be carried out with in-depth juridical analysis,

⁹ Mallarangeng, A. B., & Ali, I. (2023). Pembuktian Unsur Niat Dikaitkan Dengan Unsur *Mens Rea* Dalam Tindak Pidana Korupsi. *Legal Journal of Law*, 2(2), 11-24.

¹⁰ Bagas, A., Mulyati, N., & Danil, E. (2024). Pertanggungjawaban Pidana dengan Menggunakan Bukti Tidak Langsung (circumstantial evidence). *Ius Civile: Refleksi Penegakan Hukum dan Keadilan*, 8(2), 1-16.

¹¹ Woolford, J. (2023). Investigating corruption, maladministration and misconduct in public administration: Has South Australia struck the right balance?. *Alternative Law Journal*, 48(3), 204-209.

¹² Wibowo, A. S., SE, A., SH, M., Lufiana, S. H., & Dharma Setiawan Negara, S. H. (2025). *Hukum Pidana Perpajakan dan Tindak Pidana Korupsi: Titik Singgung, Perbedaan dan Implikasi Hukum*. Indonesia Emas Group.

¹³ Ariani, V., Jumas, D. Y., Utama, W. P., & Wahyudi, W. W. (2023). Indikator penyebab praktik korupsi pada industri konstruksi di sumatera barat. *Rekayasa Sipil*, 17(1), 15-22.

paying attention to the boundaries between administrative violations and criminal acts, and supported by an interdisciplinary approach that combines criminal law, public administration, and project governance. This approach not only guarantees accuracy in proving and imposing crimes, but also contributes to a more systematic prevention of corruption in the infrastructure sector.

2. The Effectiveness of Criminal Sanctions as a Preventive and Repressive Effort in the Anti-Corruption Law

The effectiveness of criminal sanctions in the Corruption Law (Corruption Law), as regulated in Law Number 20 of 2001, is a fundamental aspect in the strategy to eradicate corruption in Indonesia, especially in highly vulnerable sectors such as infrastructure projects. Theoretically, criminal sanctions function as a tool of deterrence (prevention) and retribution (appropriate retribution) against the perpetrators of criminal acts. This is in line with the findings that emphasize that punishment must be severe, definite, and swift enough to deter crime. However, in practice in Indonesia, the effectiveness of criminal sanctions in the Corruption Law often does not fully reflect this spirit.¹⁴

The Corruption Law has indeed provided various types of criminal sanctions, ranging from basic crimes in the form of imprisonment and fines to additional crimes such as compensation for state losses, confiscation of assets resulting from corruption, and revocation of political rights. However, empirical studies show that these sanctions have not been applied consistently and firmly. ICW (Indonesia Corruption Watch) research in the 2023 Corruption Verdict Trends Report revealed that the average sentence for corruption perpetrators only ranges from 4 to 6 years, although many cases involve state losses of billions to trillions of rupiah. In fact, Article 2 paragraph (2) of the Corruption Law allows for life imprisonment or the death penalty if corruption is committed under certain circumstances. This gap shows that courts often do not use maximum space in sentencing cases, even though cases are dealt with with systemic impacts, such as in the infrastructure sector that concerns the broad public interest.¹⁵

From an academic perspective, Robert Klitgaard, an expert on anti-corruption governance, states in his theory that corruption is very likely to occur in a system with high discretion, low accountability, and minimal transparency (corruption = monopoly + discretion - accountability). The infrastructure sector is particularly vulnerable because it contains all of these elements—large projects, complex procurement procedures, and the involvement of many actors. In such conditions, weak or inconsistent criminal sanctions actually become a negative incentive, because corrupt actors see the opportunity to escape or receive a light punishment as an acceptable risk.

Furthermore, the preventive effectiveness of criminal sanctions in the Corruption Law also needs to be criticized through a criminological sociology approach. In this approach, the deterrent effect is not only determined by the severity of the sanctions, but by the certainty of law enforcement. In many cases of infrastructure corruption, perpetrators use loopholes such as pretrial, appeal, and repeated reviews to avoid punishment. This is reinforced by the statement of Mahfud MD, Professor of

¹⁴ Barafi, J., Alkrisheh, M. A., Al-Obeidi, A. H., Alsaadi, S., & Mahameed, W. F. (2022). Anti-corruption mechanisms: a study in the light of international law and national regulations. *Journal of Governance and Regulation/Vol. 11(4)*.

¹⁵ Salihu, H. A., & Jafari, A. (2020). Corruption and anti-corruption strategies in Iran: An overview of the preventive, detective and punitive measures. *Journal of Money Laundering Control*, 23(1), 77-89.

Constitutional Law, that many corrupt perpetrators use "the law as a tool to fight justice" by manipulating the legal process for personal gain. If law enforcement is easily manipulated, then the threat of sanctions loses its preventive power.

Additional crimes such as political disenfranchisement are also rarely applied, although the law facilitates them. A study by the Indonesian Institute of Sciences (LIPI) noted that new political disenfranchisement was used in less than 10% of corruption cases handled by the courts between 2005–2020. In fact, for perpetrators from officials, this type of punishment has a significant impact in preventing the repetition of crimes and creating a deterrent effect among political elites. The inconsistency in its implementation reflects the weak political will to push for systemic reform.

Criticism also comes from the perspective of criminal law policy analysis, which assesses that Indonesia's penal system does not yet have a comprehensive and binding sentencing guideline. According to Muladi, a former Minister of Justice and criminal law expert, without criminal standards, disparities and legal uncertainty will continue to occur. This exacerbates public distrust of legal institutions, and ultimately, weakens the function of criminal sanctions as a tool of justice.

Considering all these facts and scientific views, it is clear that the effectiveness of criminal sanctions in the Anti-Corruption Law still faces serious challenges, both in terms of its formulation and implementation. To increase this effectiveness, a number of reformative measures are needed, such as: the establishment of national sentencing guidelines so that there is no disparity in punishments; the imposition of sanctions on corruption with systemic impacts; the consistent application of additional penalties; and strengthening the independence and transparency of the criminal justice system. Without fundamental reforms, criminal sanctions will continue to be symbolic and not strong enough to stem corrupt practices that are detrimental to development and public services.

Weaknesses of the Procurement and Supervision System as a Trigger for Corruption in Infrastructure Projects

1. Weaknesses in the Procurement Process of Goods and Services as a Factor Triggering Corruption

The process of procuring government goods and services, especially in the infrastructure sector, is one of the most vulnerable points to corrupt practices in Indonesia. Systemic weaknesses in this process have opened up a wide space for irregularities, from planning to project implementation. One of the main loopholes lies in the practice of direct appointments that are not carried out according to transparent procedures. In many cases, this method is abused to avoid an open auction process that is supposed to guarantee healthy competition between service providers.¹⁶ This direct appointment is often used to award projects to parties who have close ties to procurement officials, regardless of competence or cost efficiency. In addition, the manipulation of bid documents is a common practice that reflects weak integrity in the evaluation process. Many service providers falsify qualification documents such as financial statements and technical experience, and still win because of behind-the-scenes arrangements. Procurement committees are often directly involved in smoothing out this process, either due to pressure from their superiors or because of financial rewards.

¹⁶ Willyams, F. J., & Yusuf, H. (2024). Analisis Hukum Terhadap Tindak Pidana Korupsi: Studi Kasus Putusan No. 86/Pid. Sus-Tpk/2022/Pn. Jkt. Pst Dan Implikasinya Terhadap Perekonomian Negara. *Jurnal Intelek Dan Cendikiawan Nusantara*, 1(6), 10931-10940.

Not only that, the phenomenon of bid rigging or the arrangement of tender winners is also a mode that severely damages the principle of fairness in procurement. Some service providers work together illegally to determine who will win, while other participants only act as complements to make it seem as if there is competition. In conditions like this, the procurement committee often participates, either passively by allowing manipulation to occur, and actively by engineering the results of the evaluation. These practices ultimately lead to various technical and financial irregularities in the implementation of the project. Based on the findings of the LKPP Report and the results of the BPK audit, many infrastructure projects have experienced unreasonable budget mark-ups and technical implementations that are not in accordance with the set specifications. The materials used are often not up to standard, the volume of work is reduced, or the execution of projects is carried out carelessly for the sake of false efficiency that ends up enriching certain individuals at the expense of quality and public safety.¹⁷

Another factor that worsens the situation is the low integrity and competence of procurement officers. Many of them do not have sufficient certifications, training, or experience to carry out their duties professionally. This lack of capacity makes them easily influenced or pressured by interested parties. In fact, in some cases, procurement officers actively engage in manipulative practices, such as drafting technical specifications that can only be met by one particular provider or hiding tender information from the public. This situation is further exacerbated by the weak supervision and law enforcement system. Internal oversight often lacks strong deterrence, while external oversight from supervisory agencies or law enforcement officials usually only acts after state losses have occurred. When violations are successfully exposed, it is not uncommon for only those at the executive level to be made suspects, while intellectual actors or high-ranking officials who are actually the main controllers of the corrupt practices escape the snares of the law.

Scientifically, this phenomenon is supported by the theory of institutional weakness put forward by North (1990), which states that the weakness of formal and informal institutions will create great opportunities for corrupt behavior, especially in procurement processes that require strict supervision and transparency. Empirical studies show that the quality of governance, including transparency and integrity in procurement, plays a significant role in preventing corruption.¹⁸ Furthermore, it was found that corruption in public procurement usually arises from information asymmetry between procurement officials and service providers, where a lack of transparency and accountability allows for manipulation and collusion practices.¹⁹ The personal integrity of procurement officers and the right incentive system are essential to reduce corrupt behavior. In addition, the use of information technology in procurement (e-procurement) has been proven to increase transparency and reduce the opportunity for corruption by minimizing direct interactions that are vulnerable to exploitation.

¹⁷ Pranata, Y., Kamil, M., & Asmarawati, T. (2024). PENYIDIKAN TINDAK PIDANA KORUPSI DI BIDANG PENGADAAN BARANG DAN JASA DI SUBDIT TIGA TIPIDKOR KEPOLISIAN DAERAH BANTEN. *JURNAL PEMANDHU*, 5(1), 86-100.

¹⁸ Aprilla, W., Wulandari, M., & Elcaputera, A. (2024). Meningkatkan Transparansi dan Akuntabilitas Pemerintah Melalui Teknologi Digital dan Partisipasi Publik dalam Upaya Pemberantasan Korupsi. *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 2(4), 321-334.

¹⁹ Helmi, H., & ARFA'I, A. I. (2024). *Kebijakan Pengadaan Barang dan Jasa melalui E-Katalog Lokal oleh Pemerintah Daerah Provinsi Jambi* (Doctoral dissertation, Fakultas Hukum).

With these various weaknesses, the procurement process, which was supposed to be a mechanism to ensure justice, efficiency, and accountability in development, has turned into a tool to enrich oneself illegally. If this system is not immediately improved through strengthening regulations, increasing human resource capacity, digital transparency, and firm and fair law enforcement, then the procurement of government goods and services will continue to be a fertile ground for corrupt practices, and the ideals of quality, efficient, and integrity development will only become an illusion.

2. Weak Internal Supervision System and Public Participation in Preventing Corruption

One of the main root problems in efforts to eradicate corruption, especially in the infrastructure development sector, is the weak internal supervision system and public participation. Internal supervision that should be at the forefront of detecting and preventing irregularities often does not run optimally. Institutions such as the Regional Inspectorate, the Financial and Development Supervisory Agency (BPKP), and the Government Internal Supervisory Apparatus (APIP) have a strategic role in ensuring the integrity and accountability of project implementation. However, their effectiveness is often constrained by limited competent human resources and inadequate operational budgets. In addition, the low independence, especially due to the structural position of the supervisor under the control of the regional head or the head of the supervised agency, makes internal supervision vulnerable to intervention and conflicts of interest. Often, audits or evaluations are carried out simply as an administrative formality without really exploring and anticipating potential corruption substantively. Without strong independence and adequate professional capacity, internal oversight tends to fail to uncover deviant practices due to political and bureaucratic pressures that limit oversight functions.

On the other hand, public participation, which should be a critical and independent external supervisor, has not been built to its fullest. In fact, civil society, the media, academics, and NGOs have great potential to play an active role in overseeing the use of the state budget. But in reality, public access to public project information is very limited. Important documents such as Cost Budget Plans (RABs), employment contracts, and project progress are often not publicly published or presented in a format that is difficult to understand. As a result, the community has difficulty conducting effective monitoring and submitting reports if irregularities occur. The lack of budget and technology literacy is also an obstacle, especially in areas that do not have the supporting capacity to understand and access available public data. As a result, corruption perpetrators are more free to carry out their actions because there is no strong early detection mechanism from the public or internal supervisory institutions. In "Open Government," it is stated that transparency of information and broad public access are the main foundations for effective social surveillance and corruption prevention.²⁰ Without data disclosure and space for public participation, supervision becomes partial and vulnerable to being ignored by the ruling elite.

This condition is certainly very concerning, considering the large budget spent on infrastructure projects and the potential for leaks that can significantly harm the country. Therefore, there needs to be concrete steps to strengthen the surveillance system as a

²⁰ Aprilla, W., Wulandari, M., & Elcaputera, A. (2024). Meningkatkan Transparansi dan Akuntabilitas Pemerintah Melalui Teknologi Digital dan Partisipasi Publik dalam Upaya Pemberantasan Korupsi. *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 2(4), 321-334.

whole. One strategy that has proven effective is the use of digital technology such as the e-procurement system, which allows the procurement process to be carried out openly and transparently. With this system, the public can monitor who the supplier of goods or services won the tender, what the contract value is, and the extent of the progress of the project implementation. In addition, the development of an easily accessible open data portal will expand the space for public participation and encourage a culture of information disclosure. The public must be actively involved through fast and secure digital reporting mechanisms, for example through platforms such as LAPOR! or a dedicated application for infrastructure project reporting. Protection of whistleblowers must also be guaranteed so that intimidation or criminalization does not occur. Information technology can strengthen government accountability and transparency by reducing the cost of access to information and facilitating real-time citizen engagement, thereby minimizing space for corrupt practices.²¹

By strengthening an independent internal supervisory system, increasing the capacity of supervisory institutions, opening access to public information transparently, and empowering the public through digital technology, the space for corrupt practices can be significantly narrowed. Collaboration between the government, internal watchdogs, and civil society must be the main pillar in creating clean, efficient, and public-interest-oriented development governance. This integrative and participatory approach is not only important to prevent state losses, but also to build public trust in the implementation of clean and accountable governance. This approach is in line with the theory of social accountability put forward by the World Bank (2004), where public supervision is an important tool in controlling the use of public resources so as to support sustainable and inclusive development

CONCLUSIONS

Juridical analysis of corruption crimes in infrastructure projects based on Law Number 20 of 2001 shows that the application of Article 2 and Article 3 must be carried out carefully and contextually. The two articles have different scopes and objectives, but they complement each other in efforts to eradicate corruption. In practice, proving the elements of mens rea and the separation between maladministration and corruption are the main challenges. An interdisciplinary approach, which combines criminal law, public administration, and project governance, is indispensable to guarantee substantive justice. Meanwhile, the effectiveness of criminal sanctions in the Corruption Law still faces serious obstacles in terms of consistency in application and severity of punishments. The low average sentence and the infrequent use of additional penalties such as the revocation of political rights weaken the deterrent effect. In the context of infrastructure projects that are prone to systemic corruption, this indecisiveness is actually a negative incentive for the perpetrators. Therefore, reform of the penal system through comprehensive guidelines and increased accountability of law enforcement agencies is crucial. Definite and transparent law enforcement is the main key to prevention. Without fundamental changes, efforts to eradicate corruption will only be symbolic and do not touch the root of the problem.

²¹ Andry, A., & Sawir, M. (2024). Building a Friendly Public Service Culture: Implementation of Digital Technology in Government Bureaucracy. *Journal of Governance and Local Politics (JGLP)*, 6(2), 216-228.

REFERENCES

- Ali, S., & Bakhtiar, H. S. (2025). Audit Forensik dan Bukti Digital dalam Mengungkap Kasus Korupsi BTS Kominfo 2023. *Intellektika: Jurnal Ilmiah Mahasiswa*, 3(1), 115-125.
- Amalia, S. (2022). Analisis dampak korupsi pada masyarakat (Studi kasus korupsi pembangunan shelter tsunami di Kecamatan Labuan Kabupaten Pandeglang). *Epistemik: Indonesian Journal of Social and Political Science*, 3(1), 54-76.
- AMRULLAH, M. D. F., Kasmarani, Y., & Mustika, D. (2024). Analisis Sifat Melawan Hukum Formil Terhadap Pelaku Tindak Pidana Korupsi Berdasarkan Pasal 2 Dan Pasal 3 Undang-undang Nomor 20 Tahun 2001. *Ta'zir: Jurnal Hukum Pidana*, 8(1), 57-68.
- Andry, A., & Sawir, M. (2024). Membangun Budaya Pelayanan Publik yang Ramah: Implementasi Teknologi Digital dalam Birokrasi Pemerintahan. *Journal of Governance and Local Politics (JGLP)*, 6(2), 216-228..
- Aprilla, W., Wulandari, M., & Elcaputera, A. (2024). Meningkatkan Transparansi dan Akuntabilitas Pemerintah Melalui Teknologi Digital dan Partisipasi Publik dalam Upaya Pemberantasan Korupsi. *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 2(4), 321-334.
- Aprilla, W., Wulandari, M., & Elcaputera, A. (2024). Meningkatkan Transparansi dan Akuntabilitas Pemerintah Melalui Teknologi Digital dan Partisipasi Publik dalam Upaya Pemberantasan Korupsi. *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 2(4), 321-334.
- Ariani, V., Jumas, D. Y., Utama, W. P., & Wahyudi, W. W. (2023). Indikator penyebab praktik korupsi pada industri konstruksi di sumatera barat. *Rekayasa Sipil*, 17(1), 15-22.
- Atmoko, D., & Syauket, A. (2022). Penegakan hukum terhadap tindak pidana korupsi ditinjau dari perspektif dampak serta upaya pemberantasan. *Binamulia Hukum*, 11(2), 177-191.
- Azdi, A. R., & Nurwahid, R. H. (2024). KORUPSI DAN KEGAGALAN ETIKA DALAM ADMINISTRASI PUBLIK: DAMPAK PADA PELAYANAN MASYARAKAT. *Wacana: Jurnal Ilmu Sosial dan Ilmu Politik Interdisiplin*, 11(2), 776-791.
- Bagas, A., Mulyati, N., & Danil, E. (2024). Pertanggungjawaban Pidana dengan Menggunakan Bukti Tidak Langsung (circumstantial evidence). *Ius Civile: Refleksi Penegakan Hukum dan Keadilan*, 8(2), 1-16.
- Barafi, J., Alkrisheh, M. A., Al-Obeidi, A. H., Alsaadi, S., & Mahameed, W. F. (2022). Anti-corruption mechanisms: a study in the light of international law and national regulations. *Journal of Governance and Regulation/Volume*, 11(4).
- Helmi, H., & ARFA'I, A. I. (2024). Kebijakan Pengadaan Barang dan Jasa melalui E-Katalog Lokal oleh Pemerintah Daerah Provinsi Jambi (Doctoral dissertation, Fakultas Hukum).
- Hermawan, D., Fatullah, A. P., Cayadi, C., Hidayat, A., & Jainah, Z. O. (2024). Analisis Dampak Korupsi Dalam Pembangunan Infrastruktur Di Negara Berkembang. *Innovative: Journal Of Social Science Research*, 4(1), 4259-4271.
- Mallarangeng, A. B., & Ali, I. (2023). Pembuktian Unsur Niat Dikaitkan Dengan Unsur Mens Rea Dalam Tindak Pidana Korupsi. *Legal Journal of Law*, 2(2), 11-24.
- Pranata, Y., Kamil, M., & Asmarawati, T. (2024). PENYIDIKAN TINDAK PIDANA KORUPSI DI BIDANG PENGADAAN BARANG DAN JASA DI SUBDIT TIGA

- TIPIDKOR KEPOLISIAN DAERAH BANTEN. JURNAL PEMANDHU, 5(1), 86-100.
- Rachmawati, A. F. (2022). Dampak korupsi dalam perkembangan ekonomi dan penegakan hukum di indonesia. Eksaminasi: Jurnal Hukum, 1(1), 12-19.
- Salihu, H. A., & Jafari, A. (2020). Corruption and anti-corruption strategies in Iran: An overview of the preventive, detective and punitive measures. Journal of Money Laundering Control, 23(1), 77-89.
- Susanto, E. A., & Widodo, E. (2024). PENEGAKAN HUKUM TERHADAP PELAKU TINDAK PIDANA KORUPSI DALAM PENGADAAN BARANG PEMERINTAH. Jurnal Penelitian Ilmiah Multidisiplin, 8(10).
- Wibowo, A. S., SE, A., SH, M., Lufsiana, S. H., & Dharma Setiawan Negara, S. H. (2025). Hukum Pidana Perpajakan dan Tindak Pidana Korupsi: Titik Singgung, Perbedaan dan Implikasi Hukum. Indonesia Emas Group.
- Willyams, F. J., & Yusuf, H. (2024). Analisis Hukum Terhadap Tindak Pidana Korupsi: Studi Kasus Putusan No. 86/Pid. Sus-Tpk/2022/Pn. Jkt. Pst Dan Implikasinya Terhadap Perekonomian Negara. Jurnal Intelek Dan Cendikiawan Nusantara, 1(6), 10931-10940.
- Woolford, J. (2023). Investigating corruption, maladministration and misconduct in public administration: Has South Australia struck the right balance?. Alternative Law Journal, 48(3), 204-209.