

CRIMINAL POLICY ON CRIMINAL ACTS OF CORRUPTION AND BRIBERY FROM A RESPONSIVE LAW PERSPECTIVE IN INDONESIA

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ABSTRACT

The problem of this research is how the legal rules on the implementation of criminal policies for corruption bribery in Indonesia. The purpose of this study is to analyze the legal rules on the implementation of criminal policies for corruption in Indonesia. This research method uses Library Research from various sources related to the legal rules governing criminal acts of corruption in Indonesia. The results of this study obtained that the legal rules on the implementation of criminal policies for corruption bribery in Indonesia have developed over time. There was a development of criminal acts of corruption in Pre-independence and independence. In the development in pre-independence there was a development during the Dutch royal and colonial governments while in the era of independence there was a period of development of corruption in the old, new, and reform orders and all applicable legal rules that have been repeatedly revised and reviewed did not provide significant changes to the criminal law of corruption in Indonesia. The evolution of anti-corruption legislation in Indonesia reflects the country's complex political and social history. Despite numerous revisions and reviews, the effectiveness of these laws in combating corruption remains questionable. Future research could explore the reasons behind the limited impact of legal reforms on reducing corruption and propose potential strategies for enhancing the efficacy of anti-corruption measures in Indonesia.

Keywords: Policy, Crime, Corruption, Perspective, Law

INTRODUCTION

Bribery is one part of the crime of corruption, and is one part of special criminal law in addition to having certain specifications that are different from general criminal law, such as deviations from procedural law and when viewed from the regulated material. Therefore, criminal acts of corruption directly or indirectly are intended to minimize leakage and deviations from the country's finances and economy. By anticipating these deviations as early and as minimally as possible, it is hoped that the wheels of the economy and development can be implemented properly so that over time it will have an impact on increasing development and the welfare of society in general, Mulyadi (2011:2).

The history and efforts to eradicate corruption in Indonesia can be divided into 2 (two) development periods, namely, pre-independence and post-independence, Directorate of Education and Public Services of the KPK (2020), In the pre-independence period, it was divided into 2 (two) parts, namely:

1. The period of the Kingdom Government, the tradition of corruption occurred endlessly because of motives of wealth and power. The destruction of several kingdoms such as Sriwijaya, Mataram, and Majapahit was influenced by the corrupt behavior of most of the nobles;
2. The Dutch East Indies Government Era, A very closed and cunning culture fostered the practice of corruption. The habit of taking/collecting tribute carried out by the Javanese King was imitated by the Dutch East Indies Government during its colonization of the archipelago.

Then in the post-independence era, there were 3 (three) phases of leadership related to the existence of criminal law politics related to the eradication of criminal acts of corruption, including:

1. The Old Order Era.

- a. The eradication of corruption during the Old Order era legally, began in 1957, with the issuance of the Military Ruler Regulation PRT/PM/06/1957 concerning Steps to Eradicating Corruption;
- b. The Corruption Eradication Agency and the State Apparatus Retooling Committee (PARAN), were formed based on Presidential Decree (Keppres) Number: 10 of 1960;
- c. Corruption Eradication stagnated;

2. The New Order Era.

- a. The government issued Presidential Decree 28 of 1967 concerning the Establishment of the Corruption Eradication Team (TPK). The team can be said to be almost non-functional.
- b. Orderly Operation (Opstib) was formed by the Commander of the Security and Order Restoration Operation Command (Pangkokamtib) Sudomo at the beginning of his service in 1978 with tasks including eradicating corruption;
- c. There was no legislative oversight function. The judiciary was not independent. The strength of civil society was weak;

3. Reformation Era

- a. During the BJ. Habibie administration, MPR Decree Number XI/MPR/1998 concerning Clean and Corruption-Free State Management and Law Number 28 of 1999 concerning Clean and Corruption-Free State Management were stipulated.
- b. Several state bodies were formed, including: the Joint Corruption Eradication Team with Government Regulation Number 19 of 2000, the National Ombudsman Commission, the State Officials' Wealth Examination Commission, and several others.
- c. During the Gus Dur administration, the Attorney General's Office of the Republic of Indonesia took concrete steps to enforce the law on corruption. Many big-time corruptors were investigated and named suspects.
- d. During the Megawati administration, the authority of the law in eradicating corruption declined. The Megawati administration then formed the Corruption Eradication Commission (KPTPK). This formation is a legal breakthrough and the forerunner of the Corruption Eradication Commission.
- e. During the Susilo Bambang Yudhoyono administration, the vision of eradicating criminal acts of corruption was supported by an established legal system, the existence of the KPK through Law Number 30 of 2002, the Corruption Crime Court which is separate from the General Court, international support, and legal instruments that support each other between national law and international law;
- f. During the Joko Widodo administration, according to the Evaluation Notes on the Three-Year Corruption Eradication Policy of the Joko Widodo - Ma'ruf Amin Administration, 2023 there was a disorientation in the direction of legal politics after three years of leadership of President Joko Widodo and Vice President Ma'ruf Amin, the government has not had a clear legal policy at the level of forming important legislative drafts that support efforts to eradicate corruption. For

example, the Revision of the Corruption Crime Law, the Draft Law on Asset Confiscation and the Draft Law on Restrictions on Currency Transactions, Indonesia Corruption Watch (2023).

Based on the above aspects, the regulations on corruption crimes have undergone many changes, revoked and replaced with new regulations. This is understandable because on the one hand the development of society is so rapid and the modus operandi of corruption crimes is increasingly sophisticated and varied, while on the other hand the development of the law ("law in book") is relatively lagging behind the development of society

Bribery originates from the French word *briberie* which means 'begging' or 'vagrancy'. In Latin it is called *bribe*, which means 'a piece of bread given to beggar'. In its development, bribe means 'alms', 'blackmail', or 'extortion' in relation to 'gifts received or given in order to influence corruptly'. Thus, someone involved in bribery should actually be ashamed if they internalize the meaning of the word bribe which is very despicable and even very degrading to human dignity, especially for the recipient of the bribe, Muladi (2006). The problem of bribery is one of the problems that has occurred in society for a very long time. Indonesia as a country of law that adheres to the Pancasila Ideology as a system of values in the state system and is the source of all laws in Indonesia, is also not free from the problem of bribery, especially those related to public officials and public services. Even various groups consider that bribery has become a part of life, a system and integrated with the implementation of state governance.

In general, bribes are given to influential people or officials to do or not do something related to their position. People who give bribes usually give bribes so that their desires are achieved, either in the form of certain benefits or to be free from punishment or legal process. So it is not surprising that the most bribed are officials in the government bureaucracy who have an important role in deciding something, for example in granting permits or granting government projects. Bribes are often given to law enforcers such as the police, prosecutors, judges. Likewise to customs officials, tax officials and officials related to granting permits, either in the form of business permits, building permits and others.

The existence of bribery within the framework of a public office and public service in a very significant amount greatly affects and threatens the stability and security of society; can damage democratic institutions and values, ethical values, and justice; is discriminatory and undermines ethics and honest business competition; harms sustainable development and the rule of law. Bribery together with embezzlement of public funds is often referred to as the core or basic form of corruption. Corruption itself is universally interpreted as moral depravity, unnatural actions, or taint; an impairment of integrity, virtue, or moral principles. The criminalization of bribery has a very strong reason because the crime is no longer seen as a conventional crime, but as an extraordinary crime, because the character of bribery is very criminogenic (can be a source of other crimes) and victimogenic (can potentially harm various dimensions of interest). It has been empirically proven that there is a possible link between bribery and other forms of crime, especially organized crime (terrorism, human trafficking, smuggling of illegal migrants, etc.) and economic crimes including money laundering, which places corruption including bribery as one of the crimes that generate or are a source of funds that can be laundered (predicate crime).

Large-scale bribery has the potential to harm the country's finances or economy in large amounts so that it can disrupt development resources and endanger the political stability of a country. Bribery is not impossible to be transnational, an example of which is what is called

commercial corruption, namely bribery by multinational companies to officials in developing countries in order to influence a decision that is contrary to their duties and obligations.

The impact of bribery committed by the perpetrators, especially against a public office or public service, can pose a danger to human security because it has penetrated various aspects of life, such as education, health, provision of people's food and clothing, religion, and other social service functions. Within the framework of bribery in the world of trade, both domestic and transnational, bribery has clearly damaged the mentality of officials. In order to pursue wealth, state officials do not hesitate to violate the code of ethics and oath of office as state officials. In other words, corruption can be called a "social disease" that is very damaging to the order of society and erodes the values of humanity and justice so that it is possible that it could destroy the Unitary State of the Republic of Indonesia (NKRI). Furthermore, law enforcement efforts through legal structures, the government has formed a special anti-corruption institution, namely the Corruption Eradication Commission (KPK) which also combines the State Officials' Wealth Examination Commission (KPKPN) in it as an effort to prevent corruption, based on Law of the Republic of Indonesia Number 30 of 2002 it is also possible to form a special corruption court, an ad hoc corruption court. Similar to the formation of other commissions related to prevention and to supervise the behavior of law enforcers such as: the National Police Commission (Kompolnas), the Prosecutor's Commission, and the Judicial Commission (KY).

Corruption is a crime that harms state finances or the state economy. This is because several articles on corruption in the Corruption Eradication Law (UUTPK) formulate the element of harming state finances or the state economy. Bribery that is not related to the loss of state money or the state economy can also be qualified as a crime of corruption as long as it is related to Public Officials/Positions, but not all acts of bribery are qualified as corruption. There are several laws and regulations related to bribery that formulate the act as a criminal act of bribery only, for example bribery that concerns the public interest, both active and passive. Bribery against bank officials regulated in Law Number 10 of 1998 and bribery in relation to general elections and regional head elections (money politics), which in the practice of law enforcement of this criminal act of bribery is less brought to the surface. This is because it is rarely used by law enforcers even though such acts of bribery are rampant in society. With various legal events in society related to bribery as a form of criminal corruption, then arises how important is responsive law enforcement, related to law enforcement with integrity and morality as an instrument of social change can be realized and provide benefits to society and can change public perception of law enforcement. The above problem is interesting, because only with responsive law enforcement against perpetrators of bribery will a sense of justice be created in society. Based on the description that has been presented above, a writing in the form of a dissertation is proposed with the title "Criminal Policy on Criminal Acts of Corruption and Bribery from the Perspective of Responsive Law in Indonesia". Based on the background of the problem as described above, the problem of this research can be formulated How are the legal rules regarding the implementation of the Criminal Policy on Criminal Acts of Corruption and Bribery in Indonesia? The purpose of this study is to examine and analyze the Criminal Policy on Criminal Acts of Bribery from the Perspective of Responsive Law in Indonesia.

RESEARCH METHOD

The research method used to answer the problems in this dissertation is using library research method or normative research method (juridical normative) which is carried out by

examining library materials or secondary data, namely data that refers to legal norms in laws and regulations, legal theories, international provisions, and court decisions.

The approach method This research was carried out with a case approach and applicable legislation. is analytical prescriptive, where prescriptive research is a study aimed at obtaining suggestions for solving certain problems (Soekanto, 1981). This research comprehensively reveals research on legal principles, legal systematics and synchronization of laws and regulations related to legal theories that are the object of research, as well as law in its implementation in society related to the object of research.

RESULTS AND DISCUSSION

Development of Corruption Crimes in Indonesia

The history of the development of criminal acts of corruption in Indonesia has grown and developed since long ago, before and after independence, in the sense that there are 2 (two) phases of development or periodization of criminal acts of corruption, which began in the pre-independence and post-independence periods (Amin Rahayu, 2009). Below is the figure of development of corruption crimes in Indonesia.

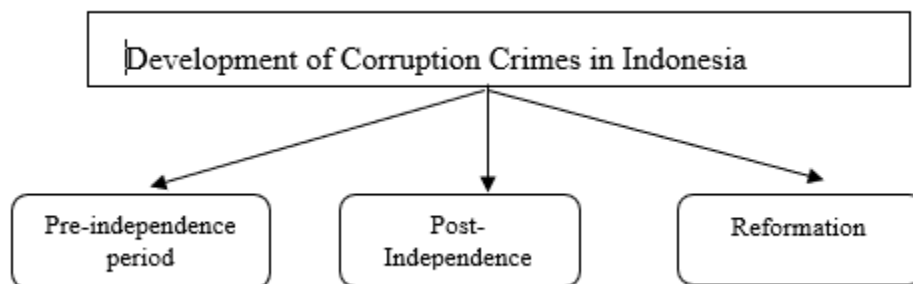


Figure 1. Development of Corruption Crimes in Indonesia

A. Pre- Independence

a. The Era of the Kingdom

The tradition of corruption that never ends because it is driven by motives of power, wealth and women.

- i. the struggle for power in the Singosari kingdom (up to seven descendants seeking revenge for power: Anusopati-Tohjoyo-Ranggawuni-Mahesa Wongateleng, and so on),
- ii. Majapahit (Kuti, Narnbi, Suro rebellions and others),
- iii. Demak (Joko Tingkir with Haryo Penangsang),
- iv. Banten Sultan Haji seized the throne from his father, Sultan Ageng Tirtayasa,
- v. People's resistance against the Dutch and so on until several transfers of power in the archipelago have colored the history of corruption and power in Indonesia
- vi. The destruction of the great kingdoms (Sriwijaya, Majapahit and Mataram), was due to the corrupt behavior of most of its nobles

1. Sriwijaya is known to have ended because there was no successor or successor to the kingdom after the death of Bala Putra Dewa
2. Majapahit is known to have been destroyed because of a civil war (paregreg war) after the death of Maha Patih Gajah Mada
3. Mataram was weak and increasingly toothless because it was divided and its fangs were stripped off by the Dutch.

b. Dutch Colonial

- i. In 1755 with the Giyanti Agreement, the VOC divided Mataram into two powers, namely the Yogyakarta Sultanate and the Surakarta Kasunanan
- ii. In 1957-1958, the Surakarta Kasunanan was divided into two areas of power, namely the Surakarta Kasunanan and Mangkunegaran.
- iii. The Yogyakarta Sultanate was also divided into two, the Yogyakarta Sultanate and Pakualaman
- iv. In the book History of Java by Thomas Stanford Raffles, the British Governor General who ruled Java in 1811-1816, an interesting thing in the book is the discussion about the character of the Javanese people. The Javanese people are described as very "nrimo" or resigned to circumstances. However, on the other hand, they have a desire to be more appreciated by others. Not being frank, like to hide problems, and including taking advantage or opportunities when others do not know. Another interesting thing is the existence of nobles who like to accumulate wealth, maintain relatives (abdi dalem) who in general abdi dalem prefer to get or seek attention from their masters. As a result, the servants prefer to seek attention or behave opportunistically.
- v. In the economic aspect, the king and the circle of nobility dominate the economic resources in society, the people are generally "left" poor, oppressed, submissive and must obey the words, wishes or desires of the "ruler".
- vi. The very closed and "tricky" culture also contributed to the culture of corruption in the archipelago. It is not uncommon for servants to also "corrupt" in taking "tribute" "taxes" from the people which will be handed over to the Demang (Lurah) which will then be handed over by the Demang to the Tumenggung. Servants in Katemenggungan at the district or provincial level also corrupt assets that will be handed over to the king or sultan.
- vii. The habit of taking "tribute" from the common people carried out by the Javanese King was imitated by the Dutch when they controlled the archipelago (1980-1942), minus the British Era (1811-1816), as a result of this policy there was a lot of resistance from the people against the Dutch, for example the resistance of Diponegoro (1825-1830), Imam Bonjol (1821-1827), Aceh (1873-1904), and others.
- viii. However, what is even sadder is that the oppression of the indigenous population (the colonized Indonesian people) was also carried out by the Indonesian people themselves, for example the case of abuse in the implementation of the "Cultuur Stelsel (CS) System, which literally means the Cultivation System. Although the main objective of the system was to cultivate productive plants in society so that the results could improve the

welfare of the people and contribute to the Dutch treasury, the reality was very concerning.

B. Post-Independence

Old Order

- i. The Corruption Eradication Agency was formed, the State Apparatus Retooling Committee (PARAN), formed based on the Emergency Situation Law, led by General AH. Nasution and assisted by two members, namely Prof. M. Yamin and Prof. Roeslan Abdulgani, but it turned out that the government at that time seemed half-hearted in implementing it.
- ii. Government officials were required to fill out the form provided, the current term: list of state officials' assets. In its development, it turned out that the obligation to fill out the form received a strong reaction from officials. They argued that the form should not be submitted to PARAN, but directly to the President.
- iii. Several references state that the eradication of corruption legally only began in 1957, with the issuance of Military Rulers Regulation Number PRT/PM/06/1957, the Regulation known as the Regulation on the Eradication of Corruption was made by the military rulers at that time, namely the Military Rulers of the Army and Navy.
- iv. In 1963 through Presidential Decree No. 275 In 1963, efforts to eradicate corruption were again intensified, General AH Nasution who at that time served as Minister of Law and Security/Chief of the Armed Forces assisted by Prof. Wiryono Prodjodikusumo, his task was to forward corruption cases to the court, this institution was later known as "Operation Budhi". The targets were state-owned companies and other state institutions that were considered prone to corruption and collusion practices, Operation Budhi turned out to eventually encounter obstacles.
- v. Within 3 months since Operation Budhi was carried out, state finances were saved by approximately 11 billion rupiah, a significant amount for that period because it was considered to disrupt the President's prestige, finally Operation Budhi was stopped.
- vi. Soebandrio announced the dissolution of PARAN/Operation Budhi which was later renamed KOTRAR (Highest Command for Retooling the Revolutionary Apparatus) where President Soekarno became its chairman and assisted by Soebandrio and Lieutenant General Ahmad Yani. History then recorded that the eradication of corruption at that time finally stagnated.

New Order

- i. In the early days of the New Order, the Government issued Presidential Decree No. 28 of 1967 concerning the Establishment of the Corruption Eradication Team (TPK). In its implementation, the team could not eradicate corruption optimally, in fact it could be said to be almost non-functioning. This regulation even triggered various forms of protests and demonstrations starting in 1969 and peaking in 1970 which was then marked by the establishment of Commission IV which was tasked with analyzing problems

in the bureaucracy and issuing recommendations to overcome them. The Committee of Four consisted of old figures who were considered clean and authoritative such as Prof. Johannes, IJ. Kasimo, Mr. Wilopo and ATjokrominoto, its main task was to clean up, among others, the Ministry of Religion, Bulog, CV Waringin, PT Mantrust, Telkom, and Pertamina, but this committee was only a "toothless tiger", because the results of its findings regarding alleged corruption in Pertamina were not responded to by the government.

- ii. Still in the same year, the former first Vice President of the Republic of Indonesia, Bung Hatta, raised the discourse that corruption had become a culture in Indonesia, whereas, Hatta continued, corruption had become the behavior of a new regime led by Soeharto, even though the age of this regime was still so young, Hatta felt as if the ideals of the founders of this republic had been betrayed at a very young age, historian JJ Rizal revealed, Hatta at that time felt that the ideals of the country had been betrayed and even worse because corruption was actually given facilities, even though according to him, there was no compromise whatsoever with corruption, "(quoted from the Anti-Corruption Clearing House-ACCH).
- iii. When Admiral Sudomo was appointed as Pangkopkamtib, OPSTIB (Orderly Operation) was formed with the task of eradicating corruption, this policy only gave rise to cynicism in society, not long after the opstib was formed, at one point a sharp difference of opinion arose between Admiral Sudomo and General AH. Nasution, it concerned the selection of methods or ways to eradicate corruption, General AH. Nasution was of the opinion that if you want to succeed in eradicating corruption, it must start from the top, he also advised Admiral Sudomo to start with himself, as time went by, opstib disappeared without a trace at all.
- iv. The New Order can be said to have issued the most regulations because the New Order period was quite long, but unfortunately not many of the regulations made were effective and reduced corruption from the land of Indonesia, continuing his speech on Indonesian Independence Day on August 17, 1945, the Soeharto government issued Law No. 3 of 1971 concerning the Eradication of Criminal Acts of Corruption, this regulation applies a maximum prison sentence of life and a maximum fine of 30 million rupiah for all crimes categorized as corruption, complementing the law, the state document outlines the main points of state policy (GBHN) which contains one of them is the will of the people to eradicate corruption, but the implementation of this GBHN was leaked because the management of the state was marked by a lot of fraud and leaks of the state budget in all sectors without any control at all, (quoted from the Anti-Corruption Clearing House).
- v. State organs such as parliament which have a supervisory function were weakened, the DPR budget was determined by the government so that the supervisory function no longer existed, the judiciary was also made similar by the New Order regime, so that there was no power left to be able to try corruption cases independently.

- vi. The power of civil society was sterilized, the New Order rulers slowly limited the space for people to move and intervened in order to maintain their power.
- vii. The following are several regulations issued during the New Order era relating to the eradication of corruption (quoted from the Anti-Corruption Clearing House):
 - 1. GBHN 1973 concerning the Development of Authoritative and Clean Apparatus in State Management;
 - 2. GBHN 1978 concerning Policies and Steps in the Framework of Ordering State Apparatus from the Problems of Corruption, Abuse of Authority, Leakage and Waste of State Wealth and Finances, Illegal Levies and various other forms of misappropriation that hinder the Implementation of Development;
 - 3. Law No. 3 of 1971 concerning Criminal Acts of Corruption;
 - 4. Presidential Decree No. 52 of 1973 concerning Tax Reporting of Officials and Civil Servants;
 - 5. Presidential Instruction No. 9 of 1977 concerning Order Operations;
 - 6. Law No. 11 of 1980 concerning Criminal Acts of Bribery.

C. Reformation

- i. During the administration of President BJ Habibie, MPR Decree Number XI/MPR/1998 concerning Clean and Corruption-Free State Management and Law Number 28 of 1999 concerning Clean and Corruption-Free State Administration were issued, then state agencies were formed to support efforts to eradicate corruption, including: Joint Team for Combating Corruption Crimes with Government Regulation Number 19 of 2000, National Ombudsman Commission, State Officials Wealth Examination Commission and several others.
- ii. At that time, there were several records of radical steps taken by the Gus Dur Government, one of which was appointing Baharudin Lopa as Minister of Justice who later became Attorney General. The Attorney General's Office of the Republic of Indonesia had taken concrete steps to enforce corruption laws, many big-time corruptors were investigated and made suspects at that time.
- iii. During President Megawati's administration, the authority of the law in eradicating corruption has declined, problematic conglomerates can deceive law enforcement by using the excuse of seeking medical treatment abroad, the issuance of SP3 for Prajogo Pangestu, Harimutu Sinivasan, Sjamsul Nursalim, The Nien King, the escape of Samadikun Hartono from the clutches of the Supreme Court's decision execution, the provision of MSAA facilities to conglomerates whose debts are in arrears, are strong evidence that the government elite is not serious in efforts to eradicate corruption. The public believes that the government still provides protection to big businessmen who in fact contribute to the bankruptcy of the national economy, the government is increasingly losing its authority, recently corruption cases have also spread in a number of DPRDs during the reform era.
- iv. The long journey to eradicate corruption seemed to get a breath of fresh air when a state institution emerged that had clear duties and authorities to

eradicate corruption, although previously, this was considered late from the agenda mandated by the provisions of Article 43 of Law Number 31 of 1999 as amended by Law Number 20 of 2001, the discussion of the KPK Bill can be said to be a form of seriousness of the Megawati Soekarnoputri government in eradicating corruption, the delay in discussing the bill was due to many reasons. First, changes to the constitution that have implications for changes in the state map. Second, the tendency of legislative heavy in the DPR. Third, the tendency of tyranny in the DPR. The delay in discussing the KPK Bill was also partly caused by internal problems that hit the political system in Indonesia during the reform era, (quoted from the Anti-Corruption Clearing House-ACCH).

- v. In the era of President Susilo Bambang Yudhoyono-SBY, the vision of eradicating corruption was reflected in the initial steps taken by issuing Presidential Instruction Number 5 of 2004 and then continued with the preparation of the National Action Plan for Eradicating Corruption (RAN) prepared by Bappenas. The RAN for Eradicating Corruption was in effect from 2004-2009 using the paradigm of the legal system, the government of Susilo Bambang Yudhoyono benefited from an established legal system, the existence of the KPK through Law Number 30 of 2002, the Corruption Crime Court (Tipikor) which is separate from the general court, international support (structure), and legal instruments that support each other between national law and international law. (quoted from the Anti-Corruption Clearing House-ACCH)

The legislative policy for eradicating corruption up until before 1960 did not regulate the reversal of the burden of proof in the corruption legislation because the perspective of the legislative policy viewed corruption as an ordinary crime so that corruption eradication was sufficient to be carried out conventionally and did not require extraordinary legal instruments (extra ordinary measures). The legislative policy for the reversal of the burden of proof began to be found in Article 5 paragraph (1) of Law No. 24 of 1969 concerning the Investigation, Prosecution and Examination of Corruption Crimes, which states: "Every suspect is required to provide information about all assets and assets of his wife/husband and children and assets of a legal entity that he manages, if requested by the Prosecutor".

President Soeharto Era (New Order) Furthermore, in the era of the Soeharto Government (New Order), the eradication of corruption carried out by the Government has issued regulations, namely: 1. Presidential Decree No. 228 of 1967 dated December 2, 1967 concerning the Establishment of the Corruption Eradication Team. 2. Presidential Decree No. 12 of 1970 dated January 31, 1971 concerning the Eradication of Criminal Acts of Corruption. 3. Law of the Republic of Indonesia No. 3 of 1971 concerning the Eradication of Criminal Acts of Corruption.

This law was issued during the New Order era under the leadership of President Soeharto. Law of the Republic of Indonesia No. 3 of 1971 regulates a maximum prison sentence of life imprisonment and a maximum fine of Rp 30 million for all crimes categorized as corruption. Law No. 3 of 1971 has clearly outlined the definition of corruption, namely acts harming state finances with the aim of benefiting oneself or others, but in reality corruption, collusion, and nepotism were still rampant at that time. Presidential Instruction No. 9 of 1977 concerning the

Establishment of the Orderly Authority and Corruption Eradication Operation Team.5. Law of the Republic of Indonesia No. 11 of 1980 concerning the Crime of Bribery and the Corruption Eradication Team of 1982.

6. Law of the Republic of Indonesia No. 8 of 1981 concerning the Criminal Procedure Code. This law regulates the operation of the criminal justice system in Indonesia.

Era of President BJ Habibie. The mandate of Reformation with the fall of the New Order regime emphasized the demands of the people's conscience so that development reform can succeed, one of which is by carrying out the functions and duties of state administrators properly and responsibly, without corruption. The form of seriousness of the BJ. Habibie Government is by issuing several legal instruments in carrying out the functions and duties of state administrators properly and responsibly, without corruption, including:1) MPR Decree Number XI/MPR/1998 concerning Clean and Corruption-Free State Administrators. In the MPR Decree. The MPR Decree also ordered an examination of the assets of state administrators, to create public trust. The MPR Decree emphasized the demands of the people's conscience so that development reform can succeed, one of which is by carrying out the functions and duties of state administrators properly and responsibly, without corruption. The MPR Decree also ordered an examination of the assets of state administrators, to create public trust.2) Law of the Republic of Indonesia No. 28 of 1999 concerning the Implementation of a Clean and Corruption-Free State, which provides an explanation regarding the definition of corruption, collusion and nepotism, all of which are reprehensible acts for state administrators.3) Law of the Republic of Indonesia No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, is a legal instrument as a replacement for Law of the Republic of Indonesia No. 3 of 1971 concerning the Eradication of Criminal Acts of Corruption.4) Law of the Republic of Indonesia No. 40 of 2009 concerning the Press. In the considerations of the Press Law, it is stated that press freedom is one form of people's sovereignty and is a very important element in creating a democratic society, nation and state. 5) The establishment of the Business Competition Supervisory Commission (KPPU), is an independent institution formed to supervise the implementation of Law of the Republic of Indonesia No. 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. KPPU is responsible to the President. KPPU supervises 2 (two) laws, namely supervision of the implementation of Law Number 5 of 1999 (Law No. 5/99) and supervision of micro, small, and medium enterprise (UMKM) partnerships as regulated in Law Number 20 of 2008 (Law No. 20/2008).6) The Ombudsman of the Republic of Indonesia, previously known as the National Ombudsman Commission, is a State Institution that was first established during the time of President BJ. Habibie, formed following very strong public demands to realize a clean government and good state administration or clean and good governance.

Era of President Abdulrahman Wahid (Gus Dur). 1) The reign of K.H. Abdurrahman Wahid was referred to as a milestone in the formation of the Ombudsman institution in Indonesia. The government at that time seemed aware of the need for an Ombudsman institution in Indonesia following the very strong demands of the community to realize a clean government and good state administration or clean and good governance.2) Government Regulation of the Republic of Indonesia No. 71 of 2000 concerning Procedures for the Implementation of Community Participation and Awarding in the Prevention and Eradication of Criminal Acts of Corruption. Through this regulation, the government wants to invite the community to help eradicate criminal acts of corruption. The community's participation regulated in this regulation

is to seek, obtain, provide data or information about criminal acts of corruption. The community is also encouraged to provide suggestions and opinions to prevent and eradicate corruption. The community's rights are protected and followed up in case investigations by law enforcement. For their participation, the community will also receive awards from the government which are also regulated in this Government Regulation.

Era of President Megawati Soekarnoputri. 1) Law of the Republic of Indonesia No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Law of the Republic of Indonesia No. 20 of 2001 concerning Amendments to Law of the Republic of Indonesia No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. These two laws regulate several types of criminal acts of corruption along with the sanctions that can be given to the perpetrators. 2) Law of the Republic of Indonesia No. 30 of 2002 concerning the Corruption Eradication Commission The Law on the Corruption Eradication Commission was issued with the consideration that the eradication of criminal acts of corruption had not been implemented optimally and the institutions that existed at that time that had the authority to handle criminal acts of corruption had not functioned effectively and efficiently, therefore an independent institution was needed, which when working could not be influenced by any power. The efforts to eradicate corruption that can be carried out by the KPK as regulated by the KPK Law are through coordination, supervision, monitoring, investigation, prosecution, and examination in court, by involving the participation of the community. What is the meaning and what are the authorities of the KPK in carrying out coordination, supervision, monitoring, etc. can be brought completely in the law. 3) Law of the Republic of Indonesia No. 15 of 2002 concerning the Crime of Money Laundering. Money laundering is one way for corruptors to hide or eliminate evidence of corruption. The law regulates the handling of cases and reporting of money laundering and suspicious financial transactions as a form of effort to eradicate corruption, and for the first time introduced the Financial Transaction Reports and Analysis Center (PPATK) which coordinates the implementation of efforts to prevent and eradicate money laundering in Indonesia.

Era of President Susilo Bambang Yudhoyono. 1) Law of the Republic of Indonesia No. 7 of 2006 concerning Ratification of the United Nations Convention Against Corruption, 2003 (United Nations Convention Against Corruption, 2003) 2) Law of the Republic of Indonesia No. 46 of 2009 concerning the Corruption Court. The Corruption Court is a special court within the General Court. The Corruption Court is located in each district/city capital whose jurisdiction covers the jurisdiction of the relevant district court. This court is the only court that has the authority to examine, try, and decide on corruption cases. This court also has the authority to examine and decide on money laundering crimes whose predicate crime is corruption; and/or crimes that are expressly determined in other laws as corruption crimes. 3) Law of the Republic of Indonesia No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering. Then in this law, the Financial Transaction Reporting and Analysis Center, hereinafter abbreviated as (PPATK), was formed, which is an independent institution formed in order to prevent and eradicate the crime of Money Laundering. 4) Law of the Republic of Indonesia No. 25 of 2009 concerning Public Services. The consideration is that the state is obliged to serve every citizen and resident to fulfill their basic rights and needs within the framework of public services which are the mandate of the Constitution of the Republic of Indonesia. In addition, this law is to emphasize the rights and obligations of every citizen and resident and the realization of state and corporate responsibility as an effort to improve the quality and guarantee the provision

of public services in accordance with the general principles of good governance and good corporate governance and to provide protection for every citizen and resident from abuse of authority in the implementation of public services. 5) Law of the Republic of Indonesia No. 14 of 2008, concerning Openness of Public Information. This law essentially provides an obligation for every Public Agency to open access for every requester of public information to obtain public information, except for certain information that is indeed excluded in this law, for example information related to documents or state secrets. 6) Law of the Republic of Indonesia No. 5 of 2014 concerning State Civil Apparatus.

Permenpan & RB No. 52 of 2014 concerning Integrity Zones towards Corruption-Free Areas and Clean and Serving Areas With derivatives at the University level through Permeristekdikti No. 57 of 2016 Students and academics need to be aware that there are prevention programs that must be implemented by universities, especially State Universities (PTN). 2) Perma Number 13 of 2016 Concerning procedures for handling criminal cases by corporations. Through this Perma, law enforcement officers can ensnare corporations, because so far corporations have sometimes committed criminal acts that can lead to losses to the state or nation and sometimes corporations have also become a place for money laundering from criminal acts and there is no longer any excuse for not being able to ensnare corporations because the procedural law is not yet clearly regulated or the material law and this is a good thing in efforts to eradicate corruption in Indonesia. 3) Law of the Republic of Indonesia Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission. This law regulates the matter of increasing synergy between the KPK, the Police and the Prosecutor's Office in handling corruption cases. 4) Presidential Regulation Number 54 of 2018 concerning the National Strategy for Corruption Prevention (Stranas PK). This Presidential Regulation is a replacement for Presidential Regulation No. 55 of 2012 concerning the National Strategy for Long-Term Corruption Prevention and Eradication for 2012-2025 and Medium-Term for 2012-2014 which is considered no longer in accordance with the development of corruption prevention needs.

Stranas PK as stated in this Presidential Regulation is the direction of national policy that contains the focus and targets of corruption prevention which is used as a reference for ministries, institutions, local governments and other stakeholders in implementing corruption prevention actions in Indonesia. Meanwhile, the Corruption Prevention Action (Aksi PK) is a description of the focus and targets of Stranas PK in the form of programs and activities. There are three focuses in Stranas PK, namely Licensing and Trade, State Finance, and Law Enforcement and Bureaucratic Democracy.

Presidential Regulation Number 102 of 2020 concerning the Implementation of Supervision of the Eradication of Criminal Acts of Corruption. This Presidential Regulation regulates the KPK's supervision of agencies authorized to eradicate criminal acts of corruption, namely the Indonesian National Police and the Attorney General's Office of the Republic of Indonesia. This Presidential Regulation also regulates the KPK's authority to take over corruption cases being handled by the Police and the Attorney General's Office. This Presidential Regulation is said to be part of an effort to strengthen the KPK's performance in eradicating corruption. 6) Regulation of the Minister of Research, Technology and Higher Education Number 33 of 2019 concerning the Obligation to Organize Anti-Corruption Education (PAK) in Higher Education. Eradicating corruption is not just about taking action, but also education and prevention. Therefore, the Minister of Research, Technology and Higher Education issued

regulations to organize anti-corruption education (PAK) in higher education. Through Permenristekdikti Number 33 of 2019 concerning the Obligation to Organize Anti-Corruption Education (PAK) in Higher Education, state and private universities must organize anti-corruption education courses at every level, both diploma and undergraduate. In addition to being in the form of courses, PAK can also be realized in the form of Student activities or studies, such as co-curricular, extracurricular, or in student units. 7) Law Number 1 of 2023 concerning the Criminal Code (KUHP). Is a historical milestone in eliminating the category of crimes and violations, and recognizing the existence of living laws in society.

In addition to the laws and regulations that have been explained above, here are some institutions or agencies that are instruments created in an effort to prevent and eradicate corruption and corrupt behavior. 1. Corruption Eradication Commission (KPK) of the Republic of Indonesia, The explanation in the KPK Law states that the role of the KPK in eradicating corruption is as a trigger mechanism. This means that the KPK acts as a driver or as a stimulus so that efforts to eradicate corruption by previously existing institutions become more effective and efficient. The duties of the KPK are to coordinate with agencies authorized to eradicate criminal acts of corruption; supervise agencies authorized to eradicate criminal acts of corruption; conduct investigations, inquiries, and prosecutions of criminal acts of corruption; take measures to prevent criminal acts of corruption; and monitor the implementation of state governance. 2. The Judicial Commission of the Republic of Indonesia, was established based on the third amendment to the 1945 Constitution of the Republic of Indonesia where in 2001 it was agreed on the establishment of the Judicial Commission which is regulated in Article 24B of the 1945 Constitution of the Republic of Indonesia. (On the Judicial Commission website (<http://www.komisiyudisial.go.id>) it is stated that the basic intention that became the spirit of the establishment of the Judicial Commission was based on deep concern regarding the gloomy condition of the judiciary and justice in Indonesia that has not been upheld. 3. Ombudsman of the Republic of Indonesia, the Ombudsman of the Republic of Indonesia is a state institution in Indonesia that has the authority to overcome the implementation of public services both organized by state and government administrators, including those organized by State-Owned Enterprises, Regional-Owned Enterprises, and State-Owned Legal Entities as well as private bodies or individuals who are tasked with organizing certain public services, some or all of which are funded from the APBN or APBD.

4. The Financial Transaction Reports and Analysis Center (PPATK) is an independent institution established to prevent and eradicate the crime of Money Laundering. PPATK is directly responsible to the President and in carrying out its duties and authorities is independent and free from interference and influence of any power. 5. Banking Supervisory Agency. OJK or the Financial Services Authority is an institution tasked with regulating and supervising national banking. The OJK website (<https://www.ojk.go.id/>) states that one of OJK's duties is to encourage the realization of a healthy, strong and efficient banking system in order to create financial system stability in order to help national economic growth. 6. Indonesian Broadcasting Commission, Since the enactment of Law of the Republic of Indonesia No. 32 of 2002 concerning Broadcasting, there has been a fundamental change in the management of the broadcasting system in Indonesia. The most fundamental change in the spirit of the law is the limited transfer of authority from broadcasting management which has so far been the exclusive right of the government to an independent regulatory body called the Indonesian Broadcasting Commission (KPI) (<http://www.kpi.go.id/>). 7. General Election Commission and Election

Supervisory Body, General elections are often referred to as "democratic celebrations". General elections are one of the means of realizing people's sovereignty in forming a democratic government. It takes rules of the game as well as credible election organizers and election supervisors to realize honest and fair elections. Election organizers and election supervisors must be occupied by personnel or people with integrity who do not side with election participants, either individuals or political parties.

8. Press Institution, to oversee the performance of the Press, at the national level a Press Council was formed. The Press Council received a mandate and mandate from Law 40 of 1999 concerning the Press to develop and maintain the independence or freedom of the press and improve the life of the national press and carry out the following functions: a) protect the freedom of the press from interference by other parties; b) conduct studies for the development of press life; c) determine and supervise the implementation of the journalistic code of ethics; d) provide considerations and seek to resolve public complaints regarding cases related to press reporting; e) develop communication between the press, society, and government; f) facilitate press organizations in drafting regulations in the press field and improving the quality of the journalism profession; and g) record press companies (<https://dewanpers.or.id/kebijakan/peraturan/>).

From a legal perspective, the definition of corruption has been clearly explained in 13 articles of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001. Based on these articles, corruption is formulated into 30 forms/types of criminal acts of corruption (tipikor). Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, initially corruption was grouped into 30 types:

1. Bribing civil servants;
2. Giving gifts to civil servants because of their positions;
3. Civil servants accepting bribes;
4. Civil servants accepting gifts related to their positions;
5. Bribing judges;
6. Bribing advocates;
7. Judges and advocates accepting bribes;
8. Judges accepting bribes;
9. Advocates accepting bribes;
10. Civil servants embezzling money or allowing embezzlement;
11. Civil servants falsifying books for administrative examinations;
12. Civil servants destroying evidence;
13. Civil servants allowing others to destroy evidence;
14. Civil servants helping others to destroy evidence;
15. Civil servants blackmailing;
16. Civil servants blackmailing other civil servants;
17. Contractors cheating;
18. Project supervisors allow fraudulent acts;
19. TNI/Polri partners commit fraud;
20. TNI/Polri partner supervisors commit fraud;
21. Recipients of TNI/Polri goods allow fraudulent acts;

22. Civil servants seize state land, thereby harming others;
23. Civil servants participate in procurement that they manage;
24. Civil servants receive gratuities and do not report to the Corruption Eradication Committee;
25. Obstructing the process of examining corruption cases;
26. Suspects do not provide information regarding wealth;
27. Banks that do not provide information on suspect accounts;
28. Witnesses or experts who do not provide information or provide false information;
29. Someone who holds a secret position, but does not provide information or provides false information;
30. Witnesses who reveal the identity of the reporter.

Of the 30 types, they are then grouped into seven criminal acts of corruption, in full, an explanation of the seven groups of criminal acts of corruption is explained at the bottom of this article.

In the economic aspect, the king and the circle of nobility dominate the economic resources in society, the people are generally "left" poor, oppressed, submissive and must obey the words, wishes or desires of the "ruler". The culture which is very closed and full of "tricks" also contributes to the culture of corruption in the archipelago. It is not uncommon for servants to also "corrupt" in taking "tribute" "taxes" from the people which will be handed over to the Demang (Lurah) which will then be handed over by the Demang to the Tumenggung. Servants in Katemenggungan at the district or provincial level also corrupt assets that will be handed over to the king or sultan. The habit of taking "tribute" from the common people carried out by the Javanese King was imitated by the Dutch when they controlled the archipelago (1980-1942), minus the British Era (1811-1816), as a result of this policy there were many people's resistances against the Dutch, for example the resistance of Diponegoro (1825-1830), Imam Bonjol (1821-1827), Aceh (1873-1904), and others. However, what is even sadder is that the oppression of the indigenous population (the colonized Indonesian people) was also carried out by the Indonesian people themselves, for example the case of misappropriation in the implementation of the "Cultuur Stelsel (CS) System, which literally means the Cultivation System. Although the main objective of the system was to cultivate productive plants in society so that the results could improve the welfare of the people and contribute to the Dutch treasury, the reality was very concerning.

In the post-independence era of the Old Order, the legal regulations on the implementation of criminal policies for corruption and bribery in Indonesia had formed the Corruption Eradication Agency, the State Apparatus Retooling Committee (PARAN), but the government was half-hearted in implementing it. Several references state that the eradication of corruption legally only began in 1957, with the issuance of Military Rulers Regulation Number PRT/PM/06/1957, the Regulation known as the Regulation on the Eradication of Corruption was made by the military rulers of the time, namely the Military Rulers of the Army and Navy. Within 3 months since Operation Budhi was carried out, state finances could be saved by approximately 11 billion rupiah. Soebandrio announced the dissolution of PARAN/Operation Budhi which was later renamed KOTRAR (Highest Command for the Retooling of the Revolutionary Apparatus) where President Soekarno became its chairman and was assisted by

Soebandrio and Lieutenant General Ahmad Yani. History then recorded that the eradication of corruption at that time finally stagnated.

New Order Era In the early New Order era, the Government issued Presidential Decree No. 28 of 1967 concerning the Establishment of the Corruption Eradication Team (TPK). In its implementation, the team could not eradicate corruption optimally, in fact it could be said to be almost non-functioning, so that 1) GBHN of 1973 concerning the Development of an Authoritative and Clean State Apparatus in State Management was formed; 2) GBHN of 1978 concerning Policies and Steps in the Framework of Ordering State Apparatus from the Problems of Corruption, Abuse of Authority, Leakage and Waste of State Wealth and Finances, Illegal Levies and various other forms of misappropriation that hinder the Implementation of Development; 3) Law No. 3 of 1971 concerning Criminal Acts of Corruption; 4) Presidential Decree No. 52 of 1973 concerning Tax Reporting of Officials and Civil Servants; 5) Presidential Instruction No. 9 of 1977 concerning Order Operations; 6) Law No. 11 of 1980 concerning Bribery Crimes.

BJ. Habibi MPR Decree Number XI/MPR/1998 concerning Clean and Corruption-Free State Management and Law Number 28 of 1999 concerning Clean and Corruption-Free State Administration; Joint Team for Combating Corruption Crimes with Government Regulation Number 19 of 2000, National Ombudsman Commission, State Officials Wealth Examination Commission and several others. The Gus Dur government, among others, appointed Baharudin Lopa as Minister of Justice who later became Attorney General. The Attorney General's Office of the Republic of Indonesia had taken concrete steps to enforce corruption laws, many big-time corruptors were investigated and named suspects at that time.

During President Megawati's administration, the authority of the law in eradicating corruption has declined, the provisions of Article 43 of Law Number 31 of 1999 as amended by Law Number 20 of 2001, the discussion of the KPK Bill can be said to be a form of seriousness of the Megawati Soekarnoputri government in eradicating corruption, the delay in discussing the bill was due to many reasons. First, changes to the constitution that have implications for changes in the state map. Second, the tendency of legislative heavy in the DPR. Third, the tendency of tyranny in the DPR. The delay in discussing the KPK Bill was also partly caused by internal problems that hit the political system in Indonesia during the reform era, (quoted from the Anti-Corruption Clearing House-ACCH). 2004-2009 by using the legal system paradigm, the Susilo Bambang Yudhoyono government benefited from an established legal system, the existence of the Corruption Eradication Commission (KPK) through Law Number 30 of 2002, the Corruption Crime Court (Tipikor) which is separate from the general court, international support (structure), and legal instruments that support each other between national law and international law. (quoted from the Anti-Corruption Clearing House-ACCH).

The changes in anti-corruption policies in Indonesia that began before independence until the government in 2025 changed. Each government has a different anti-corruption system and different policies, but until now the policy of eradicating bribery and corruption has not been overcome. whether this act has become the character of the nation or a stricter policy is needed in the future so that criminal acts of bribery and corruption are no longer carried out. At least acts of bribery and corruption are reduced.

CONCLUSION

The legal rules on the implementation of criminal policies for corruption and bribery in Indonesia have developed over time. There were developments in corruption in the pre-independence and independence eras. In the pre-independence era, there were developments during the Dutch colonial and royal governments, while in the independence era, there was a period of development of corruption in the old, new, and reform eras. In the pre-independence era, it was known that during the royal government, people rebelled (the Kuti, Nambi, Suro rebellions) against corruption carried out by the Dutch colonialists. The people's resistance against the Dutch and so on until several transfers of power in the archipelago colored the history of corruption and power in Indonesia, while during the Dutch colonial period, the rule of law was "nrimo" or resigned to the situation. However, on the other hand, they have a desire to be more appreciated by others. Not being frank, like to hide problems, and including taking advantage or opportunities when others do not know. Another interesting thing is that there are nobles who like to accumulate wealth, maintain relatives (abdi dalem) who generally abdi dalem prefer to get or seek attention from their masters. As a result, the courtiers prefer to seek attention or behave opportunistically.

In the economic aspect, the king and the circle of nobles dominate the economic resources in society, the people are generally "left" poor, oppressed, submissive and must obey the words, wishes or desires of the "ruler". The very closed and "tricky" culture also contributes to the culture of corruption in the archipelago. It is not uncommon for courtiers to also be "corrupt" in taking "tribute" and "tax" from the people which will be handed over to the Demang (Lurah) which will then be handed over by the Demang to the Tumenggung. Courtiers in Katemenggungan at the district or provincial level also corrupt assets that will be handed over to the king or sultan.

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