

The Impact and Efforts to Eradicate Corruption Crimes in Indonesia

Zulfikri Lubis¹, Ade Saptomo²
{zulfikri_advokat@yahoo.com¹, ade_saptomo@borobudur.ac.id²}

Universitas Borobudur^{1,2}

Abstract. Efforts to eradicate corruption in Indonesia have been carried out in various ways, yet corruption persists in multiple forms and is committed by different institutions. Corruption poses several dangers, including threats to society and individuals, the younger generation, politics, the nation's economy, and bureaucracy. There are obstacles in combating corruption, such as structural, cultural, instrumental, and managerial barriers. Therefore, it should address these issues, including redesigning and restructuring public services, strengthening transparency, oversight, and sanctions, and enhancing the empowerment of supporting mechanisms in preventing corruption. According to Law Number 31 of 1999, corruption is abusing state finances, bribery, embezzlement in office, extortion, fraudulent acts, conflicts of interest in procurement, and gratuities. To effectively combat corruption, integrated enforcement, international cooperation, and harmonious regulation are necessary.

Keywords: Criminal Act, Corruption, Eradication

1 Introduction

Corruption in Indonesia has become a chronic issue that undermines the nation's foundations. From the New Order era to the Reform era, corrupt practices have infiltrated various sectors of life, including government, economy, and socio-culture. The phenomenon not only causes significant financial losses but also degrades the morality and ethics of state officials. Although Indonesia is rich in natural and human resources, its potential is often hindered by the endemic corruption that stifles growth and development. Despite numerous efforts to eradicate corruption, the reality is that the challenges are highly complex and require a more comprehensive and sustainable approach.[1]

The financial losses to the state due to corruption are substantial, with funds that should be allocated for development and public services being diverted for personal or group interests. Key sectors such as education, health, and infrastructure are often the primary victims of these corrupt actions. For example, funds allocated for building schools and health facilities often fail to meet their intended targets, negatively impacting the quality of education and healthcare services received by the public. As a result, the quality of public services received by society becomes severely limited and inadequate.[2] This not only hampers economic development but also creates a widening social gap between the rich and the poor. The inequitable access to public services exacerbates poverty and social injustice in Indonesia.

Corruption also negatively impacts the investment climate in Indonesia. Both domestic and foreign investors are often reluctant to invest in a country lacking legal certainty and rife

with embezzlement. This uncertainty creates high risks for investment, which in turn reduces Indonesia's economic competitiveness on the global stage. In the long term, this means fewer job opportunities and slower economic growth. The instability in the investment climate also affects the growth of industrial sectors vital to the national economy, thus hindering increases in productivity and innovation.[3]

On the other hand, corruption leads to a loss of public trust in the government and state institutions. The public, fed up with various corruption scandals, tends to become apathetic and skeptical about anti-corruption efforts. This distrust negatively impacts political stability and the effectiveness of governance since public support is a key element in the success of various public policies. The low level of public trust also affects their participation in democratic processes, such as elections, where they feel their votes will not lead to meaningful change.

To combat corruption, Indonesia has taken several important steps by enacting Law No. 31 of 1999 on the Eradication of Corruption. Additionally, Law No. 30 of 2002 on the Corruption Eradication Commission (KPK) serves as the legal foundation for the establishment of the KPK in 2003. The KPK has a special mandate to conduct investigations, inquiries, and prosecutions of corruption cases. This body has carried out various sting operations that have uncovered corrupt practices at various levels of government and the private sector. However, the KPK's efforts often face significant challenges, including resistance from vested interests and a lack of political support. For instance, there have been attempts by certain parties to weaken the KPK's authority through legal revisions or budget cuts.[4]

In addition to the Corruption Eradication Commission (KPK), other law enforcement agencies, such as the Attorney General's Office and the Police are also strengthened in their efforts to combat corruption. More stringent law enforcement and heavy penalties are expected to deter corrupt actors. However, law enforcement alone is not enough; there needs to be systemic reforms that include improving transparency and accountability of state finances management and public services. Strengthening internal audit and oversight systems, as well as enforcing strict ethical standards for public officials, are important steps that need to be taken to prevent future corruption.

Education and public awareness also play a crucial role in anti-corruption efforts. Integrating anti-corruption education into school curricula and vigorous public campaigns can help build an anti-corruption culture from an early age. Additionally, active participation of the community in monitoring government performance and reporting suspected cases of corruption is also key to success in fighting corruption. For example, communities can oversee development projects in their areas through participatory mechanisms such as development planning meetings (musrenbang).

The advancement of information technology, e-government, and online reporting systems is a strategic step in improving government transparency and accountability. These systems not only make it easier for the public to access information related to budget management and government projects but also facilitate the secure and rapid reporting of corruption cases. In this context, protecting whistleblowers becomes crucial to encourage public participation in anti-corruption efforts. For instance, the government needs to ensure that the identity and safety of whistleblowers are protected and provide incentives for those who dare to report acts of corruption.[5]

Overall, corruption in Indonesia is a significant challenge that requires a multi-dimensional approach and the involvement of various parties, including the government, society, and the international community. To Address corruption must be continually enhanced with a strong and sustainable commitment to create a cleaner, fairer, and more prosperous Indonesia. In increasing the capacity of law enforcement agencies, systemic reforms in

bureaucracy, education and public awareness, leveraging information technology, and international cooperation must be taken synergistically to achieve this goal.

In the long term, anti-corruption efforts must be supported by cultural and mindset changes among government officials and the wider society. An anti-corruption culture must be instilled since childhood through education and sustained public campaigns. Additionally, leaders with integrity and a strong commitment to fighting corruption are needed, as well as a transparent and accountable governance system.[6] Only then can Indonesia realize its aspirations to become a corruption-free country, with a clean government oriented toward the welfare of the people.

Through synergy among the government, society, and other institutions, Indonesia can overcome the complex challenges of corruption and create a fairer and more prosperous environment for all its people. Combating corruption is not an easy task, but with commitment and hard work, Indonesia can achieve its aspirations to become a corruption-free country, with a clean and transparent government, and a prosperous and just society.

2 Method

2.1 Method

The research method used to write this is a normative legal research method, which is legal research carried out by examining library materials and secondary data, where the approach used will be a normative juridical (statute approach) with an analytical descriptive nature.[7]

2.2 Approach

The normative approach is a method used to examine issues in the context of law and legislation, including rules that can be used as a basis to investigate subjects and their legal consequences. In this case, an example is Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning corruption demolition. The normative approach is carried out on specific regulations or written laws related to law enforcement in combating corruption. This study depicts the object being studied, focusing on rules and concepts of corrupt practices.[8]

3 Result and Discussion

3.1 Corruption Crimes That Threaten the State

Criminal corruption in Indonesia refers to various forms of misuse of power, authority, or trust granted for personal or group gain, done in violation of the law. Corruption is a serious problem that undermines governance systems, the economy, and social order. In Indonesia, corruption encompasses not only bribery but also various other illegal acts such as embezzlement, extortion, fraud, nepotism, and abuse of power. Generally, corruption can be defined as an act involving the misuse of public power for personal gain. This phenomenon occurs when someone in a position of power uses their authority for illegitimate purposes, ultimately harming the public and the state's interests.[9]

According to Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, later amended by Law No. 20 of 2001, various forms of corruption are specifically regulated. The definition of corruption in this law includes several acts, such as actions that harm the financial or economic interests of the state, receiving or giving bribes, embezzlement in office, extortion, fraudulent acts, conflicts of interest in procurement, and gratuities. For example, actions involving giving or receiving something with a promise or expectation to influence decisions or actions related to one's position, as well as abusing power to obtain personal gain by embezzling money or goods under their responsibility, all fall under the category of criminal corruption.[10]

One of the most common forms of criminal corruption is bribery. Bribery involves giving something, usually money or gifts, to public officials or authorized individuals to influence their actions or decisions. Bribery can occur in various contexts, including procurement of goods and services, licensing, law enforcement, and legislative processes. Embezzlement, another form of corruption, involves abusing power to take or misuse funds or assets entrusted to someone. This often happens when public officials or individuals with access to government resources use those assets for personal gain.

In addition to bribery and embezzlement, extortion is a significant form of corruption. Extortion occurs when someone uses threats or violence to gain illegitimate profit from others. In a governmental context, extortion often involves officials demanding payment or special services from the public or businesses under threat of causing harm if their demands are not met. Nepotism, another form of corruption, occurs when public officials provide benefits or positions to family or close friends without regard to qualifications or meritocracy. This type of corruption damages the integrity of public institutions and diminishes public trust in the government.

Gratification is also regulated in Indonesia's anti-corruption laws, refers to gifts in the form of money, goods, or other forms received by civil servants or state officials about their positions. Gratification is considered corruption if not reported and approved by the authorized party.[11] Another form of corruption, conflict of interest in procurement, occurs when public officials make decisions that benefit themselves or others in the procurement process, often at the expense of transparency and healthy competition.

The main characteristic of criminal corruption is the misuse of power entrusted to someone for personal or group gain, done by violating the law. Corruption can occur at various levels of government and the private sector, and its impact is highly damaging. In the public sector, corruption reduces the effectiveness and efficiency of public services, diminishes the quality of public policies, and hampers economic development. In the private sector, corruption disrupts healthy competition, creates injustice, and reduces innovation and productivity.

The impact of corruption is not limited to financial losses. Corruption also damages social structures by widening social and economic disparities, creating distrust in public institutions, and undermining the rule of law. Corruption creates an environment where people without access to power or resources become increasingly marginalized. Moreover, corruption hampers efforts for sustainable development, reduces economic competitiveness, and damages a country's international reputation.[2]

One concrete example of the impact of corruption on the economy is the case involving infrastructure development. Many large infrastructure projects experience delays or substandard quality due to corrupt practices. Incompetent contractors are chosen because they bribe officials in authority. Project funds that should have been used for high-quality materials are instead diverted for the personal gain of these officials. As a result, the resulting infrastructure projects do not last long and require high maintenance costs, further burdening the state budget.[12]

Overall, combating criminal corruption is a highly complex issue and requires a comprehensive approach. Combating corruption requires a combination of strong law enforcement efforts, institutional reforms, increased transparency, and accountability, as well as education and active participation of the community. These efforts must be carried out synergistically by various parties, including the government, law enforcement agencies, the private sector, civil society, and the international community. Thus, it is hoped that corruption can be minimized and Indonesia can achieve a clean and integrity-driven government, which will ultimately enhance the welfare and justice of all its people.

3.2 Impact and Efforts to Eradicate Corruption Crimes

According to the Considerations of Law Number 3 of 1971 concerning the eradication of corruption, corrupt acts are very detrimental to the nation and hinder national development. Similarly, in the considerations of Law Number 31 of 1999 concerning corruption eradication, corrupt acts are very detrimental to the state finances and will hinder national development, thus, they must be eradicated to realize a just and prosperous society based on Pancasila and the 1945 Constitution.[13]

Furthermore, in the considerations of Law Number 20 of 2001, an amendment to Law Number 31 of 1999 concerning the Eradication of Corruption, it is explained that the widespread corruption that has been occurring not only harms state finances but also constitutes violations of the social and economic rights of the community in a harsh manner. So, corruption should be classified as a crime with extraordinary eradication measures. Corruption can damage the system and order of society, as stated by Soejono Karmi, who mentioned several consequences of corrupt actions. Firstly, it damages societal norms through collusion supported by the public. Secondly, it causes suffering to a large part of society in various sectors such as economics, administration, politics, and law. Lastly, the destruction of a country's economy caused directly or indirectly by corruption will result in suffering for the majority of the population.[14]

The existence of corruption also causes high costs in various sectors, the level of poverty in the country is increasing, prices are becoming expensive, and public trust in state authorities is decreasing, shaking the foundations of the life of the nation and state, therefore, criminal acts of corruption can no longer be said to be a conventional crime but have become an extraordinary crime. In Indonesia today, when we talk about corruption, people think that the government has not succeeded in creating a government that is free from corruption. [15] Talking about corruption from elements of the central government to regional governments, the drumbeat of corruption always rises to the surface, for example when people always talk about the depravity of the Indonesian government related to the issue of corruption in coffee shops.

Corruption in Indonesia is not a new problem, therefore, we must not give up on eradicating it because it has a serious impact, destroying the national economic order and making people suffer. Corruption has indeed been embedded since the Dutch colonial era, but now we are no longer a Dutch colony, so don't colonize your own country, if you colonize your own country it also means hurting yourself and your brothers. Indonesia is a legal and sovereign country, therefore you must make yourself aware of acting according to the applicable laws. Being sovereign does not mean being free to commit corruption, but being sovereign to do good for others. The following is an explanation of the impacts caused by criminal acts of corruption:

a. Democracy Field

Corruption poses a serious challenge to development. In the political arena, corruption complicates democracy and good governance by undermining formal processes. Corruption in elections and legislative bodies reduces accountability and

representation in policy-making; corruption in the judiciary system disrupts the rule of law; and corruption in public administration results in imbalances in public services. Overall, corruption erodes the capacity of government institutions, as it involves disregarding procedures, siphoning off resources, and appointing or promoting officials not based on merit. At the same time, corruption undermines the legitimacy of governance and democratic values such as trust and tolerance.

b. Economic Field

Corruption also hampers economic development and reduces the quality of government services. Corruption complicates economic growth by creating distortions and high inefficiencies. In the private sector, corruption increases transaction costs due to losses from illegal payments, management costs in negotiating with corrupt officials, and the risk of contract cancellations or investigations. Although some argue that corruption reduces transaction costs by streamlining bureaucracy, a newly emerging consensus concludes that the availability of bribes prompts officials to create new rules and barriers. Where corruption causes inflation in transaction costs, it also disrupts the "business environment."

Companies with connections are shielded from competition and as a result, maintain inefficient firms. Corruption causes distortions in the public sector by diverting public investment to community projects where bribes and kickbacks are more available. Officials may add complexity to community projects to conceal corrupt practices, ultimately resulting in more chaos. Corruption also reduces compliance with building safety, environmental, or other regulations. Corruption also diminishes the quality of government services and infrastructure and adds pressure on government allocations.

c. State Welfare Sector

Political corruption exists in many countries and poses a major threat to their citizens. Political corruption means that government policies often benefit the bribe-giver, rather than the general public. Another example is how politicians create regulations that protect large companies but harm small companies. These "pro-business" politicians only return favors to large corporations that made large donations to their election campaigns.

The impact of corruption that can harm the country must be minimized immediately. The government has endeavored to address corruption issues by enacting laws related to corrupt practices, as well as establishing the independent institution of the Corruption Eradication Commission (KPK). However, corruption remains a subject of discussion in our beloved country, as if the eradication of corruption is very difficult to achieve. Various laws and regulations on combating corruption have been enacted, but they have always been declared unsuccessful in eradicating corruption at its roots.[16] Who should be blamed for this, the government, or society, and should law enforcement be improved, such as the police, prosecutors, judges, and lawyers, as law enforcement officers who must work hard to eradicate corruption in Indonesia, or all elements of society?

The eradication of corruption cannot be achieved by law enforcement alone but must be supported by various parties, starting from law enforcement agencies themselves such as the KPK, the Attorney General's Office, the Police, Lawyers, and most importantly, the support of society to be able to report corruption that occurs, with the note that the report is not based on personal vendetta, envy, and jealousy towards someone, but the report must be concrete and legally accountable. Various elements of society in the homeland must be able to collectively understand the eradication of corruption. With this understanding, our beloved country will

develop more rapidly because the management of state finances can be carried out optimally, thus providing support in implementing development and improving the welfare of the people.[17]

The eradication of corruption requires strict oversight of state administration and components of society that use state finances, such as business entities acting as contractors and others, as long as they conduct business activities using state finances. Cases that occur, for example, regarding the procurement of goods, if there is direct appointment and markup, then the agencies and business entities concerned will be examined by supervisory bodies. There are several efforts made to eradicate corrupt practices, including:

a. Preventive Strategy

This strategy must be formulated and implemented focusing on the root causes of corruption. Preventive measures should be taken for each identified cause to minimize the occurrence of corruption. Additionally, efforts should be made to minimize opportunities for corruption, involving various parties in the implementation to ensure success and effectively prevent corruption.

b. Deductive Strategy

This strategy should be formulated and implemented primarily to ensure that if a corrupt act occurs, it can be detected as quickly and accurately as possible, allowing for prompt follow-up actions. Based on this reasoning, many systems need to be improved to function as effective indicators of corrupt behavior. This requires the integration of various disciplines, including law, economics, politics, and social sciences.

c. Repressive Strategy

This strategy should be formulated and implemented primarily to provide swift and proportionate legal sanctions to parties involved in corruption. Based on this rationale, addressing corruption, from investigation and prosecution to adjudication, must be reviewed comprehensively to be perfected in all aspects, enabling swift and accurate handling of the process. However, its implementation must be carried out in an integrated manner.

The government of each country in general must have taken steps to eradicate corruption by enacting laws. Indonesia also made laws regarding corruption eradication, namely Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, and changed, namely Law Number 20 of 2001 concerning the Eradication of Corruption Crimes.

4 Conclusion

Acts of corruption cannot be eradicated from the face of the earth simply by issuing a regulation, or even by imposing severe penalties, such as the death penalty. The efforts of lawmakers through the enactment of regulations are limited if not accompanied by other actions to eradicate corruption, such as in politics, economics, education, and others. The symptoms experienced by Indonesia also appear in other developing countries around the world. The impacts caused by corrupt practices in all fields are causing Indonesia to sink further because there are many cases of corruption in Indonesia that harm both the government and the people. It is corruption that is making Indonesia poorer. The primary way to combat corrupt practices is through a "moral" movement that continuously socializes that corruption is a major crime against humanity that violates human dignity. Through moral movements, it is hoped that a

social environment will be created where society strongly rejects, opposes, and punishes corrupt acts, and will accept, support, and appreciate anti-corruption behavior. This step can be taken, among others, through educational institutions, so that it can reach all layers of society, especially the younger generation, as an effective step in building a nation's civilization that is free from moral corruption.

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