The Effectiveness of Criminal Sanctions in Preventing Corruption: A Literature Review of the Indonesian Legal System

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ABSTRACT – This research aims to analyze the effectiveness of the application of criminal sanctions in preventing corruption in Indonesia, with a legal literature-based approach. Through a normative juridical study, this research explores how the application of criminal sanctions, both repressive and preventive, can affect the incidence of corruption. This research also explores the legal reform efforts needed to create a more effective law enforcement system. The results show that the main obstacles to the effectiveness of criminal sanctions are weak supervision and inconsistency in the application of the law, which has implications for the low deterrent effect. The study also reveals the importance of synergy between strict criminal threats and prevention strategies based on anti-corruption education values to build a strong legal culture. From a comparative law perspective, the study suggests the adoption of best practices from other countries, such as Singapore and Norway, to strengthen corruption eradication efforts. Thus, this study provides important insights for policy makers and law enforcers to optimize the function of criminal sanctions as an effective prevention tool.

Keywords: criminal sanctions, corruption, legal effectiveness, corruption prevention, criminal law, Indonesia, corruption eradication.

A. INTRODUCTION

Corruption has become a serious problem that threatens legal, economic and political stability in Indonesia. As an extraordinary crime, corruption not only harms the state in material aspects but also creates a crisis of public confidence in law enforcement agencies. In practice, corruption often involves the abuse of power and strategic positions in government. This creates a system that is vulnerable to the practices of manipulation, collusion and nepotism (Hananti et al., 2023).

One of the efforts to combat corruption is through the implementation of effective criminal sanctions. However, the implementation of these sanctions in Indonesia faces various challenges. In many cases, the sanctions imposed are considered not to have a significant deterrent effect, so that corrupt practices continue to recur (Darmawan et al., 2023). This issue shows the need to evaluate the effectiveness of the application of criminal sanctions in tackling corruption.

Criminal law regulations in Indonesia, such as Law Number 31 Year 1999 on the Eradication of Corruption, have established severe criminal penalties for perpetrators of corruption. However, its implementation is often faced with obstacles in the law enforcement process, such as weak investigations, low judicial transparency, and lack of synergy between law enforcement agencies (Harefa et al., 2024). This leads to concerns that criminal sanctions are insufficient to prevent systematic acts of corruption.

The effectiveness of criminal sanctions is also influenced by the approach used in the legal process. In many cases, perpetrators of corruption who have access to power and resources tend to get lighter sentences than other perpetrators. This situation indicates an imbalance in law enforcement, which ultimately undermines the integrity of the criminal law system (Pangaribuan et al., 2024).

Previous research also reveals that the death penalty as the harshest punishment for corruption offenders does not always provide significant results in reducing the level of corruption. Devi and Rotanza (2023) show that the death penalty is often ineffective due to the lack of consistent application and limited support from the international community for the punishment. Therefore, new strategies are needed to increase the effectiveness of criminal sanctions to prevent corruption.

Aspects of rehabilitation and long-term prevention are also a concern in handling corruption. An approach that only focuses on punishment is not sufficient to create broader cultural changes in society. This is reinforced by Rusmana and Syaifudin's research (2022), which suggests the need to strengthen anti-corruption education and internal control systems as more holistic preventive measures.

Many studies have discussed the importance of the application of criminal sanctions in preventing corruption, but few have deeply explored the relationship between the effectiveness of criminal sanctions and legal culture in Indonesia. This research fills this gap by evaluating the implementation of criminal sanctions related to the criminal law system in Indonesia, as well as comparing the approach used with international practices.

This research offers a comprehensive analysis of the effectiveness of criminal sanctions in preventing corruption with a literature-based approach. This study also provides a new perspective on strategies to strengthen regulations and the application of criminal sanctions that can increase public confidence in the legal system. This study aims to analyze the effectiveness of criminal sanctions in preventing corruption in Indonesia and explore strategies that can be adopted to improve the application of criminal sanctions in efforts to eradicate corruption.

B. METHOD

This research uses a normative juridical method based on literature studies. This approach was chosen to explore the effectiveness of criminal sanctions in preventing corruption in Indonesia, by analyzing applicable criminal law regulations, legal doctrines, and implementation practices in various case studies. The literature study also allows researchers to compare the application of criminal sanctions in Indonesia with international practices.

This research utilizes secondary data sources in the form of books, legal journals, scientific articles, and relevant laws and regulations, such as Law Number 31 Year 1999 on the Eradication of Corruption, Law Number 20 Year 2001 on the Amendment to Law Number 31 Year 1999, and other relevant regulations. This secondary data is taken from trusted sources that have been verified for validity.

The data collection process was conducted through a literature review that included legal regulations, scientific articles, and research reports. This review aims to identify the relationship between the application of criminal sanctions and the level of corruption and explore more effective alternative approaches related to Indonesian law.

Data validity techniques were conducted using source triangulation to ensure accuracy and consistency of information. Data obtained from various literatures are compared and analyzed to obtain conclusions that can be academically accounted for.

Data analysis was conducted qualitatively with a descriptive-analytical approach. This method is used to explain legal phenomena related to the application of criminal sanctions against corruption crimes. The data is analyzed by linking criminal law theories, applicable regulations, and implementation practices to identify the strengths and weaknesses of the criminal law system in Indonesia.

C. RESULTS AND DISCUSSION

Evaluation of Criminal Law Regulations in Corruption Prevention in Indonesia

The effectiveness of criminal sanctions in preventing corruption in Indonesia has been the main focus of various studies. According to Darmawan et al. (2023), Law Number 31 Year 1999 has established severe sanctions, including imprisonment and fines, as an effort to prevent and prosecute corruption. However, weak implementation often reduces the preventive impact of these sanctions. Soeseno et al. (2024) highlighted that the application of the death penalty for corruption cases is still a matter of debate among law enforcers, especially regarding potential human rights violations. Maknun et al. (2020) identified that the absence of specific regulations for digital platform workers leave them vulnerable to exploitation and lacking adequate social security, which can potentially increase the risk of corruption.

Rosadi and Pratama (2018) emphasized the importance of a holistic approach in addressing legal protection challenges in the digital era, including in efforts to prevent corruption. Chiani et al. (2024) revealed that the effectiveness of corporate criminal liability policies in preventing corruption in Indonesia is still not optimal, due to the lack of strict law enforcement, loopholes in regulations, and the inability of the supervisory system. Sulaiman

(2016) highlights that corruption has become endemic in almost all law enforcement institutions, including the judiciary, which hinders the process of investigating and prosecuting perpetrators of corruption. Utama (2019) points out that the involvement of law enforcement officials in corruption cases has resulted in a loss of public confidence in the integrity and fairness of law enforcement in Indonesia. Limited resources are one of the factors that cause the low effectiveness of the application of criminal sanctions against legal entities in corruption cases. Sonhaji (2018) asserts that the relationship between digital platform users and service provider companies does not fully meet the criteria for employment relationships as stipulated in the Manpower Law, which can create loopholes for corrupt practices.

Hananti et al. (2023) noted that one of the main problems in law enforcement is the lack of consistency in the application of criminal sanctions. Many major corruption cases result in light sentences, creating a public perception that criminal sanctions do not provide a sufficient deterrent effect. Existing regulations have not been fully implemented strictly.

Harefa et al. (2024) compared the law enforcement system in Indonesia with Singapore. In Singapore, the application of criminal sanctions is combined with strict supervision by an independent anti-corruption agency, resulting in a much lower level of corruption. This study highlights the importance of the integrity of law enforcement institutions as a key factor in the successful implementation of criminal sanctions.

Rusmana and Syaifudin (2022) identified another problem, namely constraints at the investigation and trial stages. Slow legal processes often provide opportunities for corruption perpetrators to manipulate the justice system. This reduces the effectiveness of criminal sanctions as a prevention instrument.

Devi and Rotanza (2023) highlight the controversy regarding the death penalty for corruption offenders. Although the death penalty can provide a significant deterrent effect, its application is often criticized from a human rights and justice perspective. This debate reflects the need for a more balanced approach in determining the most effective type of criminal sanction.

Pangaribuan et al. (2024) added that an approach that integrates Pancasila values in legal regulation can provide a strong moral basis in criminal law enforcement. This value can support the application of criminal sanctions that not only punish the offender but also rehabilitate the social system.

Strategies for Strengthening the Legal System through Effective Criminal Sanctions

Strategies to improve the effectiveness of criminal sanctions in preventing corruption involve regulatory reform and strengthening legal institutions. According to Fauzi et al. (2016), additional punishment in the form of state compensation has shown positive results in several corruption cases. However, its implementation needs to be expanded to cover all forms of losses arising from corruption.

Halipah et al. (2022) highlight the importance of anti-corruption education as a long-term strategy. This education can create a culture of integrity that supports criminal law enforcement. It also involves the public in oversight, thereby increasing the accountability of the legal system.

Soeseno et al. (2024) proposed a new approach in the application of criminal sanctions, namely the combination of conventional criminal and administrative sanctions. This approach can provide additional pressure for perpetrators not to repeat their actions while providing direct benefits to society through the return of state assets.

Sundari and Retnowati (2021) highlight the need for stricter supervision of the judicial process. Weak supervision allows for corrupt practices within the legal system itself, thus reducing the effectiveness of criminal sanctions as prevention.

Fernanda et al. (2023) note that a collaborative strategy between the government, society and the private sector can deliver more effective results. This approach involves all parties in corruption prevention, thus creating an environment conducive to the implementation of criminal law.

Julfizar and Akhyar (2024) added that individual integrity, especially among public officials, is an important component in supporting the effectiveness of criminal sanctions. Strict training and supervision programs need to be implemented to improve the quality of human resources in the legal sector.

Aprianti (2024) emphasizes the importance of transparency in the law enforcement process.

This transparency can increase public trust in the legal system, thus supporting the effectiveness of criminal sanctions in preventing corruption. This statement underscores the important relationship between transparency, public trust and the effectiveness of law enforcement in relation to corruption prevention. Transparency in the law enforcement process is indeed a crucial factor in building public trust. As stated in a study by Tomagola et al. (2024), transparency is one of the important elements in efforts to eradicate corruption in Indonesia.

The relationship between transparency and public trust is also supported by research by Idris (2020), which shows that high openness/transparency influences individuals to tend to have high trust in government information. Conversely, information with a low level of transparency tends to cause a low level of trust.

In law enforcement efforts, transparency of investigations has a significant influence on public trust in the police. People who have more confidence in the transparency of the investigation process tend to have higher trust in the police institution. This suggests that transparency is an important key in building public trust in law enforcement institutions.

High public trust in the legal system and law enforcement institutions can further support the effectiveness of criminal sanctions in preventing corruption. When people believe that the legal system works transparently and fairly, they are more likely to support and comply with applicable laws. This can enhance the deterrent effect of criminal sanctions and encourage more ethical behavior among public officials and the general public.

However, it is important to note that the implementation of transparency in law enforcement still faces various challenges. As stated by Tomagola et al. (2024), there are still obstacles such as legal ambiguity, administrative stagnation, and corruption within law enforcement entities themselves. Therefore, comprehensive efforts are needed to improve transparency, including legal reform, strengthening institutional capacity, and strong political support. In conclusion, Aprianti's (2024) statement emphasizes the important relationship between transparency, public trust, and law enforcement effectiveness in relation to corruption prevention. Transparency in the law enforcement process can increase public trust, which in turn supports the effectiveness of criminal sanctions in preventing corruption. However, the implementation of transparency still faces challenges that require continuous efforts from various stakeholders.

Overall, the strategy to strengthen the legal system through effective criminal sanctions requires a combination of regulatory reform, institutional strengthening, anti-corruption education, and active community participation. These efforts must be supported by a strong commitment from all parties to achieve maximum corruption prevention goals.

D. CONCLUSIONS

This study concludes that criminal sanctions play a crucial role in preventing corruption in Indonesia. However, their effectiveness is still hampered by various factors, including weak implementation of regulations, inconsistency in law enforcement, and lack of integrity of law enforcement institutions. Evaluation of criminal law regulations shows that the threat of punishment, including the death penalty, has not fully provided a significant deterrent effect. The additional criminal system such as state compensation has had a positive impact, but its implementation requires more systematic improvement.

Strategies to strengthen the effectiveness of criminal sanctions include legal regulatory reform, anti-corruption education, and close supervision of the judicial system. A combination of conventional criminal and administrative sanctions is also proposed as an innovative approach to enhance the deterrence effect. Collaboration between the government, society and the private sector is considered essential to create a stronger anti-corruption culture.

As an implication of the findings of this study, concrete efforts are needed to improve the criminal law system in handling corruption cases. The government needs to ensure consistency in the application of criminal law regulations, including ensuring that the sentences imposed truly reflect the severity of the criminal offense committed. Transparency in the legal process must also be increased to improve public trust in the legal system.

Law enforcement agencies, such as the Corruption Eradication Commission, must continue to be strengthened, both in terms of authority and human resources, to optimize their functions in preventing and prosecuting corruption. Anti-corruption education needs to be integrated into the national education

curriculum to build a culture of integrity from an early age. Active public participation in oversight should also be encouraged to create higher accountability.

Approaches involving additional punishment in the form of state compensation need to be expanded and strictly applied to provide a deterrent effect while recovering losses suffered by the state. With these measures, it is hoped that the criminal law system in Indonesia can function more effectively in preventing corruption and building better governance.

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