

Law Enforcement Against Corruption Criminal Acts in Indonesia from The Perspective of Legal Certainty

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Abstract

Law enforcement against Corruption Crimes in Indonesia has not been as expected, and is still far from the goals of the law, namely the realization of Legal Certainty, Justice and Benefit. Law enforcers such as the Police, Prosecutor's Office and KPK as tools of the State in combating Corruption Crimes still look half-hearted, still seem selective (not optimal), there are still major corruption cases that have not been resolved. The latest data released by the KPK in 2023 from January to October, shows the following graph; (1) Gratification / Bribery 44 cases, (2) Procurement of Goods 32 cases, (3) TPPU 6 cases, (4) Obstructing Investigation 2 cases, (5) Levy / Extortion 1 case, (6) Licensing 0 cases, (7) Budget Abuse 0 cases. This resulted in a total of 85 cases. The data above shows that corruption crimes in Indonesia do not decrease every year, and even show an increase. So, it is not surprising that Transparency International (TI) launched the Corruption Perception Index (CPI) from hundreds of countries surveyed, Indonesia's GPA was 34 points on a scale of 0-100 points in 2023. The figure was stagnant from the 2022 gain, but the ranking actually fell. Indonesia was ranked 110th in 2022, dropping to 115th in 2023. That position is in line with Ecuador, Malawi, the Philippines, Sri Lanka and Turkey. Then the question is what about law enforcement against corruption in Indonesia, and how are the obstacles and/or barriers to law enforcement against corruption in Indonesia, not going well, so that corruption in Indonesia still occurs a lot?

Keywords: *Law Enforcement, Corruption Criminal Acts, Legal Certainty*

I. INTRODUCTION

The Indonesian state is a state of law (Rechstaat), not a state of power (Machstaat), meaning that all legal rules that apply in the State of Indonesia must be obeyed by citizens and state administrators, without exception. In practice, there are still many rules of law that are violated by citizens and state administrators, for example in the case of corruption. The crime of corruption in the State of Indonesia every year is increasing and/or never decreasing, even far from being said to disappear corruption from the earth of Indonesia. Data released by the KPK for the period January to October 2023, shows that corruption crimes are increasingly rampant, namely; (1) Gratification / Bribery 44 cases, (2) Procurement of Goods 32 cases, (3) TPPU 6 cases, (4) Obstructing Investigation 2 cases, (5) Levy / Extortion 1 case, (6) Licensing 0 cases, (7) Budget Abuse 0 cases. So a total of 85 cases. Therefore, it is not surprising that Transparency International issued Indonesia's

GPA of 34 points on a scale of 0 - 100 points in 2023, the figure stagnated from 2022, dropping to 115th position in 2023. This position is in line with Ecuador, Malawi, the Philippines, Sri Lanka and Turkey.¹

As a state of law, the Indonesian State has an obligation to carry out the law enforcement process, especially against corruption crimes to the maximum extent, meaning that because Corruption Crimes fall into the category of Extra Ordinary Crime, the handling (Enforcement) must also be Exsra strict. This is in order to realize the rule of law, the establishment of justice, certainty and expediency towards a peaceful and prosperous society.

However, in practice we can see that law enforcement, especially corruption, is still at a standstill. Indeed, law enforcers such as the police, prosecutors and the KPK have taken action against perpetrators of corruption crimes, but not yet maximally (still weak), there are still perpetrators of corruption who have not been reached (the impression is selective). For example, past cases of corruption, such as PT. Duta Palma Group, state losses amounted to Rp.7.8 trillion, PT. T. Palma Group, state losses amounted to Rp.7.8 trillion..8 Trillion, PT. TPPI (Trans Pacific Petrochemical Indonesia), State losses of 37.8 Trillion, PT. ASABRI, State losses of 22.7 Trillion, PT. Jiwasraya, state loss of 12.4 trillion, Century Bank, state loss of 7 trillion, Pelindo II, state loss of 6 trillion, East Kotawaringin Regent, state loss of 5.8 trillion, SKL BLBI, state loss of 4.58 trillion, EKTP, state loss of 2.3 trillion, and Hambalang Project, state loss of 706 billion, and BTS, state loss of approximately 10 trillion.² There are many more cases of corruption that have occurred and continue to occur until now, even every year such as the KPK data described above.

In Positive Law, the crime of corruption has been expressly regulated from time to time, for example; (1) During the New Order (President Soeharto), Presidential Decree No. 28 of 1967 was issued concerning the establishment of a Corruption Eradication Team. This team did not run well, it can even be said that it did not move at all, so there were demonstrations from the community and students starting in 1960 and the peak in 1970 was marked by the formation of Commission IV which was tasked with analyzing problems in the bureaucracy and issuing recommendations to overcome them. Because the problem of corruption was still difficult to eradicate, in 1971, Law No. 3 of 1971 on the Eradication of Corruption was issued. This regulation applies a maximum sentence of life imprisonment and a maximum fine of Rp. 30 million for all corruption offenses. (2)

¹ KPK Data, Year 2023;

² Kompas.Com, 2022

During the period of President Abdurrahman Wahid (Gus Dur), MPR Decree No. XI/MPR/1`998 on Clean State Management and Combating Corruption was issued, the National Ombudsman Commission, the State Officials Wealth Examination Commission and several others were established; (3) During the period of President Magawati, the Corruption Eradication Commission (KPTPK) was established. This commission was a legal breakthrough for the declining efforts to eradicate corruption in this country, this commission later became the forerunner of the birth of the Corruption Eradication Commission (KPK) until today. (4) During the New Order era, several regulations regarding the eradication of corruption were issued, namely; the 1973 Guidelines for the Development of an Authoritative and Clean Apparatus in the Management of the State, the 1978 Guidelines for Policies and Measures in the Context of Curbing the State Apparatus from Corruption, Abuse of Authority, Leakage and Waste of State Wealth and Money, Illegal Levies and Various Other Forms of Misappropriation that Impede the Implementation of Development, Law No. 3 of 1971 on the Crime of Corruption, Decree No.3 of 1971 on the Crime of Corruption. 1971 on the Crime of Corruption, Presidential Decree No. 52 of 1971 on Tax Reporting of Officials and Civil Servants, Presidential Instruction No. 9 of 1977 on Operation Curbing, Law No. 11 of 1980 on the Crime of Bribery. And finally, Law Nomo. 31 of 1999, which was amended by Law No. 20 of 2021, concerning the Eradication of Corruption.

Although regulations regarding the eradication of corruption have been issued from time to time, corruption in Indonesia has never disappeared, even increasing from year to year.

II. METHODOLOGY

This study applies qualitative data analysis methods with inductive and deductive theories in making decisions.

III. RESULT AND DISCUSSION

1. Crime

To provide limitations on criminal offenses, we must first understand what criminal law is. Criminal law can be defined as the current law (Positive Law), which regulates human behavior that violates norms and regulates sanctions. Some scholars (legal experts) provide the following limitations of criminal law;

- a. According to Umar Said Sugiarto, SH.MS. in his book Introduction to Indonesian Law, page 234, explains that Criminal Law is a regulation or legal norm that regulates what actions can be punished, who can be punished, and what kind of criminal sanctions are imposed. In other words, criminal law is all regulations or

laws that regulate the actions of a person or entity that are done wrongly and violate criminal law and are threatened with criminal sanctions. While **Simon** provides a limitation of criminal law is all orders and prohibitions held by the state and threatened with criminal law.

- b. **Pompe**, quoted by Umar Said Sugiarto in his book Introduction to Indonesian Law, on page 235 provides a limitation of criminal law is all legal regulations that determine what actions should be punished and what kinds of punishment are. Meanwhile, **Van Hamel** defines Criminal Law as all the bases and rules adopted by a state in organizing legal order (*rechstaat*), which prohibits what is contrary to the law and imposes a penalty (sanction) on those who violate these prohibitions,
- c. **Prof. Moeljatno, SH**, in his book Principles of Criminal Law, gives the definition of Criminal Law as (1) regulating which actions are allowed and which actions are prohibited, (2) regulating the sanctions and (3) regulating how to apply the sanctions.

Because Criminal Law regulates actions that violate the norms / rules that can be subject to sanctions mentioned above, actions that violate norms / rules in criminal law can be said to be Crimes, Criminal Acts, Criminal Events, *Strafbaarfaiten* or *Delik*, which are defined as actions prohibited by law which if violated are subject to criminal sanctions in the form of suffering by the State.

According to **Roeslan Saleh**, quoted by Mahrus Ali and Deni Asetya Bagus Yuherawan in his book "Delik-Delik Korupsi" page 1, explains that *Delik / Criminal Act is an act that is stated by the rules of criminal law as a prohibited act*. Usually in every act prohibited by the rules of criminal law, it is followed by the threat of criminal sanctions. The meaning of *Delik* is also stated by **Marshall**, according to him *delik is an act or omission prohibited by law to protect society, and can be punished based on applicable legal procedures*. Meanwhile, **Simon** defines *Delik* as *Strafbaarfeit, namely behavior that is threatened with punishment*.

2. Corruption

Corruption comes from the Latin *corruption* or *corruptus*. From the Latin language it descended into many European languages such as *corruption, corrupt* (English) *corruption* (French) and *corruptie, korruptie* (Dutch). It is from this Dutch language that the word came down to the Indonesian language of corruption.³ Literally, corrupt means *rotten, fake, bribe*, (Kamus Besar Bahasa Indonesia, 1998) *bad, corrupt, like*

³ Andi Hamzah, *Corruption Eradication Through National and International Criminal Law*, (Jakarta: Raja Grafindo Persada. 2005), pp. 4

accepting bribe money, misappropriating money / goods belonging to the company or state, receiving money by using his position for personal gain.

In the perspective of Indonesian law, the definition of corruption is clearly explained in Law No. 31 of 1999 which has been amended by Law No. 20 of 2001 concerning the Eradication of Corruption. It explains that *corruption is an attempt to enrich oneself or others or a corporation by unlawful means that can harm state finances or the state economy.* There are 13 articles in the Law that explain the forms of corruption crimes. Based on these articles, there are 30 forms/types of corruption crimes that can be subject to legal sanctions. The 30 forms/types of corruption crimes can basically be grouped as follows: (1) *State financial losses*, (2) *Bribery*, (3) *Embezzlement in office*, (4) *Extortion*, (5) *Fraudulent acts*, (6) *Conflict of interest in procurement*, and (7) *Gratuities*.

According to Mahrus Ali and Deni Setya Bagus Yuherawan in his book *Delik-Delik Korupsi*, Page 6 defines *Delik Korupsi as an act that is prohibited and threatened with criminal sanctions in Law No. 31 of 1999, as amended by Law No. 20 of 2001, concerning the Eradication of Corruption.*

Gurnar Myrdal said corruption is To include not only all forms of improper or selfish exercise of power and influence attached to a public office or the special position one occupies in the public life but also the activity of the bribers. (Corruption includes improper activities related to power, government activities, or certain efforts to obtain positions improperly, as well as other activities such as bribery).⁴ Then the meaning of corruption that has been accepted in the Indonesian language vocabulary, summarized by Poerwadarminta "Corruption is a bad act such as embezzlement, acceptance of bribes and so on".⁵

Henry Campbell Black in *Black's Law Dictionary*, Corruption is an act committed with the intent to provide an advantage that is incompatible with the official obligations and rights of other parties, wrongfully using his position or character to obtain an advantage for himself or for others, in conjunction with his obligations and the rights of other parties. In another sense, corruption can be defined as "behavior that does not comply with principles", carried out by individuals in the private sector or public officials. And when decisions are made based on personal or family relationships, corruption will arise, as well as conflicts of interest and nepotism. Corruption is literally something rotten, evil, and destructive. If you talk about

⁴ Ermansjah Djaja, *Eradicating Corruption with Kpk (Corruption Eradication Commission)*, Sinar Grafika Publisher, July 2013, p. 24.

⁵ *Ibid.* p. 25.

corruption, you will indeed find such a reality because corruption involves moral aspects, rotten nature and circumstances, positions in government agencies or apparatus, misuse of power in positions due to gifts, economic and political factors, and the placement of families or groups into the officialdom under the power of their positions.⁶

Subekti said corruption is a criminal act that enriches oneself which directly harms the state's finances or economy. The Indonesian Transparency Society (MTI) defines corruption as the abuse of power and public trust for personal gain. Developments in Indonesia in defining the crime of corruption are always changing, this is due to the dynamic nature of the definition of the crime of corruption based on the ever-changing conditions of society.⁷

Arnold Heidenheimer and Michael Johnston, said there are two (2) authorities in the study of corruption, making three (3) categories of definitions proposed by the Oxford English Dictionary. Definitions that still reflect the breadth of the meaning of corruption, namely:

1. Physical definition, the deterioration or decay of things, especially through the destruction of integrity and the destruction of form with its attendant effects of decay and loss of integrity, repulsiveness and rottenness;⁸
2. Moral Definition, Corruption or destruction of integrity in the performance of public duties through bribes and gifts; the existence and use of fraudulent practices, especially in a state, public enterprise and the like; the process of becoming morally rotten; the fact or condition of being rotten; moral degradation or decay; depravity.⁹

The overturning of anything from its original state of purity, e.g., the perversion of institutions, customs and the like from their original purity; a situation of overturning. Evi Hartanti in her book *Corruption Crime Second Edition*, which is quoted from Muhammad Ali's book in the *Complete Dictionary of Modern Indonesian*, says that corruption is literally something rotten, evil and destructive.¹⁰ If you talk about corruption, you will indeed find such a reality, because corruption involves moral

⁶ Abdul Muis BJ, *Corruption Eradication Functions and Authorities of the Indonesian National Police in Corruption Crimes to Restore State Financial Losses in Indonesia*, Cipta Library Publisher, February 2021, p. 21.

⁷ H. Agus Kasiyanto, *Theory and Practice of the Corruption Defendant Examination Process at the First Level Corruption Court*, Kencana Publisher, July 2020, p. 36.

⁸ B. Herry Priyono, *Corruption, Tracing the Meaning, Listening to the Implications*, Publisher PT Gramedia Pustaka Utama Jakarta, 2018, p. 23

⁹ *Ibid*, p. 23

¹⁰ Gradios Nyoman Tio Rae, *Good Governance and Corruption Eradication*, Saberro Inti Persada Publisher, 2020, p. 51

aspects, rotten nature and conditions, positions in government agencies or apparatus, misuse of power in positions due to gifts, political economic factors, and the placement of families or groups into the officialdom under the power of their positions. Literally, it can be concluded that the term corruption has a very broad meaning, namely:

1. Corruption, misappropriation or embezzlement (of state or company money and so on) for personal or other interests;
2. Corruption is rotten, corrupt, likes to use goods or money entrusted to him, can be bribed (through his power for personal gain).¹¹¹¹

Baharuddin Lopa cites the opinion of David M. Chalmers, outlining the meaning of the term corruption in various meanings, namely those concerning bribery, those related to manipulation in the economic field, and public interest. This conclusion is drawn from the definition put forward, among others, which reads financial manipulations and delusions injurious to the economy are often labeled corrupt (manipulations and decisions regarding finances that endanger the economy are often categorized as corrupt acts). Furthermore, he explained that the term is often applied also to misjudgements by officials in the public economies. It is also said, disguised payment in the form of gifts, legal fees, employment, favors to relatives, social influence, or any relationship that sacrifices the public and welfare, with or without the implied payment of money, is usually considered corrupt. He also described another form of corruption, termed political corruption, as electoral corruption includes purchase of votes with money, promises of office or special favors, coercion, intimidation, and interference with administrative, judicial decisions, or governmental appointments. Corruption in office involves selling votes in legislative, administrative or governmental decisions. From the limitations mentioned above, it becomes clear that the crime of Corruption is an act that harms the state by enriching oneself or others and can be sanctioned in the form of the Death Penalty, Prison Sentences and Fines, in accordance with the act. Thus, to eradicate the Crime of Corruption, it is necessary to carry out Law Enforcement seriously, in order to realize the Purpose of Law itself, namely Certainty, Justice and Lawfulness.

3. Types of Corruption

From a legal perspective, the definition of corruption is clearly explained in 13 articles in Law No. 31 of 1999, which has been amended by Law No. 20 of 2001 concerning the Eradication of Corruption. Based on these articles, corruption is formulated into 30 forms/types of corruption offenses. The article describes in detail the acts that can be

¹¹ Ibid, p. 51

subject to criminal sanctions for corruption. The 30 forms/types of corruption can basically be grouped as follows: 1. state financial loss 2. bribery 3. Embezzlement in office 4. Extortion 5. Fraudulent acts 6. Conflict of interest in procurement 7. Gratification.

In general, acts that are included in the type of corruption and can be subject to criminal sanctions in the form of imprisonment and fines, based on Law No.20 of 2021, amending Law No. 31 of 1999, concerning Corruption Eradication are: Bribing a public servant:

1. Giving gifts to public servants because of their positions;
2. Public servants take bribes;
3. A public servant receives a gift in connection with his/her position;
4. Bribing a judge;
5. Bribing an advocate;
6. Judges and advocates take bribes;
7. The judge took a bribe;
8. Advocates taking bribes;
9. A public servant embezzles money or allows embezzlement;
10. Public servants falsify books for administrative inspection;
11. Public servants tamper with evidence;
12. Public servants let others tamper with evidence;
13. A public servant helps others tamper with evidence;
14. Public servants are blackmailing;
15. Public servants blackmail other public servants;
16. The contractor is cheating;
17. The project supervisor allowed cheating;
18. TNI/Police partners cheat;
19. TNI/Polri partner supervisors cheat;
20. TNI/Polri goods recipients allow fraudulent acts;
21. Public servants encroach on state land to the detriment of others;
22. A public servant participates in the procurement that he or she administers;
23. Public servants received gratuities and did not report to KPK;
24. Obstructing the examination process of corruption cases;
25. The suspect did not provide information on wealth;
26. Banks that do not provide suspect account details;
27. Witnesses or experts who do not give testimony or give false testimony;
28. A person who holds official secrets, but fails to provide information or provides false information;

29. Witnesses who reveal the identity of the complainant.

4. Law Enforcement of Corruption

In the Perspective of Legal Certainty

It has been explained above that law enforcement against Corruption Crimes must be carried out seriously by law enforcers called the Police, Prosecutors and the Corruption Eradication Commission (KPK), including Judges, without exception. John Rawls, in his book "Justice" says that law enforcement is an effort made by law enforcers (police, prosecutors, judges), to realize three main elements, namely legal certainty, legal justice and legal benefits.

Meanwhile, Jimly Asshiddiqie said that law enforcement is an effort made by all legal subjects in legal relations, especially law enforcers to enforce legal norms in order to achieve justice values. Gustav Radbruch explained that law enforcement is an effort to provide justice using conscience. While Satjipto Rahardjo, law enforcement is a step to realize the wishes of the law, which is to fulfill justice and be effective. Abdulkadir Muhammad explained that law enforcement is an effort to implement the law, supervise its implementation so that violations do not occur and restore laws that have been violated so that they are enforced again.

Based on the opinions of these experts, it can be concluded that law enforcement is an effort made to fulfill legal certainty, legal justice and benefits in people's lives carried out by all legal subjects who have legal relationships. Corruption in Indonesia is increasing every year and is even difficult to eradicate, according to the author, because the law enforcement factor is too weak and seems not serious. Laws and regulations regarding the eradication of corruption often change, including the sanctions. Punishment for perpetrators of corruption is limited to imprisonment and fines, and even then varies depending on the offense. Indeed, legally in the criminal justice process, the police, prosecutors and judges must refer to the applicable laws and regulations. Unfortunately, as explained above, the applicable laws and regulations regarding the eradication of corruption impose more prison sentences and fines on corruption perpetrators. Meanwhile, the death penalty has never been applied and/or imposed on the perpetrators of corruption crimes.

In Law Number 20 of 2001, Amendment to Law No. 31 of 1999, concerning Eradication of Corruption, Article 2 paragraph (2) which reads In the event that the Corruption Crime as referred to in paragraph (1) is committed in certain circumstances, the death penalty can be applied.¹² In Article 2 Paragraph (2) of Law No. 20 of 2021, concerning the Eradication of Corruption, the death penalty can only be applied if the

¹² Adami Chazami, Corruption Criminal Law in Indonesia, Publisher Rajawali Pers, 2018, Page 409.

act of corruption is in a situation or situation. Certain, for example, are carried out on funds intended for overcoming a state of danger, national natural disasters. Countermeasures due to widespread social unrest, countermeasures for economic and monetary crises, and repetition of corruption crimes.¹³

Looking at the explanation of Article 2 Paragraph (2) of Law No. 20 of 2021, concerning the eradication of Corruption, there seems to be an impression that it does not want the Death Penalty to be applied to the Crime of Corruption, because of the difficult prerequisites (events described in certain circumstances referred to in Article 2 paragraph

(2) are events that rarely occur. However, the Crime of Corruption that falls under Article 2 paragraph (1) often occurs, but the punishment is not death penalty. So it is not strange that the Crime of Corruption, especially in Indonesia, is increasingly fertile. This also happens and is the same in Law No. 1 of 2023, concerning the Criminal Code (KUHP), especially Article 100 regarding conditional death sentences, where the spirit of the new Criminal Code does not seem to want the death penalty, because there is a guarantee of 10 years in prison which then if you behave well, then changes to a life sentence. In the author's opinion, one of the obstacles and/or obstacles to corruption in Indonesia, which still continues to occur and never decreases, is in law enforcement based on weak laws and regulations, so that the legal objectives in the form of legal certainty are not realized.

The constraints and/or obstacles that hinder the implementation of the death penalty for corruption crimes are human rights issues. This is in line with the opinion of Prof. Dr. Topo Santoso who said that the death penalty has been debated every time. Arguments against and/or abolition of the death penalty (abolitionists) can revolve around moral / religious arguments, namely that only God has the authority / right to revive humans and only He has the right to revoke it (kill it).

Furthermore, Prof. Topo said there is also the argument of the low effectiveness of the death penalty. Another argument that is often raised by opponents of the death penalty is the fact that the criminal justice system is still weak and has many shortcomings that are very likely to produce innocent victims who must be sentenced to death. Another important argument from opponents of the death penalty is that the death penalty is contrary to human rights, especially the right to life. In Durham, the right to life is explicitly stated, this has also been confirmed in the post-amendment 1945 Constitution "The right to life is constitutionally guaranteed".

Prof. Topo again said that the parties who support the death penalty (retentionist) are

¹³ Adami Chazawi, Op Cit, Page 427

based on the argument that the death penalty is not against the constitution, because the 1945 Constitution does not embrace the absoluteness of human rights, protection of victims and normative arguments. Another argument supporting the death penalty is because there are still many sadistic and serious crimes that fall into the category of Extra Ordinary Crime;¹⁴ Including corruption.

Perma No. 1 of 2000, concerning Sentencing Guidelines for Corruption Offenders, is a reference for judges in sentencing corruptors. Although judges in carrying out their duties are independent, they cannot be influenced by anyone and in any form. However, Perma No. 1 of 2000 at least answers the disparity in sentences for corruptors. To realize legal certainty, justice and expediency, enforce the law firmly and indiscriminately.

V. CONCLUSION

Law Enforcement against Corruption Crimes in Indonesia is very weak, slow and less assertive. The Police, Prosecutor's Office and Judiciary (Judges) in prosecuting perpetrators of corruption still seem to be selective, not even resolved to the roots. The Law on the Eradication of Corruption, namely Law No. 20 of 2001, Amendment to Law No. 31 of 1999, provides strict sanctions only for imprisonment and fines, while the death penalty is specific, namely for Corruption of funds for natural disasters (National) and repeated acts. Even in the new Criminal Code, Law No. 1 of 2023, the death penalty is also conditional. From the two laws and regulations, it seems difficult to impose the death penalty against the perpetrators of Corruption. In other words, Indonesia actually does not impose the death penalty. For this reason, law enforcement against the Crime of Corruption is difficult to enforce properly and maximally. Therefore, it is not surprising that the crime of corruption is difficult to eliminate in Indonesia.

Obstacles or obstacles to Law Enforcement against Corruption in Indonesia are not going well because; First, the regulatory factor is not firm and maximum regarding sanctions. Corruption Eradication Law No. 20 of 2001, an amendment to Law No. 31 of 1999, only focuses on imprisonment and fines, and in practice there are disparities. Meanwhile, the death penalty which is regulated in Article 2 paragraph (2), is only for certain actions, namely in certain cases of using funds for natural / national disasters and in repetitive actions. The second factor is that the law enforcers (police, prosecutors and judges) seem to be selective and the sentences imposed on the

¹⁴ Topo Santoso, questioning the death penalty, Media Indonesia, 2016

perpetrators of corruption do not look at Perma No. 1 of 2000, concerning Sentencing Guidelines for Corruptors. The third factor is that there are still pros and cons in society and even among legal experts regarding the death penalty, especially for corruptors. So that law enforcers are more guided by existing regulations that emphasize prison sentences and fines. Therefore, the perpetrators of corruption are not afraid to commit corruption. Thus it is difficult to realize the goal of law called Legal Certainty.

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