
Reconstruction of the Corruption Eradication Policy in the National Legal System Evaluation of the Effectiveness of Enforcement of Corruption Law Articles

Ismaidar

Email : ismaidar@dosen.pancabudi.ac.id

Universitas Pembangunan Panca Budi

Abstract

Corruption is a crime with widespread impacts on state finances, government integrity, and the quality of public services. Although Indonesia has a specific legal framework through the Corruption Eradication Law, effective law enforcement still faces challenges, particularly in the application of Articles 2 and 3, which regulate unlawful acts and abuse of authority. This study aims to analyze the effectiveness of these two articles and formulate a direction for the reconstruction of corruption eradication policies within the national legal system. The research method used is normative legal research with a statutory, conceptual, and case-based approach. The analysis shows that the element of unlawfulness in Article 2 has experienced a narrowing of meaning since the issuance of Constitutional Court Decision Number 003/PUU-IV/2006, thus limiting the interpretative space of law enforcement officials. Meanwhile, the element of abuse of authority in Article 3 often overlaps with the discretion of public officials, so stricter boundaries are needed to avoid criminalizing well-intentioned policies. Another problem arises in proving state losses, which is still debated whether it must be in the form of actual losses or can include potential losses. In addition to normative issues, law enforcement agencies also face challenges in coordination, independence, and limited capacity to prove modern corruption involving complex transactions and digital technology. Therefore, the reconstruction of anti-corruption policies must be directed at reaffirming the elements of the crime, harmonizing evidentiary standards, strengthening the professionalism of law enforcement officials, and increasing independence and coordination between institutions. Reform of evidentiary techniques such as forensic accounting, asset tracing, and the limited application of reverse burden of proof are crucial in addressing the development of contemporary corruption methods. Comprehensive reconstruction is expected to strengthen the effectiveness of corruption eradication and safeguard the public interest.

Keywords: Corruption Eradication, Policy Reconstruction, Effectiveness of Law Enforcement.

INTRODUCTION

Corruption is a form of crime that continues to be a major concern in the Indonesian legal system. This crime not only causes state financial losses but also undermines the legitimacy of government institutions, weakens public trust, and hinders national development. Due to its systemic nature and long-term impact, various legal authors in Indonesia classify corruption as an extraordinary crime, a category that demands an extraordinary legal response. According to Romli Atmasasmita (2010), corruption has spread to various government sectors, necessitating the design of comprehensive legal policies, not only limited to repressive law enforcement but also encompassing prevention efforts and improvements in governance.

As a country based on law, Indonesia places the eradication of corruption within a special criminal law framework, namely Law Number 31 of 1999 in conjunction with Law Number 20 of 2001. This regulation was drafted to address the need to handle corruption, which from the outset was deemed insufficient if it only relied on the provisions of the Criminal Code. In Todung Mulya Lubis's analysis (2012), the presence of the Corruption Law is a response to the development of corruption that is increasingly sophisticated and involves various actors, both individuals and corporations, so that a legal instrument is needed that specifically regulates unlawful acts that cause state losses. The existence of the Corruption Law is considered important because it includes an expansion of legal subjects, special evidentiary techniques, and the formulation of crimes that are not found in the Criminal Code.

Article 2 and Article 3 of the Corruption Eradication Law are the articles most frequently used in law enforcement against corruption. Article 2 paragraph (1) stipulates that anyone who unlawfully enriches themselves, another person, or a corporation that can harm state finances shall be punished with the threat of severe punishment. Meanwhile, Article 3 focuses more on acts of abuse of authority, opportunity, or means inherent in office that result in state losses. According to Indriyanto Seno Adji (2015), these two articles have different characteristics even though they are often used alternatively or cumulatively in indictments. Article 2 contains a broad element of "against the law," while Article 3 emphasizes the aspect of abuse of power. This difference in character causes debate in practice because there is often overlap in their application, especially when the element of state loss is still within the potential limits or has not been fully realized.

The issue of state losses is indeed a crucial aspect in proving corruption. In practice, the Supreme Audit Agency (BPK) and the Financial and Development Supervisory Agency (BPKP) are the institutions authorized to determine state losses. However, in several decisions, the Supreme Court has stated that state losses must be in the form of actual losses, not potential losses. According to Denny Indrayana (2013), the disharmony between the concept of state losses and the concept of administrative policy often creates obstacles in the criminal process. When state losses are deemed not yet actual, charges against perpetrators of corruption can be weakened. Conversely, if the limits of actual state losses are interpreted too narrowly, this can reduce the effectiveness of enforcing the Corruption Eradication Law. This debate demonstrates the need for stricter standards regarding the concept of state losses to avoid problems when a case enters the realm of evidence.

Furthermore, the issue of abuse of authority in Article 3 is also a frequently debated issue in administrative law and criminal law discourse. Abuse of authority does not always mean actions taken without legal basis; sometimes official actions are carried out within the framework of discretion but then result in state losses due to miscalculations or non-compliance with procedures. According to Philipus M. Hadjon (2011), abuse of authority must be viewed from an administrative law approach first, because the concept of authority is inherent in administrative positions. If this concept is brought directly into the criminal realm without considering the limits of discretion, it has the potential to criminalize policies. However, according to Ermansjah Djaja (2014), there is a clear line between legitimate discretion and abuse of authority, namely the presence or absence of corrupt intent in decision-making. If a decision contains elements of intention to enrich oneself, enrich another party, or consciously cause state losses, then the action can no longer be called discretion but rather a criminal act of corruption.

In the dynamics of Indonesian legal politics, the amendment to the Corruption Eradication Commission (KPK) Law through Law Number 19 of 2019 is also one of the reasons why it is important to reconstruct the corruption eradication policy. Many legal academics believe that the amendment to the KPK Law has reduced the institution's independence. According to Saldi Isra (2020), the existence of the Supervisory Board could potentially restrict

the KPK's investigative and judicial activities, particularly since wiretapping permits fall under the authority of the supervisory board. Although the government argues that the amendment was made to strengthen the KPK's accountability, in practice, this stricter authority is often perceived as a restriction on the independence of investigators in handling major cases. This dynamic has prompted discussions about the need to reform the corruption eradication system, focusing not only on criminal law instruments but also on improving institutional structures that support the effective enforcement of corruption articles.

Another problem in eradicating corruption is weak coordination between law enforcement agencies. According to Susi Dwi Harijanti (2018), the Corruption Eradication Commission (KPK), the Prosecutor's Office, and the Police sometimes have different interpretations of the formulation of the Corruption Eradication Law (Tipikor) articles, particularly regarding unlawful acts and abuse of authority. This often leads to a tug-of-war over authority in handling cases, which ultimately can hamper the overall law enforcement process. This lack of synchronization is a classic obstacle that often remains unresolved over time, necessitating the design of legal policies capable of encouraging more effective cooperation between law enforcement agencies.

In the development of academic discourse, several Indonesian authors, such as Bivitri Susanti (2021), have highlighted that corruption eradication cannot be solely focused on law enforcement but must also consider structural contexts such as bureaucratic culture, internal government oversight systems, and budget transparency. Reliance on criminal law as the primary instrument is considered insufficient, as it only plays a role after irregularities have occurred. Therefore, the reconstruction of corruption eradication policies must consider a preventive approach that emphasizes improvements to the governance system.

Another issue is the increasingly complex nature of evidence in corruption cases. In Yusril Ihza Mahendra's (2017) view, the reverse burden of proof should be applied more broadly in corruption cases because these crimes often involve concealing the flow of money. However, the application of the reverse burden of proof must remain within constitutional limits to avoid conflicting with the principle of presumption of innocence. This issue has become a major debate in the development of anti-corruption policies. Some experts support the broader application of the reverse burden of proof, while others emphasize the need to maintain the principle of justice in criminal proceedings.

The latest development in anti-corruption policy is the discussion of the government-initiated Asset Forfeiture Bill. According to Harkristuti Harkrisnowo (2022), the principle of non-conviction-based asset forfeiture allows the state to confiscate assets obtained through corruption without waiting for a final and binding criminal verdict. However, its implementation must be accompanied by adequate legal oversight mechanisms to prevent violations of citizens' property rights. Therefore, the reconstruction of anti-corruption policy addresses not only criminal aspects but also human rights protection and good governance.

From these various issues, it is clear that the effectiveness of enforcing the Corruption Eradication Law articles cannot be separated from the debate over the definition of state losses, abuse of authority, the dynamics of law enforcement institutions, and the challenges of proving in corruption cases. Therefore, a comprehensive reconstruction of corruption eradication policy is necessary to strengthen regulatory harmonization, improve the capabilities of law enforcement agencies, and ensure that the interpretative space of the Corruption Eradication Law articles can be directed towards protecting the public and the interests of the state. This study aims to analyze the effectiveness of enforcing Articles 2 and 3 of the Corruption Eradication Law and propose an approach to reconstructing legal policy that aligns with the demands of corruption eradication in Indonesia.

METHOD

This study uses a normative legal research method by examining laws and regulations, legal doctrine, and court decisions as the basis for analysis. The approaches used include the legislative approach, the conceptual approach, and the case approach, as stated by Marzuki (2010) regarding the importance of legal research based on normative analysis to systematically interpret legal norms. Primary legal materials consist of the Corruption Law and Constitutional Court decisions, while secondary legal materials include books and scholarly articles by Indonesian authors such as Atmasasmita (2010) and Djaja (2014).

RESULTS AND DISCUSSION

1. Effectiveness of Enforcement of Article 2 and Article 3 of the Corruption Eradication Law in the National Legal System

Law enforcement against corruption in Indonesia relies heavily on the effective implementation of Articles 2 and 3 of the Anti-Corruption Law. These two articles serve as the primary foundation for law enforcement officials in proving corruption, whether in the form of unlawful acts or abuse of authority by public officials. However, in practice, the effectiveness of these articles faces a number of conceptual and implementation issues that impact legal certainty, the consistency of decisions, and the state's ability to prosecute perpetrators of corruption. To understand the effectiveness of their implementation, it is necessary to analyze the elements of the articles, the dynamics of interpretation, and the obstacles that arise during the investigation, prosecution, and trial processes.

Article 2 paragraph (1) of the Corruption Eradication Law stipulates that anyone who unlawfully enriches themselves, another person, or a corporation that can harm state finances or the state economy shall be punished with imprisonment and a fine. The formulation of the element of "unlawful" in this article has been controversial from the start. According to Indriyanto Seno Adji (2015), the element of unlawful in this article should be understood not only formally, but also materially, which includes actions contrary to the sense of justice, propriety, and good customs in the administration of government. This understanding was widely practiced before the Constitutional Court Decision Number 003/PUU-IV/2006 which in principle emphasized that the element of unlawful must be interpreted formally. The Constitutional Court eliminated the broad interpretation that had been used by law enforcement, so that unlawful only meant contrary to laws or other written regulations.

This Constitutional Court ruling has significant consequences for the enforcement of Article 2 of the Corruption Eradication Law. According to Romli Atmasasmita (2010), the limitation of the meaning of "unlawful" narrows the scope of Article 2, so that several corrupt acts that could previously be prosecuted through a material approach can no longer be classified as unlawful if no formal violation of statutory regulations is found. This has the potential to reduce the reach of the article to new modes of corruption that do not always involve direct administrative violations, but substantively harm the state.

In addition to the unlawful element, the element of "enriching oneself, another person, or a corporation" also requires strong evidence. In practice, this element has proven to be complex. According to Ermansjah Djaja (2014), proving the element of enrichment requires demonstrating an increase in wealth that can be measured economically. However, in many cases, the flow of corrupt funds is carried out through complex schemes, involving third parties, beneficial ownership, and the mixing of funds through financial transactions. This complexity makes it difficult for law enforcement to prove the element of enrichment directly, so investigators often rely on circumstantial evidence, which requires high precision.

Another fundamental issue is proving "state losses." State losses are a key element in both Articles 2 and 3. According to Denny Indrayana (2013), state losses must be proven through an audit by the

Supreme Audit Agency (BPK) or the Financial and Development Supervisory Agency (BPKP). However, there are fundamental differences regarding the concept of "state losses" itself. Some Supreme Court decisions, such as Supreme Court Decision No. 1555 K/Pid.Sus/2014, emphasize that state losses must be actual, not potential. However, in several other cases, law enforcement officials have argued that potential losses are sufficient because corruption has compromised the integrity of state finances.

This difference creates legal uncertainty. According to Bivitri Susanti (2021), standards for proving state losses must be standardized to ensure consistent law enforcement. Disagreements in interpretation between judges can lead to differing decisions in cases with similar patterns. This indicates that, despite comprehensive regulations, their effectiveness is suboptimal due to the underlying problem of consistent legal understanding at the judicial level.

Meanwhile, Article 3 has distinct characteristics because it emphasizes the abuse of authority, opportunity, or means inherent in office. The element of abuse of authority has strong administrative law overtones. According to Philipus M. Hadjon (2011), authority is a fundamental aspect of governance, and its abuse must be analyzed using the principle of legality in administrative law. Problems arise when law enforcement considers the actions of public officials to be abuse of authority when in fact they constitute discretionary action undertaken under certain circumstances in the public interest.

In Decision Number 25/PUU-XIV/2016, the Constitutional Court emphasized that abuse of authority must be proven by dishonest intent, or the intention to harm the state. This is done to prevent the criminalization of policy. According to Saldi Isra (2020), the Constitutional Court's decision provides important limitations so that the actions of well-intentioned officials are not subject to criminal charges simply because of administrative errors. However, these limitations also open up opportunities for corruptors to hide behind discretion. Therefore, law enforcement must be able to clearly distinguish whether such actions constitute abuse of authority or legitimate discretion.

In practice, prosecutors often formulate alternative or cumulative charges under Articles 2 and 3. According to Indriyanto Seno Adji (2015), this is done because the two articles are closely related and can complement each other. However, the cumulative indictment can create a risk of unclear focus of the case, especially if the elements of the two articles are not clearly distinguished. In some cases, judges tend to issue verdicts based on Article 3 because the penalty is lighter than Article 2, even though from a legal morality perspective, the act is more appropriately prosecuted under Article 2. This trend in verdicts can reduce the deterrent effect for perpetrators of corruption.

In addition to the issue of the elements of the articles, the effectiveness of the implementation of Articles 2 and 3 is also influenced by the limited authority of law enforcement agencies. Following the enactment of Law Number 19 of 2019, the Corruption Eradication Commission (KPK)'s authority underwent significant changes, particularly regarding wiretapping, searches, and seizures. According to Faisal Basri (2020), these changes indirectly weakened the KPK's ability to uncover systemic corruption involving powerful actors. Wiretapping, which could previously be carried out independently, now requires the approval of the Supervisory Board, raising concerns about bureaucratic obstacles in the investigation process. Meanwhile, the Prosecutor's Office and the Police, as other law enforcement agencies, also face their own challenges, particularly regarding the professionalism and consistency of investigations. According to Susi Dwi Harijanti (2018), there are still corruption cases that are not fully handled by the Police or Prosecutor's Office due to structural and cultural barriers within law enforcement agencies. These challenges then contribute to reducing the effectiveness of enforcement of Articles 2 and 3 of the Corruption Eradication Law.

Law enforcement against corruption is also influenced by political will. Corruption often involves political actors or public officials with extensive networks of power. According to Todung Mulya Lubis (2012), political pressure can influence the investigation and prosecution process, both through direct intervention and through invisible structural mechanisms. In this context, the effectiveness of enforcing Articles 2 and 3 depends not only on legal instruments but also on the extent to which law enforcement

agencies are able to operate independently and free from political pressure. In addition to internal issues within law enforcement agencies, the effectiveness of the Corruption Eradication Act is also related to the challenges of providing evidence in increasingly complex corruption cases. Modern corruption often involves cross-border financial transactions, the use of digital technology, shell companies, and the diversion of funds through money laundering. According to Yusril Ihza Mahendra (2017), Indonesian law enforcement officials still face limitations in forensic accounting and asset tracking capabilities. Proving elements of state enrichment or loss becomes increasingly difficult if corrupt funds have been diverted abroad or disguised as indirect assets.

To strengthen the effectiveness of Articles 2 and 3, several Indonesian legal authors have proposed evidentiary reform, including broader application of the reverse burden of proof. However, the application of the reverse burden of proof must still adhere to the principles of the rule of law. According to Harkristuti Harkrisnowo (2022), the reverse burden of proof can be applied in a limited manner in the context of proving the origin of wealth, but must not deprive the suspect of the right to legal protection. Therefore, policy reconstruction needs to consider the balance between the effectiveness of corruption eradication and the protection of citizens' constitutional rights. Based on all of these descriptions, the effectiveness of Articles 2 and 3 of the Corruption Eradication Law is determined not only by their normative formulation, but also by the consistency of interpretation, the integrity of law enforcement, institutional support, and advances in evidentiary techniques. Therefore, the reconstruction of corruption eradication policy must target all of these aspects so that the Corruption Eradication Law articles can be optimally implemented in safeguarding state financial interests and government integrity.

2. Reconstruction of the Corruption Eradication Policy within the Framework of Strengthening the National Legal System

Reconstructing anti-corruption policies is an urgent need within the Indonesian legal system. The various dynamics outlined in the previous discussion indicate that enforcement of Articles 2 and 3 of the Corruption Law is often suboptimal due to normative, institutional, and evidentiary weaknesses. Therefore, reconstruction must be carried out not only through changes to legislation but also through institutional aspects, bureaucratic culture, and law enforcement approaches. In this context, reconstruction of anti-corruption policies needs to be directed at strengthening legal certainty, maintaining the independence of law enforcement agencies, increasing the effectiveness of evidence, and adapting legal instruments to evolving modes of corruption.

First, a reconstruction of the normative aspects of the Corruption Eradication Law needs to be conducted. The formulation of Articles 2 and 3 has long been criticized for creating interpretive uncertainty. The unlawful element in Article 2, for example, has been subjected to a narrow interpretation since Constitutional Court Decision No. 003/PUU-IV/2006. According to Atmasasmita (2010), an overly formal interpretation of the unlawful element can weaken the article's ability to encompass corrupt acts that do not directly violate written provisions but violate the principle of public interest. On the other hand, allowing too much room for material interpretation can also pose a risk of abuse of authority by law enforcement. Therefore, the reconstruction needs to find a middle ground in the form of clear interpretative guidelines regarding the forms of unlawful acts in the context of state financial management.

These interpretative guidelines can refer to the doctrines of various Indonesian legal authors who emphasize the principle of abuse of position for private gain. According to Djaja (2014), unlawful acts in the context of corruption are not solely measured by procedural violations, but also by deviations from the intended purpose of the use of authority. Therefore, policy reconstruction needs to emphasize that unlawful elements include violations of written norms and deviations from the purpose of office that harm the state.

Second, policy reconstruction is needed to clarify the concept of state losses. The debate over actual versus potential losses has raised various legal implications. According to Indrayana (2013), the concept of state losses should be understood as real losses that can be accurately calculated by state auditors. However, other opinions, such as those of Saldi Isra (2020), emphasize that in some cases, particularly corruption cases at the planning or procurement stage of goods and services, potential state losses can already be used as the basis for charges because irregularities in procurement procedures have deprived the state of the opportunity to obtain optimal economic value.

To avoid uncertainty, policy reconstruction needs to produce a standard for assessing state losses. This standard can be complemented by strict measurement parameters and serve as a guideline for the Supreme Audit Agency (BPK), the Financial and Development Supervisory Agency (BPKP), the Attorney General's Office (AGO), the Police, and the Corruption Eradication Commission (KPK). Furthermore, a peer review mechanism for audit results can be implemented to ensure the quality of state loss calculations, as proposed by several public administration academics in Indonesia.

Third, policy reconstruction needs to clarify the boundaries between official discretion and abuse of authority. Constitutional Court Decision No. 25/PUU-XIV/2016 provides protection for public officials in exercising discretion, but the limits of this decision are still general. According to Hadjon (2011), discretion must fulfill the elements of legality, rationality, and accountability. However, in practice, distinguishing between legitimate discretion and abuse of authority is not always easy. Therefore, policy reconstruction needs to include more detailed technical guidelines as parameters for assessing discretion, including ex ante and ex post review mechanisms by internal oversight bodies.

Fourth, the reconstruction of anti-corruption policies requires strengthening law enforcement institutions, particularly the Corruption Eradication Commission (KPK). Amendments to the KPK Law in 2019 have raised public concerns about the weakening of the institution's independence. According to Bivitri Susanti (2021), the establishment of a Supervisory Board authorized to grant wiretapping permits and other pro justitia actions has the potential to create bureaucratic obstacles in the investigation process. Furthermore, the change in the status of KPK employees to civil servants (ASN) could impact the culture of independence that previously served as the institution's main strength. To address this issue, policy reconstruction needs to strengthen the KPK's independence through limited revisions to the supervisory board's authority, or by establishing a swift and simple judicial oversight mechanism to avoid lengthy administrative delays.

Fifth, strengthening coordination mechanisms between law enforcement agencies is a crucial part of policy reconstruction. According to Harijanti (2018), one of the biggest obstacles to eradicating corruption is overlapping authority and differing interpretations between the Corruption Eradication Commission (KPK), the Prosecutor's Office, and the Police. Coordination and supervision should be instruments to ensure effective collaborative work, but in practice, sectoral egos often emerge. Therefore, policy reconstruction needs to strengthen joint investigation mechanisms or integrated task forces in handling major cases, where the division of roles for each agency is clearly and bindingly regulated.

Sixth, reforms in evidentiary techniques are a crucial part of policy reconstruction. Modern corruption involves not only abuse of authority but also cross-border financial schemes, money laundering, the use of shell companies, and the placement of funds in cryptocurrencies. According to Yusril Ihza Mahendra (2017), the asset tracing capabilities of Indonesian law enforcement officers still need to be improved through forensic accounting training and the provision of more advanced technological tools. Furthermore, the reverse burden of proof in the context of proving the origin of wealth needs to be strengthened within constitutional limits. This could follow the model used by Singapore or Hong Kong's ICAC, where public officials are required to prove the origin of their wealth if there is significant irregularity. According to Harkristuti Harkrisnowo (2022), the reverse burden of proof can be applied to a limited extent in corruption cases as part of the strict liability doctrine for public officials holding strategic positions.

Seventh, the reconstruction of corruption eradication policy must accommodate the non-conviction-based asset forfeiture approach as formulated in the Asset Confiscation Bill. This instrument is crucial for overcoming evidentiary obstacles in corruption cases stalled due to the perpetrator's death, absconding, or destruction of evidence. According to Lubis (2012), assets resulting from corruption are subject to state confiscation, thus the state has an interest in recovering their economic value quickly and effectively. However, the mechanism for confiscation without a criminal conviction must still provide a proportional defense to prevent violations of citizens' property rights. Therefore, the reconstruction of the policy must formulate a special, expeditious judicial mechanism with strict evidentiary standards.

Eighth, the reconstruction of anti-corruption policies is also closely related to bureaucratic reform and strengthening internal control systems. According to Budi Santoso (2020), many corruption cases stem from weaknesses in internal oversight within government institutions. Therefore, structural reform through strengthening the Government Internal Supervisory Apparatus (APIP) is essential. Furthermore, the implementation of budget transparency systems, e-budgeting, e-procurement, and strengthening the Government Internal Control System (SPIP) must be part of the policy reconstruction to minimize the potential for abuse of authority from the outset. Ninth, policy reconstruction needs to pay attention to improving legal culture. According to Satjipto Rahardjo (2009), good law is not sufficient through the creation of ideal regulations but must be supported by a healthy legal culture, including the ethics of public officials and the integrity of law enforcement agencies. Corruption eradication cannot be successful if bureaucratic actors still view office as an opportunity for personal gain. Therefore, anti-corruption education, improving employee welfare, and instilling ethical governance must be an integral part of policy reconstruction.

Tenth, policy reconstruction must utilize digital technology as a tool for prevention and enforcement. According to Donny Gahril Adian (2021), digitalizing governance can reduce manual interactions between officials and the public, which are prone to bribery. Systems such as digital audit trails, data analytics, and inter-agency database integration can help detect patterns of budget irregularities more quickly. The use of artificial intelligence in monitoring the procurement of goods and services can be a step forward in technology-based corruption eradication. From all of these descriptions, it is clear that the reconstruction of corruption eradication policies must be carried out through a holistic approach. Simply revising the Corruption Law or strengthening a single law enforcement agency is not sufficient. Reconstruction must include regulatory harmonization, clarification of the elements of the offense, institutional strengthening, increased evidentiary capacity, administrative reform, and changes in bureaucratic culture. These steps will strengthen the legal system in facing the increasingly complex and structured challenges of corruption crimes. Thus, the reconstruction of corruption eradication policies is a key requirement for ensuring the sustainability of fair, effective, and public-interest-oriented law enforcement efforts.

CONCLUSION

Corruption eradication in Indonesia still faces serious challenges despite the legal instruments provided through the Corruption Eradication Law, particularly Articles 2 and 3, which serve as the primary basis for law enforcement. Analysis of the effectiveness of these two articles reveals various obstacles, both normative and implementative. The element of unlawfulness in Article 2 has been narrowed in meaning since Constitutional Court Decision No. 003/PUU-IV/2006, thus limiting its scope for interpretation. Meanwhile, the element of abuse of authority in Article 3 often generates debate because its limitations overlap with the discretion of public officials. Uncertainty in proving state losses, differing interpretations among law enforcement agencies, and the complexity of corruption methods also hamper the effectiveness of these corruption articles. Reconstruction of corruption eradication policies is needed to strengthen the consistency of law enforcement. This effort includes reaffirming the

meaning of the elements of unlawfulness and abuse of authority, harmonizing standards for calculating state losses by auditors, and strengthening coordination mechanisms between law enforcement agencies. In addition, reconstruction must be directed at improving the capabilities of law enforcement officers in modern evidence techniques such as forensic accounting, asset tracing, and digital transaction analysis, which are the main characteristics of contemporary corruption crimes.

Strengthening the independence of the Corruption Eradication Commission (KPK) and optimizing the functions of the Prosecutor's Office and the Police are also crucial to ensuring that corruption eradication is not hampered by structural or political factors. Furthermore, policy reforms such as the limited application of the reverse burden of proof and the accelerated passage of the Asset Forfeiture Bill can increase the state's reach in seizing the proceeds of crime, which have previously been difficult to trace. Therefore, the reconstruction of anti-corruption policies is a strategic necessity to ensure the national legal system is able to respond to evolving criminal methods, strengthen legal certainty, and provide optimal protection for state finances and public interests. A successful reconstruction effort requires a comprehensive, integrative, and sustainable approach to effectively achieve the primary goal of eradicating corruption.

BIBLIOGRAPHY

- Atmasasmita, Romli. *Legal Reform, Human Rights, and Law Enforcement*. Jakarta: Kencana, 2010.
- Adji, Indriyanto Seno. *Corruption and Law Enforcement*. Jakarta: Diadit Media, 2015.
- Djaja, Ermansjah. *Eradicating Corruption Together with the Corruption Eradication Commission (KPK)*. Jakarta: Sinar Grafika, 2014.
- Hadjon, Philipus M. *Introduction to Indonesian Administrative Law*. Surabaya: Yuridika, 2011.
- Indrayana, Denny. *The State in a Corruption Emergency*. Jakarta: Gramedia, 2013.
- Isra, Saldi. *Constitutional Law: Reflections and Directions of Reform*. Jakarta: Rajawali Pers, 2020.
- Lubis, Todung Mulya. *Corruption and Law in Indonesia*. Jakarta: Kompas, 2012.
- Harkrisnowo, Harkristuti. *Penal Policy and Contemporary Crime Challenges*. Jakarta: UI Press, 2022.
- Susanti, Bivitri. "Guarding the Independence of Law Enforcement in Eradicating Corruption." *IUS QUIA IUSTUM Law Journal* 28 (2021): 145–162.
- Harijanti, Susi Dwi. "Relationships Between Law Enforcement Agencies in the Corruption Eradication System." *Constitutional Journal* 15, no. 2 (2018): 213–230.
- Mahendra, Yusril Ihza. *Criminal Procedure Law from a Reform Perspective*. Jakarta: University of Indonesia Press, 2017.
- Santoso, Budi. *Bureaucratic Reform and Strengthening Internal Oversight*. Jakarta: LAN, 2020.
- Adian, Donny Gahral. *Ethics and Politics of Corruption Eradication*. Jakarta: Pustaka LP3ES, 2021.
- Constitutional Court of the Republic of Indonesia. *Decision Number 003/PUU-IV/2006*. Jakarta: Secretariat General of the Constitutional Court, 2006.
- Constitutional Court of the Republic of Indonesia. *Decision Number 25/PUU-XIV/2016*. Jakarta: Secretariat General of the Constitutional Court, 2016.
- Supreme Court of the Republic of Indonesia. *Decision Number 1555 K/Pid.Sus/2014*. Jakarta: Directorate General of Criminal Investigation Agency of the Supreme Court, 2014.

Corruption Eradication Commission. Study of State Losses in Corruption Cases. Jakarta: KPK RI, 2021.