



---

**DYNAMICS OF LAW ENFORCEMENT AGAINST CORRUPTION CRIMINAL ACTS IN  
INDONESIA ANALYSIS STUDY OF LAW NO. 31 YEAR 1999 JO. LAW NO. 20 YEAR  
2001**

**Teuku Heri Hermawan <sup>\*1</sup>, T. Riza Zarzani <sup>\*2</sup>**

<sup>1,2</sup>Panca Budi Development University

Email : [teukuherihermawan.68@gmail.com](mailto:teukuherihermawan.68@gmail.com)

---

**Abstract**

Corruption is an extraordinary crime that has a broad impact on economic stability, public trust, and legal system in Indonesia. Efforts to eradicate corruption have been regulated in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corrupt (UU Tipikor), which provides a legal basis for taking action against perpetrators of corruption, both individuals and corporations. However, even though regulations have been strictly formulated, effectiveness of law enforcement still faces various complex obstacles. This study aims to analyze dynamics of law enforcement against criminal acts of corruption in Indonesia and to assess effectiveness of existing regulations in providing a deterrent effect for perpetrators.

The research method used is normative juridical, with a statute approach and comparative legal analysis. The results of the study indicate that several main factors that weaken law enforcement in corruption cases are political intervention, inconsistent sentencing, weak asset recovery mechanisms, and lack of transparency in the judicial process. One of the fundamental problems is the overlapping authority between the KPK, the Attorney General's Office, and the National Police, which causes ineffectiveness in investigating and prosecuting corruption cases. In addition, the practice of remission and parole for corruption convicts also reduces the preventive impact that should result from criminal punishment.

To improve the effectiveness of law enforcement, this study recommends strengthening the independence of law enforcement agencies, implementing a non-conviction based asset forfeiture mechanism, improving the criminal justice system to ensure that corruptors receive appropriate punishment. With more assertive and transparent reforms, it is hoped that Indonesia can create a clean government system that is free from corrupt practices.

**Keywords:** *Corruption, Law Enforcement, Corruption Law, Legal Reform*

---

**INTRODUCTION**

Corruption is one of the extraordinary crimes that has long been a serious problem in Indonesia. This crime not only harms state finances but also violates the principle of justice, hinders development, and weakens public trust in the government and state institutions. In an effort to eradicate corruption, Indonesia has established strict regulations, one of which is Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 (hereinafter referred to as the Corruption Law). This regulation is the main legal basis in the process of law enforcement against perpetrators of corruption, providing definitions, elements of the crime, and criminal threats that can be imposed on individuals or corporations proven to have committed corrupt acts.

However, in practice, law enforcement against corruption in Indonesia still faces various complex challenges. Although there are special institutions such as the Corruption Eradication Commission (KPK) which have broad authority in investigating, prosecuting, and prosecuting corruption cases, their effectiveness is often hampered by various factors, such as political intervention, weaknesses in the judicial system, and the government's low commitment to consistently supporting corruption eradication. In addition, differences in approaches to law enforcement between the KPK, the Attorney General's Office, and the Police often cause a lack of synchronicity in efforts to eradicate corruption.

The Corruption Law has actually stipulated various forms of corruption crimes including bribery, embezzlement in office, conflict of interest in procurement, gratification, and crimes that harm state finances. However, differences in interpreting criminal elements in corruption cases often make efforts to eradicate corruption not run optimally. One issue that is often debated is how to determine state losses in a corruption case. In many cases, differences in interpretation regarding the amount of state losses between the Audit Board of Indonesia (BPK), the Financial and Development Supervisory Agency (BPKP), and the judiciary often become loopholes that are exploited by corruption defendants to defend themselves.

In addition, the criminal justice system in handling corruption cases has also experienced quite significant dynamics, especially related to the sentences handed down to perpetrators of corruption. There is inconsistency in the provision of sentences, where many cases involving high-ranking state officials end with relatively light sentences, while perpetrators at lower levels receive heavier sentences. This phenomenon raises questions related to the principle of justice in criminal law and the effectiveness of the Corruption Law in creating a deterrent effect for perpetrators of corruption.

From the law enforcement side, several factors that influence the effectiveness of corruption eradication in Indonesia include:

1. Weaknesses in the Legal System

One of the biggest challenges in law enforcement against corruption is the inconsistency in the implementation of the law. Although the Corruption Law has regulated various forms of corruption and the threat of punishment, many cases are not investigated thoroughly due to political pressure, weak coordination between law enforcers, and minimal independence of law enforcement officers. In addition, the emergence of the phenomenon of "judicial corruption", where law enforcement officers are actually involved in corrupt practices, further exacerbates this situation.

2. Political Intervention in Law Enforcement

One of the phenomena that often occurs in corruption cases is selectivity in prosecution. Many corruption cases involving high-ranking officials often experience obstacles in investigation and prosecution, especially if the perpetrators have connections with political rulers or economic oligarchs. This shows that in the legal system in Indonesia, there is an inequality in access to justice which causes the effectiveness of law enforcement to be weak.

3. Weak Deterrent Effect for Corruptors

Although the Corruption Law has regulated the threat of severe punishment, including life imprisonment, large fines, and confiscation of assets resulting from corruption, in reality many corruptors still get faster freedom through remission and conditional release. This

shows that the criminal system in corruption cases is still not fully able to provide a deterrent effect for perpetrators.

#### 4. Dynamics of the Role of the Corruption Eradication Committee and Other Law Enforcement Agencies

One of the biggest changes in the eradication of corruption in Indonesia is the revision of the KPK Law through Law No. 19 of 2019, which has reduced the independence of the KPK. Previously, the KPK had great authority in investigating and prosecuting corruption cases without having to submit to the executive or legislative bodies. However, after the revision of the KPK Law, this institution is under the control of the government, which reduces its effectiveness in handling corruption cases involving state officials.

#### 5. Aspects of State Asset and Loss Recovery

One of the important elements in eradicating corruption is the return of assets from crime to the state. However, in many cases, the asset recovery process faces major obstacles, both because of complex money laundering practices and because of the lack of state involvement in tracing and seizing corruptors' assets abroad.

## METHODS

This study uses a normative legal research method with a library research approach, namely examining various relevant legal sources in order to understand and analyze the dynamics of law enforcement against corruption in Indonesia based on Law No. 31 of 1999 in conjunction with Law No. 20 of 2001. The legal sources used include primary legal materials, such as laws and regulations relating to the eradication of corruption, court decisions, and other legal documents; secondary legal materials, such as scientific journals, legal textbooks, and previous research results that discuss theoretical and practical aspects related to law enforcement against corruption; and tertiary legal materials, such as legal dictionaries and encyclopedias that support the understanding of the concepts in this study.

## RESULTS AND DISCUSSION

### 1. Dynamics of Law Enforcement against Corruption Crimes in Indonesia

Law enforcement against corruption in Indonesia has a fairly strong legal basis, especially with the existence of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, which was later updated through Law Number 20 of 2001. This law stipulates various provisions related to the definition, elements of criminal acts, and a heavier punishment mechanism for perpetrators of corruption compared to other criminal acts. Normatively, this regulation refers to the principle of zero tolerance for corruption, with criminal threats that include imprisonment, fines, and confiscation of assets resulting from corruption. In addition, this regulation also includes aspects of corporate accountability in corruption cases, which allows business entities to be held accountable if they are involved in corrupt practices.

However, although in theory the regulation has been designed to provide a deterrent effect, in practice there are still legal loopholes that allow corruptors to avoid appropriate punishment. One of the fundamental problems in the Corruption Law is the ambiguity in determining the elements of corruption, especially in terms of proving state losses. In many cases, differences in interpretation between institutions such as the Audit Board of Indonesia (BPK), the Financial and Development Supervisory Agency (BPKP), and law enforcement officers often cause corruption cases to progress slowly or even fail to reach a final decision.

In addition, the provisions contained in Article 2 and Article 3 of the Corruption Law are often debated in judicial practice. Article 2 states that corruption crimes that cause state losses can be subject to a minimum sentence of four years and a maximum of twenty years in prison, while Article 3 provides a lighter criminal threat for officials who abuse their authority. This difference in criminal threats is often exploited by defendants in the defense process, where they try to have their cases categorized into the lighter Article 3, compared to the heavier Article 2.

Another dynamic in the legal framework for eradicating corruption is the interaction between national and international law, especially in cases of money laundering and asset recovery. Although Indonesia has ratified the United Nations Convention Against Corruption (UNCAC) in 2003, the implementation of this convention still faces many obstacles, especially in the process of international cooperation to confiscate corruptors' assets stored abroad. The absence of a fast and effective mechanism for returning assets from corruption often causes the state to suffer greater losses, because the assets have already been transferred or disguised through a complex money laundering network.

Indonesia has three main institutions in enforcing the law against corruption, namely the Corruption Eradication Commission (KPK), the Attorney General's Office, and the Indonesian National Police (Polri). These three institutions have the authority to handle corruption cases, but in practice there is often overlapping jurisdiction which causes inefficiency in the law enforcement process.

The Corruption Eradication Commission (KPK), which was established based on Law Number 30 of 2002, has a central role in eradicating corruption in Indonesia. This institution is given special authority to investigate, prosecute, and prosecute corruption cases that are considered to have a major impact on state finances and public interests. The existence of the KPK has brought many changes to the corruption criminal justice system, especially in terms of sting operations (OTT), impoverishment of corruptors, and the use of more aggressive prosecution strategies compared to other law enforcement institutions. However, with the revision of the KPK Law through Law No. 19 of 2019, the independence of this institution has begun to be questioned because the changes put the KPK under executive control.

On the other hand, the Attorney General's Office has the authority to investigate, prosecute, and prosecute corruption cases, especially those not handled by the KPK. In some cases, the Attorney General's Office has succeeded in prosecuting corruption perpetrators, but often experiences obstacles related to political intervention and weak internal supervision within the institution. One of the biggest challenges in eradicating corruption by the Attorney General's Office is the low success rate in resolving major cases involving high-ranking state officials.

Meanwhile, the Indonesian National Police (Polri) also has a role in enforcing the law against corruption, but with more limited authority compared to the KPK and the Prosecutor's Office. The police mostly handle corruption cases in the regions, which are often related to misuse of village funds, fictitious projects, and corruption in the public service sector. However, in several cases, the

presence of police officers in handling corruption is often criticized because of indications of bribery practices, low transparency of investigations, and slow handling of cases.

In addition, in the context of eradicating corruption, the court has a very important role in giving sentences to corruption defendants. However, in practice, there is often a lack of uniformity in decisions between one court and another, which reflects the ongoing legal uncertainty in the corruption trial process. Many cases involving high-ranking state officials end with light sentences, while low-level corruption perpetrators actually receive heavier sentences. This phenomenon has given rise to debate about the principle of justice in the criminal justice system, especially in ensuring that the sentences imposed truly reflect the seriousness of the crime committed by the defendant.

In its implementation, law enforcement against corruption still faces various serious challenges. Some of the main obstacles in the practice of eradicating corruption include:

1. Lack of Independence of Law Enforcement Officers

Many corruption cases are ultimately not resolved due to intervention from certain parties, both from the executive and legislative levels.

2. Differences in Interpretation in Calculating State Losses

The absence of uniform standards in determining the amount of state losses is often used as a loophole by defendants to avoid heavier sentences.

3. The Phenomenon of Corruption in Law Enforcement Institutions

Many cases show that law enforcement officers themselves are involved in corrupt practices, whether in the form of bribery, gratuities, or collusion in the investigation and prosecution of corruption cases.

4. Weak Law Enforcement Against Corporations Involved in Corruption

Although the Corruption Law has regulated criminal liability for corporations, its implementation is still very limited because the legal system in Indonesia tends to target individuals rather than business entities as legal subjects in corruption cases.

Based on these various problems, it is very important for the government and society to encourage more progressive legal reforms in eradicating corruption. Fair, transparent, and effective law enforcement is the main key in building a clean and integrated government system.

## **2. Effectiveness of Law Enforcement in Eradicating Corruption in Indonesia**

One of the fundamental problems in law enforcement against corruption in Indonesia is the inconsistency in the punishment of corruption perpetrators. Although Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 has provided strict provisions regarding the threat of punishment for corruption perpetrators, in practice the sentences handed down often do not reflect substantive justice. Many corruption perpetrators are only given light sentences, some of whom even receive special facilities while serving their prison terms.

For example, many cases show that high-ranking state officials or political elites who are proven guilty of corruption often only get sentences of less than five years in prison, even though the amount of state losses incurred is very large. Meanwhile, in some cases, civil servants or parties involved in corruption cases in lower capacities actually get heavier sentences. This phenomenon

shows that the principle of equality before the law has not been fully implemented in the criminal justice system in Indonesia.

In addition, the practice of remission and parole for corruption convicts has also become a polemic in the eradication of corruption. Based on the provisions of Government Regulation (PP) Number 99 of 2012, perpetrators of corruption should not be given the convenience of obtaining remission unless they are cooperative, for example by returning state losses or acting as a justice collaborator. However, in practice, many corruptors still receive remission on the grounds of good behavior while in prison, without any guarantee that they have contributed to the return of assets from corruption.

Furthermore, the criminal justice system in Indonesia still does not prioritize impoverishment of corruptors as part of the punishment. Although in several cases the court has imposed sanctions of asset confiscation, its implementation is still weak due to various obstacles, including the inability of the state to trace and seize corruptors' assets hidden abroad. In fact, if implemented effectively, impoverishing corruptors could be one of the most powerful strategies in preventing criminal acts of corruption, as has been implemented in several countries with a high level of success in eradicating corruption.

One important aspect in eradicating corruption is asset recovery. Corruption is not only a crime that harms the state in moral and political aspects, but also a crime that has a direct impact on state finances. Therefore, in addition to imposing criminal penalties on perpetrators, the legal system must also be able to ensure that assets resulting from corruption can be returned to be used for the public interest.

However, in practice, the asset recovery mechanism in Indonesia is still very weak. There are several factors that cause this, including:

1. The absence of a mechanism for confiscation of assets without a criminal verdict (non-conviction based asset forfeiture) In many countries with strong legal systems in eradicating corruption, there are mechanisms that allow the confiscation of corruptors' assets without having to wait for a final court decision (having permanent legal force). However, in Indonesia, asset confiscation is still very dependent on court decisions, so if the defendant succeeds in delaying the judicial process, the state will have difficulty confiscating assets that have been transferred or disguised through money laundering schemes.
2. Lack of international cooperation in tracking assets from corruption Many corruptors store their criminal assets abroad, either in the form of bank accounts, property, or other investments. Unfortunately, the legal system in Indonesia does not yet have a fast and effective mechanism to follow up on these cases. Although Indonesia has ratified the United Nations Convention Against Corruption (UNCAC) 2003, international cooperation in asset recovery is still not optimal, especially due to legal and political obstacles in the asset extradition process.
3. Lack of transparency in the auction process and utilization of assets resulting from corruption In some cases, assets that have been successfully confiscated by the state are not managed properly. The lack of transparency in the asset auction process often raises suspicions of new corrupt practices within the law enforcement system itself. This shows that although asset confiscation has begun, its benefits for the state are still not optimal due to the weak supervision system in the utilization of these assets.

One factor that often becomes an obstacle in eradicating corruption is political intervention in the law enforcement process. Corruption cases involving political actors are often difficult to investigate thoroughly, due to pressure from various interested parties.

This phenomenon can be seen in several cases where the legal process against high-ranking state officials or political figures experiences various administrative and legal obstacles, such as trial delays, changes in the status of suspects to witnesses, or even the loss of evidence in the investigation process. This shows that although legally there is a clear mechanism in eradicating corruption, in practice there are still various structural obstacles that prevent the legal process from running independently.

In addition, the revision of the KPK Law through Law No. 19 of 2019 is also a real form of how political intervention can weaken law enforcement agencies. With the change in the status of the KPK which is now under executive control, many parties consider that the independence of the KPK in handling corruption cases has decreased. This can be seen from the decreasing number of Hand Catch Operations (OTT) carried out by the KPK after the revision of the law was enacted.

Based on the various problems outlined above, there are several steps that can be taken to increase the effectiveness of law enforcement in eradicating corruption in Indonesia, including:

1. Strengthening the independence of law enforcement agencies, especially the Corruption Eradication Committee, so that they are not easily influenced by political interests.
2. Implementing a non-conviction based asset forfeiture mechanism, so that assets resulting from corruption can be confiscated without having to wait for a final court decision.
3. Increasing transparency in the process of investigating, prosecuting and punishing corruption perpetrators, including ensuring that the punishment system truly provides a deterrent effect for perpetrators.
4. Accelerate the process of revising regulations related to asset recovery, so that the state has stronger legal tools in tracing and returning assets resulting from corruption.
5. Increasing international cooperation in eradicating corruption, especially in terms of extradition of suspects and repatriation of assets resulting from corruption stored abroad.

With the reform of the legal system and institutional strengthening, it is hoped that the eradication of corruption in Indonesia can be more effective, so as to create a clean, transparent, and integrity-based government system. Independent, fair, and consistent law enforcement is the main key to creating a country free from corruption.

## CONCLUSION

Law enforcement against corruption in Indonesia still faces various challenges despite having a strong legal basis through Law No. 31 of 1999 in conjunction with Law No. 20 of 2001. In practice, various factors such as political intervention, weak independence of law enforcement officers, inconsistency in sentencing, and limitations in recovering assets from corruption are the main obstacles in eradicating corruption. The existence of institutions such as the Corruption Eradication Commission (KPK), the Attorney General's Office, and the National Police (Polri) do have an important role, but differences in authority and overlapping jurisdictions often lead to ineffectiveness in the coordination

and execution of law enforcement. In addition, the aspect of sentencing and the deterrent effect for perpetrators of corruption are still unresolved issues, considering that many corruptors receive light sentences and remissions that are not commensurate with the impact of the crimes they commit on the state and society.

To improve the effectiveness of law enforcement against corruption, a more progressive legal system reform is needed by emphasizing the independence of law enforcement agencies, the implementation of non-conviction based asset forfeiture mechanisms, increasing transparency in the investigation and sentencing process, and strengthening international cooperation in the recovery of corrupt assets hidden abroad. In addition, there needs to be an improvement in the criminal justice system so that the sentences imposed truly provide a deterrent effect and reflect the principle of substantive justice. With a more assertive, transparent, and independent approach, the eradication of corruption in Indonesia can be more effective in creating a clean, accountable, and integrity-based government system.

#### REFERENCE

- Aziza, DA (2018). Implementation of Official Crimes in Article 3 and Article 11 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. *Binamulia Hukum*, 7(2), 169–178. <https://doi.org/10.37893/jbh.v7i2.31>
- National Legal Development Agency. (2023). Final Report of Legal Analysis and Evaluation Regarding Law Enforcement of Corruption Crimes. Jakarta: Ministry of Law and Human Rights of the Republic of Indonesia.
- Audit Board of the Republic of Indonesia. (2001). Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. Jakarta: BPK RI.
- Audit Board of the Republic of Indonesia. (1999). Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. Jakarta: BPK RI.
- Blechinger, V. (2002). Corruption and Political Parties. *Sectoral Perspectives on Corruption*, 1–25.
- Pulang Pisau District Attorney's Office. (2022). Renewal of the Corruption Eradication Law. Retrieved from <https://kejari-pulangpisau.kejaksaan.go.id/2022/03/14/pebaharuan-undang-undang-pemberantasan-tindak-pidana-kokerja/>
- Bali High Prosecutor's Office. (1999). Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. Retrieved from [https://www.kejati-bali.go.id/assets/download/UU%20No.%2031%20Tahun%201999%20about%20Memberantas%20Tindak%20Pidana%20Korus\\_456916.pdf](https://www.kejati-bali.go.id/assets/download/UU%20No.%2031%20Tahun%201999%20about%20Memberantas%20Tindak%20Pidana%20Korus_456916.pdf)
- Ministry of Religious Affairs of the Republic of Indonesia. (2002). Law of the Republic of Indonesia Number 30 of 2002 concerning the Corruption Eradication Commission. Jakarta: Ministry of Religious Affairs of the Republic of Indonesia.
- Ministry of Finance of the Republic of Indonesia. (2022). Corruption Crime: Definition and Elements. Retrieved from <https://djpb.kemenkeu.go.id/kppn/manokwari/id/data-publikasi/berita-terbaru/3026-tindak-pidana-kokerja-pengertian-dan-elemen-elemennya.html>

- Corruption Eradication Commission. (2022). Get to Know the Legal Basis for Eradicating Corruption in Indonesia. Retrieved from <https://aclc.kpk.go.id/aksi-information/Eksplorasi/20220510-kenali-dasar-Hukum-pemberantasan-tindak-pidana-kourkan-di-indonesia>
- Lestari, YS (2018). Political Cartels and Political Corruption in Indonesia. *Pandecta Research Law Journal*, 13(2), 198–207.
- Republic of Indonesia. (1999). Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. *State Gazette of the Republic of Indonesia* 1999 Number 140.
- Republic of Indonesia. (2001). Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. *State Gazette of the Republic of Indonesia* 2001 Number 134.
- Simpuh Ministry of Religion of the Republic of Indonesia. (2002). Law of the Republic of Indonesia Number 30 of 2002 concerning the Corruption Eradication Commission. Retrieved from [https://simpuh.kemenag.go.id/dok/uu\\_30\\_22.pdf](https://simpuh.kemenag.go.id/dok/uu_30_22.pdf)
- Swarajustisia. (2022). Problems of Law Enforcement of the Crime of Obstruction of Justice in Corruption Crimes. *Unes Journal of Swara Justisia*, 2(1), 294–310.