

## **Benefit-Based Corruption Eradication Policy: A Comparison Between Indonesia and the UK**

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### **Abstract**

This research analyzes benefit-based corruption eradication policies in Indonesia and the UK while exploring the fundamental differences in anti-corruption strategies in the two countries and the possibility of implementing more effective policies in Indonesia. The method used in this research is normative juridical with a literature study approach. The results indicate that Indonesia and the UK adhere to different approaches to combating corruption. The UK implements a system based on legal certainty, transparency, and strict accountability while instilling a culture of integrity in the government system and the private sector. In addition, the UK has an independent anti-corruption agency with strict regulations integrated into the national legal system. However, policies in Indonesia still face challenges in terms of law enforcement, independence of anti-corruption institutions, and transparency of state financial management. To improve the effectiveness of corruption eradication in Indonesia, this research recommends a policy reconstruction that draws on UK practice. This measure includes strengthening independent anti-corruption institutions, implementing a stricter transparency system, and integrating anti-corruption policies into all national regulations. Applying the principle of expediency in corruption eradication policies is expected to foster a more effective, accountable, and sustainable system in corruption eradication in Indonesia.

### **Keywords**

*Benefit, Corruption, Eradication, Policy.*

## Introduction

Corruption derives from the Latin word *corruptio*, which is defined as rottenness, corruption, or bribery. The term was adopted in various languages, including English with the term corruption, which refers to dishonest acts or abuse of power for personal gain.<sup>1</sup> Corruption can be interpreted as the actions of individuals or groups who abuse their authority and responsibilities to gain personal or group benefits to the detriment of the public interest. Corruption is a global problem hindering development, leading to social injustice, and undermining government systems in various countries. Countries worldwide have agreed to eradicate corruption, marked by the ratification of international conventions to prevent and take action against perpetrators of corruption.<sup>2</sup>

Corruption is categorized as a special crime because special regulations specifically regulate and criminalize this act. In addition, corruption requires more specific legislation due to its difference from other types of criminal acts. One of the distinguishing aspects is its impact on the public interest at large, especially the Indonesian people. Corruption generally involves misusing state finances to benefit certain individuals or groups by manipulating their authority. State finances are crucial in national development, aiming to improve people's welfare. Such misuse can seriously impede the achievement of national development goals. The main factors leading to rampant corruption are the low integrity and nationalism of state officials. Despite strict political procedures in electing public leaders, they often deviate from the principles outlined in Pancasila and the 1945 Constitution, causing negative impacts in the future.

Juridically, acts of corruption violate national and international law provisions that mandate a clean, transparent, and accountable government. As a country of law, Indonesia is obliged to enforce the law against corruption crimes to ensure legal certainty, justice, and

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<sup>1</sup> Tanjung, I., & Riyanto, W. F. Hukum korupsi di Indonesia perspektif multidisipliner. *Jurnal Normatif*, Volume 4 Number 2, 2024, p.430-444, <https://doi.org/10.54123/jn.v4i2.398>.

<sup>2</sup> Waluyo, B. *Pemberantasan tindak pidana korupsi: Strategi dan optimalisasi*. Sinar Grafika. 2022, p, 20.

protection of the public interest. This juridical aspect demands a legal reform that focuses on the repressive aspect and the empowerment of the legal system to guarantee the protection of the community's rights as a whole.

As a state of law (*Rechtsstaat*), Indonesia places law as the main foundation in the administration of the state.<sup>3</sup> The Constitution mandates that the rule of law be the basis for all aspects of the nation's life. In this context, the law serves as a tool to create justice, certainty, and benefit for the entire community. Philosophically, the law in eradicating corruption also manifests the realization of moral and ethical values that underlie state life. Truth, integrity, and justice serve as more than normative principles; they reflect the community's commitment to maintaining the state's honor and ensuring the sustainability of a beneficial social order. However, the implementation of the rule of law in Indonesia still faces political intervention in law enforcement, which can interrupt the independence of the judicial system and legal policies in the country. Politics can positively impact legal development and public welfare if conducted according to the principles of democracy and the national interest. Using politics to benefit certain groups without regard to the principles of applicable law may ruin the legal system, further leading to abuse of authority and corrupt practices.

In Indonesia, corruption has escalated into an extraordinary crime. Corrupt behavior has permeated all levels of society, regardless of age or socio-economic status, affecting all government officials, from the central to district and city levels. Indonesia's national economy has suffered greatly due to the high corruption charges.<sup>4</sup> From a sociological point of view, corruption is a violation of the law, symbolizing a crisis of social values that reflects an imbalance in the distribution of power and resources. This phenomenon undermines public trust in public institutions and erodes social solidarity, thereby causing unstable social

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<sup>3</sup> Siallagan, H. Penerapan prinsip negara hukum di Indonesia. *Sosiohumaniora*, Volume 18 Number 2, 2016, p.122-128, <https://doi.org/10.24198/sosiohumaniora.v18i2.9947>.

<sup>4</sup> Subhan, R. Dampak Korupsi terhadap perekonomian di Indonesia. *Jurnal Pustaka Cendekia Hukum dan Ilmu Sosial*, Volume 2 Number 3, 2024, p.422-430, <https://doi.org/10.70292/pchukumsosial.v2i3.101>.

order. In general, unusual crimes can cause problems in the social, cultural, ecological, and economic spheres of a country.

Corruption involves the abuse of authority and responsibility by elected or appointed public officials. It is committed for unlawful purposes, involving aspects of wealth or status related to personal interests.<sup>5</sup> Corruption also relates to persuading individuals to act or not act in a way that is contrary to their obligations. Such a persuasion is an early indication of corruption. Corruption also includes giving and receiving bribes and other similar actions to fulfill certain interests. This mechanism is closely related to the prevailing political policy. A literature review of politics indicates that politics refers to efforts to achieve certain goals through various means, making politics and corruption closely related.

For comparison, the UK emphasizes the principles of transparency and accountability in the government system. As a country with a relatively low corruption perception index, the UK adheres to the legal system and political culture that encourage compliance with rules and strict supervision of public officials.<sup>6</sup> This country also effectively implements checks and balances through independent oversight institutions, parliament, and public information disclosure policies to ensure the bureaucracy is power abuse-free.<sup>7</sup> In addition, the legal culture in the UK places a high value on integrity, where violations of the law and ethics can seriously impact one's political and professional career. The principle of transparency is also reinforced by the disclosure of data on asset holdings of state officials and strict auditing mechanisms of public finances. On the contrary, Indonesia still faces major challenges in overcoming political interests that often harm governance. Such a condition requires Indonesia to strengthen its approach to legal culture and the principle of justice in its corruption eradication efforts while

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<sup>5</sup> Wibowo, A. Pendidikan Antikorupsi. *Yogyakarta: Pustaka Pelajar*. 2013, p.12

<sup>6</sup> Mulyati, N. TINDAK PIDANA KORUPSI YANG DILAKUKAN OLEH SEKTOR PRIVATE DI NEGARA ASEAN. *Unes Journal of Swara Justisia*, Volume 7 Number 2, 2013, p.722-738, <https://doi.org/10.31933/ujsj.v7i2.373>.

<sup>7</sup> Putra, I., Bakry, K., Ahmad, A., Lathif, N., Mihradi, R. M., & Efitra, E. *Hukum Tata Negara: Teori Komprehensif dan Studi Kasus*. PT. Sonpedia Publishing Indonesia. 2024, p. 57

adhering to the values of Pancasila and the fundamental provisions in the 1945 Constitution to improve the state bureaucratic system.

Regarding the originality of this writing, several previous studies have relevance to this study. The research on the Reconstruction of KPK Regulations in Eradicating Corruption in Indonesia by Dina Aprilia Iswara, published in the *Lex Generalis Law Journal* in 2020,<sup>8</sup> focuses on the urgency of recovering state financial losses in corruption cases and strategies to eradicate corruption in Indonesia. However, the approach used is more repressive and does not examine the legal system as a whole. In contrast, this study adopts a more comprehensive approach by comparing corruption eradication policies in Indonesia and the UK through cross-sectoral analysis, covering legal substance, legal structure, and legal culture in both countries. In addition, this study evaluates legal policies in combating corruption by examining the differences and effectiveness of policies between Indonesia and the UK.

Another relevant research entitled *Comparison of Corruption Eradication in Indonesia and Singapore* was written by Cahyo Jati Nugroho, Winsherry Tan, and Ampuan Situmeang.<sup>9</sup> The study does not thoroughly analyze prevention strategies, such as the impact of legal culture, institutions, and important aspects of a country's legal system, but rather concentrates on repressive techniques in the fight against corruption. According to the study, Singaporean laws deal with corrupt officials differently, depending on whether they work for the government or a private company. In Singapore, the police first oversees the anti-corruption agency, which later evolves into a separate organization with powers equivalent to the police. The approach used in that study differs from the one in this article. This article focuses more on reconstructing benefit-based corruption eradication policies by comparing Indonesia and the UK. The analysis in this study covers legal substance, institutional structure, and legal culture in both countries to

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<sup>8</sup> Iswara, D. A. Rekonstruksi regulasi terhadap KPK dalam pemberantasan kasus tindak pidana korupsi di Indonesia. *Jurnal Hukum Lex Generalis*, Volume 1 Number 4, 2020, p. 13-28, <https://doi.org/10.56370/jhlg.v1i4.205>.

<sup>9</sup> Nugroho, C. J., Tan, W., & Situmeang, A. PEMBERANTASAN TINDAK PIDANA KORUPSI INDONESIA DAN SINGAPURA. *Ius Civile: Refleksi Penegakan Hukum dan Keadilan*, volume 8 Number 2, 2024, p.60-77, <https://doi.org/10.35308/jic.v8i2.9857>.

evaluate the effectiveness of corruption eradication policies oriented towards legal expediency.

Furthermore, another similar study entitled *Comparison of the Corruption Eradication Commission with Corruption Eradication Institutions in Singapore, Hong Kong, and Malaysia* by Rhendra Kusuma discusses the comparison of the institutional system for eradicating corruption between Indonesia and several other countries, such as Singapore, Hong Kong, and Malaysia.<sup>10</sup> The study highlights the differences in institutional structure and law enforcement effectiveness in combating corruption in each country. However, this study has not explored further the implementation of expediency-based corruption eradication policies, especially in creating a legal system that is not only repressive but also encourages transparency and early prevention of corruption. In contrast to these prior studies, the study in this article compares benefit-based corruption eradication policies between Indonesia and the UK. This approach examines the institutional structure and emphasizes the legal expediency aspect regarding how a policy can provide real benefits in preventing and eradicating corruption. The UK, for example, implements a strict oversight system, high transparency, and strong accountability mechanisms, which can be adopted as a model for improving anti-corruption policies in Indonesia.

The research entitled *Corruption Crimes in Indonesia, the UK and Malaysia: A Comparative Study* by Harahap, A.S. and Nelson, F.M. (2024) compares the form of corruption and the concept of criminal sanctions as regulated in laws and regulations in Indonesia, the UK, and Malaysia. This study mainly focuses on the differences in normative aspects in the positive laws of the three countries. However, this study has not profoundly discussed the effectiveness of policy implementation and the relationship between the legal system and legal culture that affects the success of corruption eradication. In contrast to the study, the study in this article emphasizes a benefit-based approach by comparing the substance of the law, institutional structure, and legal culture in

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<sup>10</sup> Kusuma, R. *Perbandingan Komisi Pemberantasan Tindak Pidana Korupsi Indonesia Dengan Lembaga Pemberantasan Tindak Pidana Korupsi Negara Singapura, Hong Kong, Dan Malaysia*. *University Of Bengkulu Law Journal*, Volume 7 Number 1, 2022, p.71-83, <https://doi.org/10.33369/ubelaj.7.1.71-83>.

Indonesia and the UK to obtain a more adaptive and benefit-oriented policy formula.

Another similar research entitled *Comparison of Corruption Eradication Institutions: A Comparative Study between the Indonesian and Thai Corruption Eradication Commissions* was conducted by Muzakki, G.Z (2025) and published in the *Journal of Law, Humanities and Politics*. This study examines the institutional structure and effectiveness of the corruption eradication system from an institutional perspective using a legal comparison method, with the main focus on the performance and authority of the anti-corruption institution. However, this study has not thoroughly discussed utilitarian-based policy strategies for eradicating corruption. In this study, an in-depth analysis was conducted not only on the institution's structure but also on how legal policies are implemented effectively to generate legal benefits by highlighting the system's advantages in the UK as a model for policy improvement in Indonesia.

The previous studies have not specifically discussed benefit-based corruption eradication policies by comparing Indonesia and the UK with more advanced anti-corruption systems. In addition, no studies thoroughly discuss corruption prevention and eradication strategies through the expediency approach from cultural, legal substance, and institutional aspects. Thus, this research is unique in its holistic and cross-system analysis approach and focuses on the application of the principle of usefulness as the foundation of legal policy. The novelty of this research lies in the comparative approach between two countries with different legal and political-cultural characteristics: Indonesia is a developing country with a mixed legal system, and the UK is a developed country with a common law system. The urgency of this research is strengthened by the increasing complexity of systemic corruption crimes that involve many actors across sectors, so legal policy reform is needed to form repressive, preventive, and adaptive legal policies. The significance of this research lies in its contribution to offering alternative criminal law policy formulations that guarantee legal certainty and encourage justice and legal benefits for the wider community. Therefore, this study, entitled "Benefit-Based Corruption Eradication Policy: A Comparison between Indonesia and the UK," aims to answer the following main questions: How do corruption eradication policies in

Indonesia and the UK differ? How can Indonesia develop more effective anti-corruption policies by drawing lessons from the UK system?

This research highlights Indonesia's suboptimal anti-corruption legal policies, giving room for corrupt practices to grow and making it difficult to eradicate systematically. In the UK, corruption eradication policies focus on transparency, accountability, and the application of strict and effective sanctions. The UK system also emphasizes prevention through strict regulations, strict supervision of public officials and the private sector, and reporting mechanisms that make it easy for the public to fight corruption. This research confirms that Indonesia needs to adopt a more benefits-based corruption eradication policy by instilling a culture of transparency and integrity in all sectors and ensuring that all stakeholders, including state officials, the private sector, and the public, have equal responsibility in preventing and eradicating corruption. In addition, Indonesia needs to incorporate the principles of expediency in anti-corruption regulations, as implemented in the UK, to create a legal system that is repressive and can prevent corruption effectively in the long run.

This study is expected to provide logical and calculated suggestions to maximize Indonesia's capacity to prevent and combat corruption. To achieve better effectiveness, anti-corruption policy reform is needed to find a more appropriate formulation for dealing with corruption systematically. Legal policy reformulation must consider the dynamics of social, political, and economic changes so that the policies implemented can adapt to future challenges. To strengthen anti-corruption strategies, benefit-based corruption eradication policies must be reconstructed by analyzing and comparing policies in the UK and Indonesia. This approach helps develop the current policy into a more adaptive, effective, and benefit-based concept for the wider community. Criminal law policy must be strengthened with an approach based on legal substance, structure, and culture to ensure maximum success in preventing and eradicating corruption. This approach is based on the relationship between clear and firm legal rules (legal substance), the effectiveness of law enforcement agencies (legal structure), and public awareness and legal compliance (legal culture). These three elements must run synchronously and support each other to guarantee repressive anti-

corruption policies with the capacity to prevent and reduce corrupt practices sustainably.

This research focuses on benefit-based corruption prevention and eradication, emphasizing the importance of policies that guarantee legal certainty and provide tangible benefits to society. From the public perspective, corruption eradication is often associated with strict law enforcement, but this research offers a broader approach by highlighting the aspect of expediency in anti-corruption policies. Obeying the law and being committed to avoiding corruption represent legal compliance and a real contribution to collective welfare. Conversely, acts of corruption harm the wider community and reflect injustice in the distribution of state resources. This approach is expected to reinforce the authority of law enforcement officials, collective awareness, and moral responsibility in society to actively participate in preventing and eradicating corruption. This strategy also aims to build a stronger sense of nationalism, where every individual feels responsible for creating a clean and transparent government system.

## Methods

This study uses a qualitative method with a normative juridical approach to analyze benefits-based corruption eradication policies in Indonesia and the UK. This approach aims to produce a prescriptive analysis that compiles legal policy recommendations critically and systematically. This research mainly focuses on the applicable legal norms, legal doctrines, and legal principles through three methods: statutory, conceptual, and comparative approaches.<sup>11</sup> In this framework, law is understood not only as a written rule but also as a social phenomenon impactful to society.

The data were collected through library research by examining laws and regulations, official documents, and relevant academic journals. A comparative approach is used to compare legal policies between Indonesia and the UK, aiming to identify similarities and differences in the anti-corruption systems of the two. The analysis was performed deductively, starting from general principles to drawing specific

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<sup>11</sup> Nasution, B. J. Metode penelitian ilmu hukum. Mandar Maju, Bandung, 2008, p. 20

conclusions about the corruption eradication strategy. The use of secondary data was considered effective, efficient, and highly reliable because it was sourced from official documents independent of researcher bias.

## **Results and Discussion**

### **A. Corruption eradication policies in Indonesia and the UK**

Indonesia is facing a corruption emergency, where corrupt practices have spread to various sectors of state life. One of the main issues in political policy is the abuse of power benefitting certain individuals or groups. Corruption disrupts the system of good governance, hinders people's access to public services, and violates human rights principles. Although the United Nations Convention Against Corruption (UNCAC) and other international legal instruments have regulated the crime of corruption, these regulations still have loopholes. One of the main shortcomings is the absence of specific provisions governing state responsibility as a legal subject in cases of systematic corruption. In addition, the convention has not established strict sanctions for countries that do not comply with the agreed provisions. UNCAC should be an instrument that guarantees legal certainty and encourages global corruption eradication.

In Indonesia, corruption is a serious threat to national stability and development. One of the sectors most vulnerable to corrupt practices is politics and government policy. Corruption in this sector is often related to the misuse of state budgets that should be aimed at the welfare of the people. Instead, these budgets are diverted for the benefit of certain individuals or groups. The impact of these corrupt practices hinders national development. State budgets that should be used to improve the quality of infrastructure, public services, and public welfare are instead siphoned off into corrupt practices. As a result, social and economic inequality widens, sparking injustice that harms the wider community.

Corrupt practices have also penetrated the political decision-making process through bribery or nepotism, influencing policies that should favor the public interest. One example is the issuance of

Government Regulations in Lieu of Laws (Perppu) amidst non-urgent situations. Perppu should only be issued in emergency conditions that require immediate policies. However, in some cases, Perppu issuance took place in a stable-state country, indicating that certain interests were involved in the legislative process. If the issuance of a Perppu takes place in a non-emergency condition, this action is contrary to Article 22, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, asserting that Perppu shall only be issued in an emergency. This deviation indicates an abuse of authority in decision-making at the government and parliamentary levels.

Furthermore, corruption in the political realm also occurs when public officials utilize their positions for personal or group interests. One form of this is influence peddling, where an official uses his or her position to influence a policy or decision to gain personal benefits or benefits for an interested party. Such practices show how political power can be abused for personal gain, violating the principles of justice and hampering transparency and accountability in government.

Trading in influence is a practice in which a person gives rewards or promises to certain parties to influence state officials or organizers to encourage decision-making contrary to their obligations.<sup>12</sup> Belgium is one of the countries that has ratified the United Nations Convention Against Corruption (UNCAC). The buying and selling of influence are classified as corruption under Article 247 of the Belgian Criminal Code. Indonesia itself ratified UNCAC in 2003 to eradicate corruption globally.<sup>13</sup> However, in the context of national law, the practice of trading in influence still faces regulatory obstacles. If this action is not accompanied by bribery, then the perpetrator cannot be convicted due to a legal loophole. Until now, Indonesian legislation has not explicitly regulated the concept of trading in influence, rendering concrete steps necessary to accommodate this provision in national positive law.

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<sup>12</sup> Fadhil, M., Rachman, T., & Yunus, A. Konstruksi Hukum Perdagangan Pengaruh (Trading in Influence) dalam Tindak Pidana Korupsi. *Amanna Gappa*, 2022, p. 15-34, <https://journal.unhas.ac.id/index.php/agil/article/view/20952>.

<sup>13</sup> Manan, A. Pembaharuan Hukum Dalam Tindak Pidana Korupsi Pasca Ratifikasi Konvensi Anti Korupsi Tahun 2003. *Maleo Law Journal*, Volume 2 Number 2, 2018, p.195-221, <https://doi.org/10.56338/mlj.v2i2.774>.

The structure of a country's government plays an important role in determining the effectiveness of corruption prevention and eradication policies. The UK, for example, implements a Constitutional Monarchy system of government with a Parliamentary model. Under this system, the king or queen functions as the head of state, while the prime minister, who represents the majority party in parliament, functions as the head of government. General elections in the UK take place periodically to ensure the dynamics of democracy are maintained. In terms of the legal system, the UK adheres to the Common Law tradition based on judicial precedent, in contrast to Indonesia, which uses a mixed legal system with the dominance of Civil Law. This legal system shapes more flexible and benefit-based corruption eradication mechanisms. In addition, as a member of the European Union before Brexit, the UK also adopted several anti-corruption regulations aligned with international standards. This shows that a country's government and legal system have a major influence on the effectiveness of anti-corruption policies, including in the application of the principle of expediency in combating corruption.

A country's system of government plays a significant role in determining the effectiveness of corruption prevention and eradication efforts. The UK, for example, implements a constitutional monarchy system with a parliamentary structure. In this system, the King or Queen acts as the head of state, while the head of government is the Prime Minister, who is elected through a democratic process. The UK adopts a common law legal system, which plays an important role in shaping the country's legal framework. However, in recent years, the UK has faced challenges regarding perceptions of corruption. In 2025, the UK ranked 20th in Transparency International's Corruption Perceptions Index (CPI), scoring 71 out of 100—its lowest position since 2012. This decline is linked to various scandals, including 'Partygate,' large political donations, and controversial personal protective equipment (PPE) contracts during the Covid-19 pandemic.<sup>14</sup> This situation shows that despite having a well-established government system, the UK remains

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<sup>14</sup> The Guardian, *Uk Fails to improve on record low ranking in global table of corruption*, <https://www.theguardian.com/business/2025/feb/11/uk-fails-to-improve-on-record-low-ranking-in-global-table-of-corruption>

vulnerable to corruption issues. This highlights the importance of integrity, accountability, and transparency for the government to ensure the success of anti-corruption initiatives. The integrity of the political system and public administration depends on the media and civil society actively monitoring government actions.

In addition, the UK has a strong law enforcement system and a national commitment to the urgency of fighting corruption. The country has the Independent Office for Police Conduct (IOPC) and the Parliamentary Commissioner for Standards as independent oversight institutions with their role in ensuring transparency and effectiveness in governance. The principle of zero tolerance for corruption is applied in various sectors, with strict oversight mechanisms through anti-corruption agencies such as (SFO) and (NCA). Public trust in state and private sector officials in the UK is supported by the application of strict ethical standards, clear accountability systems, and information disclosure in government processes. This policy model reflects a benefit-based approach, where the effectiveness of the legal system and the integrity of officials contribute directly to the stability of government and the welfare of society.

In the context of corruption eradication policies, both in Indonesia and the UK, there are legal objectives that include different but complementary juridical, philosophical, and sociological dimensions. Juridically, the main goal of corruption eradication is to ensure firm law enforcement, provide justice, and create legal certainty for the community. In Indonesia, amid a corruption emergency, existing regulations remain weak in terms of the practice of influence trading since this matter is not explicitly regulated in legislation. Such a loophole hinders the implementation of strict sanctions against corrupt perpetrators. Therefore, the juridical goal of corruption eradication in Indonesia is to fill the legal void and uphold the principle of justice through a more comprehensive revision of regulations. Meanwhile, in the UK, the common law system allows for flexibility in law enforcement and corruption prevention, with support from independent oversight bodies to ensure accountability in the public and private sectors. Meanwhile, philosophically, the eradication of corruption aims to maintain moral and ethical values in state life. The eradication of corruption is expected to create a clean, transparent, and integrity

government to foster the community's welfare. In Indonesia, corrupt practices in the political sector are often associated with abuse of power, leading to social and economic injustice. Therefore, Indonesia's philosophical goal is to create social justice and strengthen democratic systems. Sociologically, the eradication of corruption aims to create social stability by reducing inequality caused by corruption. In the UK, despite having a more established system of government, challenges to the perception of corruption still exist, demonstrating the importance of maintaining public trust and the integrity of government in ensuring social and economic stability.

The legal component to combat corruption has been thoroughly planned, as is evident from the fact that anti-corruption initiatives in Indonesia are regulated by law. According to the relevant regulations, corruption poses a significant risk to state finances and economic growth, both impacting the country's overall development. Therefore, to achieve public welfare in line with the values of Pancasila and the mandate of the constitution, corruption eradication measures are essential to create clean and fair governance.

Three key institutions—the Police, the Attorney General's Office, and the Corruption Eradication Commission (KPK)—are central to Indonesia's plans to prevent and eradicate corruption. Law of the Republic of Indonesia Number 19 of 2019—the second revision of Law Number 30 of 2002 concerning The Corruption Eradication Commission, stipulates a provision in Article 11, paragraph (1), granting this institution the authority to conduct investigations and prosecutions of corruption cases involving state administrators, law enforcement officials, and other related parties. In addition, the KPK's jurisdiction covers cases that cause state losses with a minimum value of one billion Rupiah. If a corruption crime does not meet the criteria listed in Article 11, paragraph (1), its handling is transferred to the Police and the Attorney General's Office. Furthermore, based on Article 11, paragraph (3), the KPK is still authorized to oversee the investigation and prosecution process carried out by the two institutions through a supervision mechanism.

Further analyzed, corrupt practices are closely linked to government dynamics that influence social, economic, and political changes. In 2021, Indonesia's Governance Index was recorded at 5.6 on

a scale of 0 to 10.<sup>15</sup> A country's achievements in transparent, accountable, and effective governance are usually directly proportional to the achievement of the index. In this context, Indonesia's Government Effectiveness Index increased from 63.8 points in 2022 to 65.2 in 2023.<sup>16</sup> However, this increase does not signify an improvement in corruption eradication. The reality shows that Indonesia is still struggling with corruption problems that have not been optimally resolved. As a result, efforts to tackle corruption as a whole are still far from expectations. In fact, Indonesia's corruption eradication effectiveness indicator has stagnated at 4.2 since the last decade, indicating a weak monitoring and prosecution system for corruption.

Corruption is a very serious offense, requiring an unusual handling approach. Efforts to eradicate corruption must be based on a strong commitment from all elements of the nation, including parliament as one of the pillars of national political power. Law enforcement in this context cannot be separated from political policy because implementing law requires translating normative principles into real actions based on moral values, such as truth and justice. Law has a broad scope that mainly aims to realize justice. In the legal system, enforcement is performed by the police, prosecutors, the Corruption Eradication Commission, courts, and correctional institutions that play a role in upholding justice. Law enforcement also reflects the supremacy of fundamental values, including the principle of substantial justice.<sup>17</sup> The concept of justice itself transcends normative rules and can only be understood through philosophical studies that require critical and in-depth analysis.

Policy formulation cannot be separated from the influence of political forces that play a role in forming regulations and state strategic planning to prevent and eradicate corruption. When a policy has entered

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<sup>15</sup> Satria, H. S. Kebijakan kriminal pencegahan korupsi pelayanan publik. *Integritas: Jurnal Antikorupsi*, Volume 6 Number 2, 2020, p.169-186, <https://doi.org/10.32697/integritas.v6i2.660>.

<sup>16</sup> Malik, I. Government effectiveness and good governance index: The case of Indonesia. *Journal of Governance*, Volume 9 Number 1, 2024, p.106-126, <https://dx.doi.org/10.31506/jog.v9i1.23787>.

<sup>17</sup> Karyudi, B. M., & Firdausiah, N. IMPLEMENTASI SUPREMASI HUKUM DALAM PENEGAKAN HUKUM DI INDONESIA. *Lex Et Iustitia*, Volume 1 Number 2, 2024, p.86-98, <https://doi.org/10.70079/lel.v1i2.72>.

the realm of political interests, whether the law can be enforced optimally is uncertain. Likewise, when the law faces political dynamics, distortions often occur due to the intervention of certain interests. This aligns with Satjipto Raharjo's theory, implying that the social and political context in which the law is made and implemented cannot be separated from the law itself.<sup>18</sup> The choice of legal and political direction has a major impact on Indonesia's integrity, credibility, and accountability in fighting and eradicating corruption. Mahfud MD stated that as political interests and aristocracy continue to significantly influence the legislative process, rules in Indonesia are often oppressive.<sup>19</sup> The resulting legal policies are generally more inclined to accommodate the interests of certain groups that have political power. In addition, Atmasasmita also emphasized that the legislative process that produces regulations is not independent of political interests but is strongly influenced by political dynamics and pressures.<sup>20</sup> This is because legislation results from a political process involving multiple actors with their own agendas.

Corruption in the political sphere includes bribery practices that aim to gain financial benefits and maintain dominance of power and influence in the government's bureaucratic system. After successfully maintaining or reclaiming a strategic position, individuals involved in this corruption tend to utilize their authority to design regulations and policies that lean more toward their personal and group interests. For example, a former convict of a corruption case with the initials WON once petitioned the Supreme Court regarding restrictions on political rights for former corruption convicts in the elections.<sup>21</sup> The petition was

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<sup>18</sup> Wulandari, C. Kedudukan Moralitas Dalam Ilmu Hukum. *Jurnal Hukum Progresif*, Volume 8 Number 1, 2020, p.1-14. <https://www.academia.edu/download/94967185/pdf.pdf>

<sup>19</sup> Adiwilaga, R., Alfian, Y., & Rusdia, U. *Sistem Pemerintahan Indonesia*. Deepublish. 2018, p. 25

<sup>20</sup> Ismaidar, I., Sembiring, T. B., & Saragih, E. Pengaruh Politik Hukum Dalam Pembentukan dan Penegakan Hukum di Indonesia. *Media Hukum Indonesia (MHI)*, Volume 2 Number 4. 2024, <https://doi.org/10.5281/zenodo.14194959>.

<sup>21</sup> Ruslan, M. N. F., Fahmal, A. M., & Qamar, N. Implikasi Putusan Mahkamah Agung No. 55P/HUM/2018 Terhadap Peraturan Komisi Pemilihan Umum No. 20 Tahun 2018 Tentang Hak Politik Mantan Narapidana. *Journal of Lex Generalis (JLG)*, Volume 2 Number 2, 2021, p.782-797. <http://pasca-umi.ac.id/index.php/jlg/article/view/371>

approved on the grounds that the prohibition of former corrupt officials from running for office violates human rights, including the freedom to vote and be elected, and is incompatible with higher laws.

Legally, this argument is baseless. The democratic system adopted in Indonesia is not an unfettered democracy but a Pancasila-based Democracy, adhering to certain principles and norms. Allowing ex-convicts, especially those involved in corruption cases, to run for public office contradicts selection standards in various government institutions and the private sector, where a Police Record Certificate (SKCK) is a key requirement. This situation reflects an imbalance in Indonesia's political policy and bureaucratic system.

A lack of legal awareness among the public and state administrators can decrease public trust in the government. Corruption in the political sphere is often seen in the policy-making process. One way to reduce the intense practice of nepotism in decision-making is by strengthening transparency, accountability, and a law enforcement system with integrity and independence.<sup>22</sup> Therefore, institutional reform in the fight against corruption is crucial. Institutions that handle corruption must have full independence, leaving them unaffected by political interests. When an institution can stand independently, supervision of state institutions that manage public finances can run optimally, curbing the risk of budget misuse. The institution's independence directly contributes to the effectiveness of corruption prevention and eradication.

An approach to fighting corruption based on the independence of anti-corruption institutions has proven effective in various countries, including the UK. In the UK, anti-corruption policies are integrated into regulations that bind all government and private sectors, ensuring that prevention and prosecution efforts can run optimally. A similar model can be applied in Indonesia to strengthen the overall corruption eradication movement. Therefore, symbolic policies such as the Wilayah Bebas dari Korupsi (Corruption-Free Regions or WBK) program alone cannot reduce corruption in Indonesia.

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<sup>22</sup> Aiman, R. Hukum dan korupsi: Tantangan dan solusi dalam pemberantasan korupsi di Indonesia. *Peradaban Journal of Law and Society*, Volume 3 Number 1, 2024, p.16-30, <https://doi.org/10.59001/pjls.v3i1.170>.

In the concept of separation of powers developed by Montesquieu, the three main branches of state government include the legislative, executive, and judicial branches.<sup>23</sup> In the UK, the three branches of power operate under a strong system of checks and balances. The British Parliament plays a role in drafting and enacting laws that reflect the values of transparency and accountability in governance. Meanwhile, the public administration is responsible for ensuring the implementation of established policies, and the judiciary is tasked with upholding the rule of law. The UK's success in combating corruption is also supported by a monitoring system spread across various state institutions and the private sector. Anti-corruption task forces collaborating with law enforcement agencies and independent authorities are key in maintaining governmental integrity. This approach can serve as a reference for Indonesia in designing utility-based anti-corruption policies by ensuring that all elements of government and society play an active role in preventing and combating corruption.

Compared to the UK, law enforcement in Indonesia continues to face challenges in combating corruption, which hinders its overall effectiveness. One of the main factors is the lack of independence within the legal system. Ideally, the law should serve as the primary guide for regulating societal life fairly and orderly. However, in practice, the implementation of law in Indonesia is often influenced by political interests, thereby reducing its effectiveness in eradicating corruption. Another factor is the low level of integrity, accountability, and professionalism among law enforcement officials. The legal culture in Indonesia still exhibits various weaknesses, including corruption within the legal institutions. In addition, legal compliance at the community level remains a major challenge. Many cases show that legal violations often occur due to the public's low awareness of the importance of adhering to the law. The mentality and legal culture of society play a significant role in determining the effectiveness of a country's law enforcement system.

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<sup>23</sup> Fodhi, A. S., Lestari, E., Nuramalina, T. F., & As-Syifa, G. R. Pentingnya Pemisahan Kekuasaan Dalam Mempertahankan Pemerintahan Yang Seimbang. *Jurnal Hukum, Politik Dan Ilmu Sosial*, Volume 3 Number 3, 2024, p.26-37, <https://doi.org/10.55606/jhps.v3i3.3872>.

On the other hand, the UK has implemented a more mature and effective legal system to combat corruption. The UK adheres to the common law system, which emphasizes judicial precedents and a strong principle of the rule of law. Anti-corruption regulations in the UK are governed by various laws, including the Bribery Act 2010, which imposes strict penalties for bribery and corruption crimes in both the public and private sectors. In addition, the UK has independent institutions such as the Serious Fraud Office (SFO), which plays a role in investigating and prosecuting economic crimes, including corruption.<sup>24</sup> The UK's approach, which is based on the rule of law and strict oversight, can serve as a model for Indonesia in improving its anti-corruption policies. By strengthening the independence of the legal system, enhancing the integrity of law enforcement officials, and instilling a culture of legal compliance within society, Indonesia can develop more effective anti-corruption policies that contribute to the nation's social and economic stability.

In the UK criminal justice system, although there is potential for corruption within the judiciary, the system is still regarded as having a high level of independence and fairness. Public trust in the UK judiciary is relatively strong, as the selection of judges involves a strict process based on competence and an outstanding professional track record. Only individuals with the highest achievements can attain judicial positions, ensuring that legal decisions are more oriented toward the principles of justice. This contrasts with Indonesia, where political interests often influence the judicial selection process, leading to a lack of judicial independence and the emergence of various irregularities within legal proceedings.

In the context of law enforcement, the UK also has a more transparent and accountable system than Indonesia. The British police enjoy a high level of public trust due to strict oversight mechanisms that help prevent the abuse of power. A strong anti-corruption culture within the UK police force contributes to the low incidence of bribery and misuse of authority. Additionally, the public is more legally aware and

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<sup>24</sup> Skandiva, R., & Harefa, B. Urgensi Penerapan Foreign Bribery Dalam Konvensi Antikorupsi Di Indonesia. *Integritas: Jurnal Antikorupsi*, Volume 7 Number 2, 2021 p.245-262, <https://doi.org/10.32697/integritas.v7i2.826>.

reluctant to engage in actions that could undermine the criminal justice system's integrity. In contrast, in Indonesia, the low effectiveness of anti-corruption policies has contributed to the erosion of public trust in law enforcement and the judicial system. The failure to uphold anti-corruption measures can weaken the rule of law and lead to increased corruption across various state institutions. Therefore, comparisons with the UK's judicial and policing systems can serve as a valuable reference for Indonesia in developing more effective and utility-based anti-corruption policies focused on transparency and accountability.

The UK has effective mechanisms for monitoring and controlling corruption within public administration, supported by a well-functioning police system. Unlike Indonesia, which has a special court for corruption crimes, the UK does not implement a similar system. Instead, public trust in the police, who have the authority to investigate and prosecute corruption cases, serves as a key factor in the effectiveness of the country's anti-corruption efforts.<sup>25</sup> Institutions such as tax administration, land registry, customs, and public procurement in the UK uphold high standards of integrity, thereby earning the public's trust.

The UK enforces strict anti-corruption regulations to combat corruption and requires every public service sector to operate based on transparency, accountability, and public interest. Public officials are expected to uphold integrity and take responsibility for their actions. The UK's commitment to maintaining public trust is evident in its firm stance against legal violations, including the replacement of officials found guilty of moral or legal misconduct. Moreover, officials involved in scandals generally demonstrate the awareness to resign from their positions, unlike in Indonesia, where many officials remain in office despite being implicated in corruption cases. One of the fundamental differences between the UK and Indonesia lies in their legal culture and the public's legal awareness. The UK actively participates in international cooperation in fighting corruption through the United Nations Convention Against Corruption (UNCAC), the European Union's

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<sup>25</sup> Pohan, S. Perbandingan Lembaga Anti Korupsi Di Indonesia Dan Beberapa Negara Dunia. *Jurnal Justitia: Jurnal Ilmu Hukum dan Humaniora*, Volume 1 Number 1, 2018, p.271-303. <http://jurnal.umtapsel.ac.id/index.php/Justitia/article/download/44/41>

Criminal Law Convention on Corruption, and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.<sup>26</sup> This demonstrates that the UK is strongly committed to preventing and combating corruption through strict regulations and effective law enforcement.

The UK leaves no room for corrupt individuals to hide. In this country, every economic transaction must be well-documented and systematically recorded. The UK also enforces strict regulations on transparency in the management of the national budget and closely monitors public officials' assets through the Ombudsman as an independent body. Financial recording processes are carried out optimally according to national regulations that govern standards of governmental accountability. The system of separation of powers in the UK operates according to the principle of checks and balances outlined in the Trias Politica concept. Each branch of government performs its duties, functions, and authorities without interference from one another. This contrasts with Indonesia, where the implementation of the separation of powers still faces various challenges. One of the main issues is the lack of clarity in the division of responsibilities among the executive, legislative, and judicial branches, often resulting in overlapping authorities. In addition, political interference in the judiciary remains a significant problem that hinders the independence of judicial power.

As a state governed by the rule of law, the UK affirms that judicial power must be independent and autonomous to ensure a fair and effective legal system. The implementation of checks and balances allows for strict oversight of government operations. The presence of a responsible executive branch, independent oversight institutions, and a judiciary free from political influence are key factors in the effectiveness of the UK's legal system in combating corruption.<sup>27</sup>

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<sup>26</sup> Skandiva, R., & Harefa, B. *Op. Cit*

<sup>27</sup> Jannah, R., Denna, K. O. A., Prayudha, T. G., Rachmatshah, G. M., Irawan, T., & Hadji, K. Efektivitas Perkembangan Implementasi Trias Politica dalam Kinerja Lembaga Tinggi Negara. *Perspektif Administrasi Publik dan hukum*, Volume 1 Number 4, 2024, p.16-27, <https://doi.org/10.62383/perspektif.v1i4.57>.

In the UK, the ombudsman plays a vital role in overseeing public funds to prevent misuse or misappropriation of public money.<sup>28</sup> This institution is independent and ensures state governance's transparency, accountability, and efficiency. Established in the public interest, the ombudsman in the UK is responsible for monitoring, providing recommendations, and investigating officials who abuse their authority and potentially cause harm to the state. According to reports on anti-corruption efforts in the UK, the ombudsman plays a significant role in maintaining clean and accountable governance.<sup>29</sup> The ombudsman in the UK is part of an oversight system to enhance state institutions' integrity. Many countries have also adopted this oversight model to protect the public interest and prevent corruption within government bureaucracy.

The Ombudsman institution in the UK plays a key role in overseeing public policy and the management of state finances to prevent the misuse of public funds. The flexibility of the Ombudsman system allows it to adapt to prevailing political policies, thereby maintaining the effectiveness of oversight over state officials. Initially, the institution functioned to receive and address public complaints regarding government administrative decisions deemed harmful, with the aim of improving policies. However, the role of the Ombudsman in the UK has evolved into an institution that not only corrects government policies but also has the authority to criticize and reject administrative decisions that are considered contrary to the public interest.

The legal basis for the existence of the Ombudsman in the UK is outlined in various regulations that ensure the institution can run its oversight functions independently. The selection mechanism for the Ombudsman is governed by provisions that require candidates to have a strong legal background and be free from active political involvement at both the national and local levels. This oversight model reflects the UK's

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<sup>28</sup> Harjanti, S. D. Komisi Ombudsman Nasional: Problem dan Prospek. *Jurnal Hukum IUS QUIA IUSTUM*, Volume 9 Number 21, 2002, p.119-146, <https://doi.org/10.20885/iustum.vol9.iss21.art9>.

<sup>29</sup> Sartono, L. N., Azriel, Y., & Kusuma, D. A. Peran Lembaga Independen Dalam Pengawasan Kinerja Pemerintah. *Innovative: Journal Of Social Science Research*, Volume 3 Number 2, 2023, p.4197-4207, <https://j-innovative.org/index.php/Innovative/article/view/777>.

commitment to establishing transparent and accountable governance while serving as a reference for many countries in developing the Ombudsman system as an effective oversight instrument.

The Ombudsman system in the UK cannot function effectively without the awareness and support of all elements of society in promoting government transparency and accountability. In the UK, anti-corruption regulations are enforced comprehensively and without exception, ensuring that every perpetrator of corruption can be prosecuted without political interference or special interests. Fair law enforcement requires all government and private sectors to actively participate in efforts to prevent and combat corruption by upholding the principles of transparency and justice. Moreover, the UK emphasizes that the effectiveness of anti-corruption policies within the state system must be grounded in clear and consistent legal frameworks. Everyone is equal before the law due to the strict application of the equality-before-the-law principle. Law enforcement processes make no distinctions, so every corruption case is handled with the same standard, involving high-ranking officials or ordinary citizens. This approach reflects the UK's commitment to the principle of justice within its legal system and can serve as a reference for Indonesia in improving its law enforcement mechanisms and utility-based anti-corruption policies.

### **B. Redesigning Utility-Based Anti-Corruption Policies: A Comparative Study of Indonesia and the United Kingdom**

**TABLE 1.** Comparison between Indonesia and the United Kingdom

| No | Indicator       | Indonesia                                                                                                                                                                          | United Kingdom                                                                                                  |
|----|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| 1  | Legal Substance | Despite various regulations such as the Anti-Corruption Law (Law No. 31 of 1999 in conjunction with Law No. 20 of 2001), legal loopholes and weaknesses in implementation persist. | Anti-corruption law is more structured through the Bribery Act 2010, covering broad scope and severe penalties. |

|   |                              |                                                                                                                                                                                                                                                      |                                                                                                                                                                             |
|---|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | Legal Structure              | As an independent institution, the Corruption Eradication Commission (KPK) faces challenges, including the weakening of regulations. The police and the prosecutor's office also combat corruption, but they often encounter bureaucratic obstacles. | The UK judicial system is more independent, with the Serious Fraud Office (SFO) holding broad authority in investigation and prosecution.                                   |
| 3 | Legal Culture                | Corruption is still perceived as part of the bureaucratic system, with low compliance with the law and weak public awareness in reporting corruption cases.                                                                                          | The UK adheres to a strong legal culture with high compliance with regulations, supported by a system that promotes transparency and public accountability.                 |
| 4 | Corruption Perceptions Index | CPI Score 2023: 34/100 (ranked 115th globally), indicating a high level of corruption.                                                                                                                                                               | CPI Score 2023: 73/100 (ranked 18th globally), indicating a low level of corruption and a more transparent government.                                                      |
| 5 | Judicial Institution         | The judiciary remains vulnerable to political interference; the selection of judges is not entirely based on meritocracy, and many corruption cases do not result in maximum sentencing.                                                             | The judiciary operates independently, with judges selected based on professional qualifications and experience. There is no political interference in the judicial process. |

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|   |                              |                                                                                                   |                                                                                                                                                                                                   |
|---|------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 | Scope of Anti-Corruption Law | The Anti-Corruption Law focuses more on enforcement but is less effective in terms of prevention. | The Bribery Act 2010 covers the public and private sectors, including bribery offenses committed abroad, and emphasizes corruption prevention through compliance mechanisms and strict oversight. |
|---|------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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Corruption remains a major unresolved challenge and a significant obstacle to Indonesia's progress and prosperity. Corrupt practices have a detrimental impact on national development, hinder economic growth, and undermine public welfare. One key factor complicating Indonesia's anti-corruption efforts is the dominance of political interests in formulating state policies, often resulting in decisions that do not fully serve the public interest. Corruption is generally defined as the abuse of power, authority, or resources by individuals, organizations, or government institutions for personal or group gain. Such actions are categorized as illegal and unethical, causing both material and non-material harm to society and damaging the integrity of state institutions.

From a social theory perspective, Max Weber, a German sociologist, defined corruption as the misuse of legitimate power improperly or illegally. Weber viewed corruption as a violation of bureaucratic ethics, which should uphold professionalism and serve the public interest.

Meanwhile, Lawrence Lessig, a law professor and political activist, introduced the concept of "systemic corruption," where excessive reliance on money in politics and corporate influence can create a system prone to corrupt practices. Lessig emphasized that systemic corruption can potentially undermine democracy by weakening the principles of justice and transparency in governance.<sup>30</sup>

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<sup>30</sup> Mulyani, T., Siagian, F. S., Putra, N., & Imam, M. K. PENGUATAN KOMISI PEMBERANTASAN KORUPSI DENGAN MENJADIKANNYA LEMBAGA EKSAMINATIF STUDI KOMPARATIF DI DENMARK DAN FINLANDIA. *Grondwet*, Volume 3 Number 2, 2024, p.44-71, <https://doi.org/10.61863/gr.v3i2.42>.

Substantive law encompasses the rules and guidelines that govern how institutions operate within a state. In other words, it refers to the values that guide the behavior of state institutions in carrying out their duties, as well as the legal provisions regulating the activities of organizations under government jurisdiction. The Law of the Republic of Indonesia Number 20 of 2001, which amends Law Number 31 of 1999 concerning the Eradication of Corruption, serves as the legal basis for combating corruption in Indonesia. This regulation is intended to punish corruption perpetrators and establish a clean and transparent bureaucracy. However, from a legal-political perspective, this regulation remains influenced by political interests, as every piece of legislation is ultimately a product of the political processes within a government system. Ideally, substantive law should reflect values that regulate, command, and prohibit according to the prevailing social norms (the living law). Therefore, a social approach is crucial in understanding societal behavior within the legal system, especially in preventing and eradicating corruption. Effective law enforcement against corruption requires a shift in societal mindset, which has long considered corrupt practices commonplace. A comprehensive social transformation is necessary to foster legal awareness and build public commitment toward realizing a clean and corruption-free government.

Furthermore, the legal structure serves as the fundamental foundation of a legal system, encompassing the institutional framework and organizations responsible for running legal functions within a country. Roscoe Pound, a renowned legal scholar, argued that law is both a tool for social engineering and a body of rules.<sup>31</sup> In this context, the legal structure is the main instrument for enforcing the law and ensuring that established regulations are effectively implemented within society. It includes various law enforcement and governance institutions, such as the judiciary, police, prosecution service, and other legal enforcement bodies. The existence of these institutions is crucial to ensure that the law is not only normative but also practically applicable in social life.

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<sup>31</sup> Al Alawi, M. N. K. Implementasi Teori Law as a Tools of Social Engineering Mahkamah Konstitusi sebagai Instrumen Kontrol Sosial dalam Sistem Hukum Indonesia. *Indonesian Journal of Law and Justice*, Volume 2 Number 2. 2024, <https://doi.org/10.47134/ijlj.v2i2.3393>.

Therefore, the effectiveness of the legal structure depends on how well these institutions can perform their functions professionally, transparently, and with integrity. For substantive law to function optimally, the components within the legal structure, particularly law enforcement agencies tasked with upholding legislation, are needed. Thus, integrating substantive law and legal structure is a key factor in creating an effective and just legal system.

The third sub-system within a legal system is the legal culture, which reflects society's values, attitudes, and habits in responding to the law. According to Eugen Ehrlich, a legal sociologist, the "living law" exists within society itself, not merely in written regulations.<sup>32</sup> This indicates that legal culture is shaped by society's habits, ways of thinking, and behavior in upholding and complying with the prevailing legal rules. Legal culture plays a crucial role in determining the effectiveness of a legal system because it reflects the extent to which society accepts and adheres to established legal norms. Obedience to the law is not merely about written rules; it is also influenced by public perceptions of justice, legitimacy, and the benefits of those rules. However, building a strong legal culture is a major challenge, especially in societies with high levels of diversity. Differences in character, social background, and varying levels of legal understanding can influence how individuals and groups perceive and comply with the law.

To effectively combat corruption, a country's governance and legal policies play a crucial role. The UK, as a constitutional monarchy with a parliamentary model of government, has a strong governmental structure with a clear separation of powers between the executive, legislative, and judicial branches. This governmental structure enables anti-corruption policies to be implemented independently, without excessive political interference. The UK government has oversight bodies responsible for ensuring transparency and accountability within the bureaucracy, including the Anti-Corruption Commission and the active role of the UK Parliament in supervising the administration.

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<sup>32</sup> Hadi, S. Hukum Positif dan The Living Law (Eksistensi dan Keberlakuannya dalam Masyarakat). *DiH: Jurnal Ilmu Hukum*. 2018, <https://doi.org/10.30996/dih.v0i0.1588>.

Based on the Corruption Perceptions Index, the UK ranks highly as a country with a very low level of corruption.<sup>33</sup> This indicates that the country's mechanisms for preventing and combating corruption are functioning effectively, particularly in the transparent management of the national budget and the consistent implementation of legal policies. The contributing factors to the UK's success in eradicating corruption include strict law enforcement, bureaucratic transparency, and a strong legal culture. Additionally, a well-distributed social welfare system, including fair minimum wage policies and social protection for workers, helps create economic stability that can reduce corrupt practices.

The UK is one of the countries with a strong legal and governmental system, and it has a relatively low level of corruption compared to many other nations. The country adopts a Constitutional Monarchy with a Parliamentary system, in which the Prime Minister exercises executive power, while legislative oversight is carried out by the UK Parliament (House of Commons and House of Lords).<sup>34</sup> This system ensures a clear separation of powers and effective checks and balances to prevent corruption within the government sector. Throughout its history, the UK has developed various legal policies that promote transparency and accountability in public administration. One of the most significant legal reforms was the Magna Carta (1215), which laid the foundation for the principle of the rule of law and the limitation of executive power. This principle has continued to evolve, leading to the enactment of the Public Interest Disclosure Act 1998, which protects whistleblowers, and the Bribery Act 2010, which is considered one of the strictest anti-corruption laws in the world.<sup>35</sup>

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<sup>33</sup> Rosyada, U., Situmeang, N., & Putri, S. Y. Kerja Sama KPK dan SFO dalam Penanganan Kasus Suap Garuda Indonesia Berdasarkan Kerangka UNCAC [Cooperation Between KPK and SFO in Handling The Indonesian Garuda Bribery Case Based on UNCAC Framework]. *Jurnal Politika Dinamika Masalah Politik Dalam Negeri dan Hubungan Internasional*, Volume 13 Number 1, 2022, p.143-162, <http://dx.doi.org/10.22212/jp.v13i1.2892>.

<sup>34</sup> Ramadani, S. PERBANDINGAN HUKUM TATA NEGARA DALAM BENTUK KONSTITUSI DAN PERAN KEKUASAAN LEGISLATIF ANTARA NEGARA INDONESIA DAN INGGRIS. 2022, <https://doi.org/10.31219/osf.io/3sx4p>

<sup>35</sup> Sumual, L. S. Perlindungan Hak Asasi Manusia Bagi Pelapor Tindak Pidana (Whistleblower) dalam Tindak Pidana Korupsi. *Lex et Societatis*, Volume 8

In the 19<sup>th</sup> century, the UK began implementing the Weberian bureaucratic model, prioritizing meritocracy in the recruitment of civil servants. This reform reduced the influence of nepotism and corruption within the bureaucracy and ensured that public officials worked professionally based on their qualifications and competencies. In addition, the UK has the National Crime Agency (NCA) and the Serious Fraud Office (SFO), which are responsible for investigating and prosecuting corruption and other financial crimes. From a legal culture perspective, the British public has a high legal awareness, reinforced by an education system and media that actively monitor corrupt practices. Transparency in the management of public finances is also supported by independent institutions such as the National Audit Office (NAO), which oversees the use of public funds. Furthermore, the UK enforces the Freedom of Information Act 2000, which provides broad access for the public to obtain information related to government policies, thereby enhancing transparency and preventing abuse of power.

The prevention and eradication of corruption in Indonesia needs to adopt a more comprehensive approach, referring to policies implemented in the UK. The UK has developed strategies involving all elements of society, both from the public and private sectors, to create clean and transparent governance. The UK has established various oversight institutions with the authority to coordinate with law enforcement agencies and other anti-corruption bodies, such as the Serious Fraud Office (SFO) and the National Crime Agency (NCA). The mechanisms implemented in the UK can serve as a reference for Indonesia in strengthening the oversight system for public and private institutions involved in managing public finances. Currently, Indonesia's authority for combating corruption still relies heavily on the Corruption Eradication Commission (KPK), which is responsible for monitoring and receiving reports from various related institutions. However, without a strong internal monitoring system within each institution, the effectiveness of oversight becomes suboptimal. Therefore, establishing anti-corruption sub-units in every state institution and company that deals with public finances is essential.

These units should be directly responsible for accurate and transparent monitoring and reporting.

To support this policy, updates in legal substance are needed by integrating anti-corruption regulations into the entire national legislative system. This step aims to ensure that the effort to eradicate corruption becomes the responsibility of all elements of the nation, not just of specific institutions. In this way, no institution would be immune to anti-corruption oversight, thus realizing the principle of equality before the law within Indonesia's legal system. Furthermore, deeper legal reforms are necessary by incorporating specific regulations to prevent and eradicate corruption in various government and business sectors. This approach would create a more integrated and effective legal system in combating corruption while strengthening transparency, accountability, and integrity in the management of public finances. By doing so, Indonesia can implement a corruption eradication strategy that is not only repressive but also preventive and sustainable, similar to the approach successfully applied in the UK.

In the UK, oversight of corrupt practices committed by public officials is the responsibility of the Serious Fraud Office (SFO) and the National Audit Office (NAO). These institutions play a vital role in monitoring the use of public funds and ensuring transparency and accountability in public administration. However, the effectiveness of these institutions greatly depends on a robust law enforcement system. The prosecution of corruption cases must be carried out professionally, fairly, and with integrity to serve as a deterrent and maintain public trust in the government. The success of anti-corruption policies is also closely tied to the legal culture that develops within society. Therefore, the implementation of national policies and oversight of public financial management must be grounded in a solid legal foundation. In this context, legal substance becomes a vital element, encompassing legislation that explicitly regulates the prevention and eradication of corruption.<sup>36</sup>

The independence of anti-corruption institutions is a key factor in ensuring the effectiveness of law enforcement. In Indonesia, the establishment of the Corruption Eradication Commission (KPK) was a

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<sup>36</sup> Waluyo, B. *Op. Cit.*, p. 18

response to the weak performance of other law enforcement agencies in handling corruption cases. For years, corruption has grown rapidly without being matched by a consistent and sustainable legal system. One of the main causes is the strong political interference in the law enforcement process, which hinders the implementation of regulations related to corruption eradication. Consequently, widespread conflicts of interest often obstruct legal action against corrupt actors, making anti-corruption efforts ineffective.

Another factor hindering the effective enforcement of anti-corruption laws in Indonesia is the strong culture of patronage and familial ties within various social and political life. This system often encourages widespread corruption, collusion, and nepotism (commonly referred to as KKN), both at the local and national levels. In contrast to the UK, which upholds a strict merit-based bureaucratic system, Indonesia continues to face challenges in ensuring that individuals appointed to strategic positions are selected based on competence and integrity rather than personal or political connections.

To address this issue, an anti-corruption institution must be independent, free from political influence, and equipped with strong authority to oversee and prosecute corruption cases. In the UK, institutions such as the Serious Fraud Office (SFO) operate with a high degree of independence, allowing them to investigate and prosecute corruption cases without political interference. This approach enables law enforcement to function more objectively and effectively. If Indonesia aims to strengthen anti-corruption efforts based on utility and effectiveness, structural reforms must be carried out by ensuring that law enforcement agencies, especially those dealing with corruption, are granted full autonomy and remain free from political pressure. In doing so, they can carry out their duties optimally to create a clean, transparent, and integrity-driven government.

## Conclusion

Based on the findings of the study, several key conclusions can be drawn regarding anti-corruption policies in Indonesia and the UK. First, Indonesia's anti-corruption policy is governed by Law Number 31 of 1999, which was later amended by Law Number 20 of 2001 concerning

Corruption Eradication. Meanwhile, the UK has a comprehensive anti-corruption regulation under the Bribery Act 2010, covering a wide range of corrupt practices, including domestic and international bribery. Compared to Indonesia, the UK adopts a more integrated and systematic approach to combating corruption, with strict oversight from independent institutions such as the Serious Fraud Office (SFO) and the National Crime Agency (NCA). Moreover, the UK's anti-corruption policies actively involve the public and private sectors in prevention and enforcement. In contrast, Indonesia still faces challenges in terms of legal substance, institutional capacity, and public legal culture. Unlike the UK, which benefits from high transparency and strong public trust in law enforcement agencies, Indonesia struggles to build an effective and credible anti-corruption system.

Second, Indonesia must perform legal policy reforms by learning from the UK's experience to reconstruct a utility-based anti-corruption policy. Legal policy reconstruction is necessary to reorganize regulations and strategies to make anti-corruption efforts more effective and responsive to socio-economic developments. A utility-based approach to eradicating corruption should emphasize the application of justice, transparency, and active participation from all elements of society in the public and private sectors. As a concrete step, Indonesia could implement stricter oversight mechanisms by establishing anti-corruption sub-units within every public institution and private company managing public funds. Additionally, anti-corruption regulations should be integrated into all national legislation, similar to how the UK implemented the Bribery Act 2010. With this approach, it is expected that anti-corruption efforts in Indonesia can become more effective and deliver greater benefits to the public.

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