

Paradigm Shift in Corruption Punishment: From Imprisonment to State Loss Recovery in the Makassar District

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Abstract

Corruption as a crime of office, develops towards economic crime that causes state financial losses and requires efforts to recover state assets. These developments affect the practice of criminalizing corruption in Indonesia, especially in the relationship between the public prosecutor's demands and the judge's decision. This study aims to analyze the paradigm shift in corruption punishment in the 2024 Makassar District Court decision through imprisonment, fines, and compensation. This study uses a type of empirical legal research with a socio-legal approach. The research data sources consist of the 2024 Makassar District Court corruption verdict and various legal literature. The results of the study show that prison sentences are still prioritized. However, the practice shows a paradigm shift in punishment through the strengthening of criminal fines and compensation as a means of recovering state losses. In some cases, prison sentences were lowered compared to the Prosecutor's demands, but the



substitute money was maintained and even increased. This finding indicates that the criminalization of corruption in Indonesia is moving from prison-oriented punishment to recovery-oriented punishment. However, the recovery of state losses cannot remove prison sentences because the deterrence function is still necessary in the eradication of corruption.

KEYWORDS

Corruption, Criminal Fines, Modern Criminals, Contemporary Criminals.

Introduction

Corruption is a form of *extraordinary crime* that has an impact on state finances, economic development, governance, and public trust in legal institutions. In its development, corruption is not only an individual crime, but also a crime related to the abuse of state power, position, and resources to obtain economic gains. For this reason, the eradication of corruption is not only the punishment of the perpetrators, but also how to return state losses².

In Indonesia, prison is still an instrument for criminalizing corruption, although it has begun to change³. In various court decisions, judges began to consider fines and compensation as instruments for recovering state losses in addition to imprisonment. These developments show that corruption is beginning to be seen as *an economic crime* and *a state*

¹ Susan Rose-Ackerman and Bonnie J. Palifka, *Corruption and Government: Causes, Consequences and Reform* (Cambridge University Press, 2016), 28-31; Muhammad Djaelani Prasetya, Arini Nur Annisa, and Syachwal Tri Anugrah, "Handling Corruption as a Social System : An AGIL-Based Socio-Legal Analysis of Prosecutorial Practices in South Sulawesi," *Law Research Review Quarterly* 11, no. 4 (2025): 1099–1117.

² Muhammad Djaelani Prasetya et al., "Legal Pluralism Based on World Policy and Iranian Asset Forfeiture," *Kosmik Hukum* 26, no. 1 (2026): 146–64; Darmukit, "Upaya Kejaksaan Dalam Pengembalian Aset Negara Sebagai Hasil Dari Tindak Pidana Korupsi," *Jurnal Hukum UNISSULA* 36, no. 1 (2020): 35–45; Natasya Klarisa Paruntu and Amad Sudiro, "Pergeseran Paradigma Pemulihan Aset Dalam Tindak Pidana Korupsi Untuk Mewujudkan Optimalisasi Pengembalian Kerugian Negara Paradigm," *Jurnal USM Law Review* 8, no. 3 (2025): 1903–29.

³ Hwian Christianto, "From Crime Control Model to Due Process Model : A Critical Study of Wiretapping Arrangement by the Corruption Eradication Commission of Indonesia," *Padjadjaran Journal of Law* 7, no. 3 (2020): 421–42, <https://doi.org/10.1108/JFC-03-2020-0043/full/html>; Leo Gustian, Ardiansah, and Bagio Kadaryanto, "Inconsistency of Law on Eradication of Corruption in Indonesia," *Eksekusi: Journal of Law* 6, no. 2 (2024): 209–35, <https://doi.org/10.24014/je.v6i2.31845>.

*financial crime*⁴ so that punishment is directed not only to inflict suffering on the perpetrators, but also to recover state assets through *the asset recovery*⁵ mechanism.

In its development, punishment is no longer in the form of *retributive punishment*⁶, but also in the form of protection of the public interest and recovery of state losses⁷. Anti-corruption policies also lead to asset recovery as a strategy in eradicating corruption, including the *United Nations Convention against Corruption* (UNCAC) which places *asset recovery* as a principle in international corruption eradication⁸.

Previous research on corruption has focused on mapping perpetrators, state losses, institutional patterns, and the effectiveness of anti-corruption law enforcement. There are also those who show that corrupt practices in South Sulawesi have a pattern involving the bureaucracy and the private sector in various *locus delicti*. In addition, there are also those who highlight the handling of corruption through a socio-legal approach to the institutional practices of law enforcement⁹. Several other studies discuss the

⁴ Andi Hidayat Anugrah Ilahi and Yeni Widowaty, "The Optimization of Corruption Deterrence during the Covid-19 Pandemic," *Padjadjaran Journal of Law* 8, no. 1 (2021): 71–91; Seno Wibowo Gumbira et al., "Assessing the Assurance of Legal Certainty and Equity of the Indonesian Law of Money Laundering," *Padjadjaran Journal of Law* 9, no. 1 (2022): 1–23.

⁵ Michael Levi and Peter Reuter, "Money Laundering," *Crime and Justice* 34, no. 1 (2014): 289–375; Irma Reisalinda Ayuningsih and Febby Mutiara Nelson, "Perampasan Aset Tanpa Pemidanaan: Suatu Perbandingan Indonesia Dan Australia," *Jurnal Ius Constituendum* 7, no. 2 (2022): 246–61, <https://doi.org/https://doi.org/10.26623/jic.v7i2.5142>; Tommaso Trinchera, "Confiscation And Asset Recovery: Better Tools To Fight Bribery And Corruption Crime," *Criminal Law Forum* 31, no. 1 (2020): 49–79, <https://doi.org/10.1007/s10609-020-09382-1>; Prasetya et al., "Legal Pluralism Based on World Policy and Iranian Asset Forfeiture."

⁶ Christianto, "From Crime Control Model to Due Process Model : A Critical Study of Wiretapping Arrangement by the Corruption Eradication Commission of Indonesia."

⁷ James Roffee, "Andrew Ashworth and Julian V. Roberts, Sentencing Guidelines: Exploring the English Model," *Australian & New Zealand Journal of Criminology* 48, no. 4 (December 1, 2015): 589–91, <https://doi.org/10.1177/0004865815582302>.

⁸ Bayu Sujadmiko et al., *Modelling Shared Assets in Indonesia's Forfeiture Bill: International Collaboration and Digital Networks*, *Lex Scientia Law Review*, vol. 9, 2025, <https://doi.org/10.15294/lsr.v9i1.10606>; Refki Saputra, "Tantangan Penerapan Perampasan Aset Tanpa Tuntutan Pidana (Nonconviction Based Asset Forfeiture) Dalam RUU Perampasan Aset Di Indonesia," *Integritas: Jurnal Anti Korupsi* Vol. 3, no. 1 (2017): 115–30, <https://jurnal.kpk.go.id/index.php/integritas/article/view/158>.

⁹ Prasetya, Annisa, and Anugrah, "Handling Corruption as a Social System : An AGIL-Based Socio-Legal Analysis of Prosecutorial Practices in South Sulawesi."

politics of anti-corruption law and strengthening *asset recovery* as a modern corruption eradication strategy¹⁰.

On the other hand, there is a study that discusses the paradigm shift in corruption criminalization which is said to have been progressive and has significant results in increasing effectiveness¹¹, so through research the relationship between the Prosecutor's Demands and the Judge's Decision is believed to be different because it will not assess effectiveness, but presents a "paradigm shift" as well as the data on prosecutions and verdicts.

Based on this description, this study aims to analyze the paradigm shift in corruption punishment in the 2024 Makassar District Court decision through the relationship between the Prosecutor's Demands and the Judge's Decision on prison sentences, fines, and substitute money. This study uses a socio-legal approach with analysis in the form of corruption verdicts originating from several regions within the jurisdiction of the Makassar District Court. This research is expected to contribute to the development of criminal law studies, anti-corruption law politics, and corruption criminal practices in Indonesia.

This article is divided into sections. The first part discusses the pattern of corruption criminalization in the 2024 Makassar District Court decision. The second part analyzes the paradigm shift in corruption punishment in the relationship between prosecutors' demands and judges' decisions. At the end, a conclusion is presented regarding the development of corruption punishment.

¹⁰ Satria Nashuha Dharma and Hibnu Nugroho, "Legal Politics of Criminalization And Decriminalization of Criminal Acts of Corruption : A Comparison Of The Rules of Prabowo , Jokowi, and SBY," *Eksekusi: Journal of Law* 7, no. 2 (2025): 272–94, <https://doi.org/10.24014/je.v7i2.38278>.

¹¹ Syamsul Haling, Andi Purnawati, and Ida Lestiawati, "The Paradigm Shift in Corruption Case Resolution in Indonesia : A Study on the Progressive Legal Approach," *Evolutionary Studies in Imaginative Culture* 8, no. 2 (2024): 1202–13; Ican Pulu et al., "Pidana Minimum Khusus Dalam Tindak Pidana Korupsi : Kajian ASTACITA Atas Independensi Hakim Pasca Putusan MK No . 25 / PUU-," *Demokrasi: Jurnal Riset Ilmu Hukum, Sosial Dan Politik* 2, no. 3 (2025): 113–21.

Methods

This study uses a type of empirical legal research with a socio-legal approach. This approach is used to analyze the criminal practice of corruption through the relationship between the Prosecutor's Demands and the Judge's Decision. This research wants to see how norms work in practice¹², especially in the criminalization of corruption.

The data source in this study consists of primary data obtained from the 2024 Makassar District Court corruption verdict. Meanwhile, secondary data was obtained through literature studies which included laws and regulations, books and journals. The data collection technique is carried out through a document *study* of the data source, which will be analyzed qualitatively.

Result and Discussion

1. Pattern of Corruption Crimes in the 2024 Makassar District Court Decision

The practice of criminalizing corruption in the 2024 Makassar District Court decision shows that prison sentences are still "prioritized". Based on research data, the cases analyzed are spread across several regions, namely Palopo, Bantaeng, Gowa, Makassar, North Toraja, Luwu, Pangkajene and Islands, Pinrang, and Sinjai. The distribution shows that the corruption cases examined are not only related to the Makassar City area, but also reflect corrupt practices in the district/city area within the jurisdiction of the Makassar Corruption Court.

¹² Mark Findlay, Louise Boon Kuo, and Lim Si Wei, *International and Comparative Criminal Justice: A Critical Introduction* (New York: Routledge, 2013); Fachrizal Afandi, "Researching the Legal Culture of the Bureaucracy : An Introduction to Ethnographic Study of Procedural Criminal Law," *The Indonesian Journal of Socio-Legal Studies (IJSLS)* 1, no. 2 (2022), <https://doi.org/10.54828/ijsls.2021v1n2.1>; Prasetya, Annisa, and Anugrah, "Handling Corruption as a Social System : An AGIL-Based Socio-Legal Analysis of Prosecutorial Practices in South Sulawesi"; Sulistyowati Irianto, "Legal Education for The Future of Indonesia : A Critical Assessment," *The Indonesian Journal of Socio-Legal Studies (IJSLS)* 1, no. 1 (2021), <https://doi.org/10.54828/ijsls.2021v1n1.1>.

In the aspect of the prosecution, the prosecutor placed the prison sentence as the main crime. Prison terms in the research data range from 12 months to 144 months. However, these demands do not stand alone because in many cases they are also accompanied by fines and compensation.

In the aspect of the verdict, the judge does not always follow the criminal demands of imprisonment in full. In a number of cases, the prison sentence imposed was lower than the prosecutor's demands. For example, Bantaeng with a demand of 96 months was sentenced to 72 months. Makassar with a demand of 144 months was sentenced to 84 – 108 months. Palopo with a demand of 36 months was sentenced to 18 months.

Figure 1. Distribution & Pattern of Corruption Prosecution Decisions

No.	Nomor Putusan	Sebaran Wilayah	TUNTUTAN				PUTUSAN					
			Penjara	Denda		Uang Pengganti		Penjara	Denda		Uang Pengganti	
1	118/Pid.Sus-TPK/2024/PN Mks	Palopo	tidak ditampilkan									
2	119/Pid.Sus-TPK/2024/PN Mks	Palopo	tidak ditampilkan									
3	120/Pid.Sus-TPK/2024/PN Mks	Palopo	36	Rp. 100.000.000	3	Rp153.946.909	3	18	Rp. 100.000.000	2	Rp.76.973.454	2
4		Palopo	36	Rp. 100.000.000	3	Rp153.946.909	3	18	Rp. 100.000.000	2	Rp.76.973.454	2
5	71/Pid.Sus-TPK/2024/PN Mks	Palopo	tidak ditampilkan									
6	70/Pid.Sus-TPK/2024/PN Mks	Palopo	24	Rp. 100.000.000	6	tidak tersedia		18	Rp. 100.000.000	3	tidak tersedia	
7	29/Pid.Sus-TPK/2024/PN Mks	Palopo	12	Rp. 50.000.000	3	Rp. 150.000.000	6	Lepas dari Segala Tuntutan				
8	114/Pid.Sus-TPK/2024/PN Mks	Bantaeng	48	Rp. 500.000.000	1	tidak tersedia		36	Rp. 500.000.000	6	tidak tersedia	
9	115/Pid.Sus-TPK/2024/PN Mks	Bantaeng	96	Rp. 500.000.000	8	Rp. 1.870.000.000	4	72	Rp. 500.000.000	6	Rp. 1.570.000.000	2
10	116/Pid.Sus-TPK/2024/PN Mks	Bantaeng	96	Rp. 500.000.000	8	Rp. 1.540.000.000	4	72	Rp. 500.000.000	6	Rp. 1.340.000.000	2
11	117/Pid.Sus-TPK/2024/PN Mks	Bantaeng	96	Rp. 500.000.000	8	Rp. 1.540.000.000	4	72	Rp. 500.000.000	6	Rp. 1.240.000.000	2
12	81/Pid.Sus-TPK/2024/PN Mks	Bantaeng	tidak ditampilkan									
13	80/Pid.Sus-TPK/2024/PN Mks	Bantaeng	tidak ditampilkan									
14	34/Pid.Sus-TPK/2024/PN Mks	Bantaeng	72	Rp. 300.000.000	6	Rp. 724.760.940	3	36	Rp. 300.000.000	3	Rp. 724.760.940	1
15	31/Pid.Sus-TPK/2024/PN Mks	Bantaeng	tidak ditampilkan									
16	30/Pid.Sus-TPK/2024/PN Mks	Bantaeng	tidak ditampilkan									
17	32/Pid.Sus-TPK/2024/PN Mks	Bantaeng	17	Rp. 50.000.000	2	tidak tersedia		BEBAS				
18	111/Pid.Sus-TPK/2024/PN Mks	Gowa	tidak ditampilkan									
19	112/Pid.Sus-TPK/2024/PN Mks	Gowa	tidak ditampilkan									
20		Gowa	tidak ditampilkan									

No.	Nomor Putusan	Sebaran Wilayah	TUNTUTAN				PUTUSAN					
			Penjara	Denda		Uang Pengganti		Penjara	Denda		Uang Pengganti	
79	94/Pid.Sus-TPK/2024/PN Mks	Makassar	102	Rp. 400.000.000	6	Rp. 1.453.869.558	60	BEBAS				
80	95/Pid.Sus-TPK/2024/PN Mks	Makassar	90	Rp. 300.000.000	4	tidak tersedia		BEBAS				
81	75/Pid.Sus-TPK/2024/PN Mks	Makassar	90	Rp. 300.000.000	5	Rp.3.502.019.853	45	63	Rp. 400.000.000	5	Rp.3.502.019.853	45
82	74/Pid.Sus-TPK/2024/PN Mks	Makassar	60	Rp. 400.000.000	5	tidak tersedia		48	Rp. 300.000.000	3	tidak tersedia	
83	42/Pid.Sus-TPK/2024/PN Mks	Makassar	96	Rp. 300.000.000	6	Rp. 4.009.100.580	48	96	Rp. 300.000.000	6	Rp. 4.009.100.580	48
84	40/Pid.Sus-TPK/2024/PN Mks	Makassar	120	Rp. 500.000.000	6	Rp. 888.964.703	60	108	Rp. 300.000.000	6	Rp. 888.964.703	24
85	39/Pid.Sus-TPK/2024/PN Mks	Makassar	96	Rp. 300.000.000	6	Rp. 4.009.100.580	48	84	Rp. 250.000.000	5	Rp. 4.621.000.000	48
86	37/Pid.Sus-TPK/2024/PN Mks	Makassar	102	Rp. 250.000.000	6	Rp. 4.480.000.000	51	84	Rp. 250.000.000	5	Rp. 4.480.000.000	47
87	41/Pid.Sus-TPK/2024/PN Mks	Makassar	108	Rp. 500.000.000	6	Rp. 606.672.104	48	60	Rp. 250.000.000	5	Rp. 606.672.104	18
88	38/Pid.Sus-TPK/2024/PN Mks	Makassar	72	Rp. 200.000.000	6	Rp.2.813.266.866	36	72	Rp. 200.000.000	4	Rp.2.813.266.866	36
89	16/Pid.Sus-TPK/2024/PN Mks	Makassar	60	Rp. 100.000.000	6	tidak tersedia		48	Rp. 300.000.000	3	tidak tersedia	
90	17/Pid.Sus-TPK/2024/PN Mks	Makassar	60	Rp. 100.000.000	6	tidak tersedia		48	Rp. 300.000.000	3	tidak tersedia	
91	11/Pid.Sus-TPK/2024/PN Mks	Makassar	144	Rp. 300.000.000	6	Rp. 12.000.000.000	72	108	Rp. 450.000.000	6	Rp.9.332.800.000	72
92	9/Pid.Sus-TPK/2024/PN Mks	Makassar	96	Rp. 300.000.000	6	Rp. 4.000.000.000	48	84	Rp. 350.000.000	5	Rp. 4.000.000.000	60
93	8/Pid.Sus-TPK/2024/PN Mks	Makassar	144	Rp. 300.000.000	6	Rp. 4.000.000.000	48	84	Rp. 350.000.000	5	Rp. 4.000.000.000	60
94	7/Pid.Sus-TPK/2024/PN Mks	Makassar	96	Rp. 300.000.000	6	Rp. 4.000.000.000	48	84	Rp. 350.000.000	5	Rp. 4.000.000.000	60
95	10/Pid.Sus-TPK/2024/PN Mks	Makassar	96	Rp. 800.000.000	6	Rp. 4.049.299.999	48	84	Rp. 350.000.000	5	Rp. 4.853.500.000	60
103	72/Pid.Sus-TPK/2024/PN Mks	Toraja Utara	15	Rp. 50.000.000	3	Rp.31.528.500	LUNAS	12	Rp. 50.000.000	1	LUNAS	
104	44/Pid.Sus-TPK/2024/PN Mks	Toraja Utara	72	Rp. 300.000.000	3	tidak tersedia		27	Rp. 300.000.000	2	tidak tersedia	
105	45/Pid.Sus-TPK/2024/PN Mks	Toraja Utara	90	Rp. 300.000.000	3	Rp.1.159.377.587	44	48	Rp. 300.000.000	2	Rp. 1.129.377.587	6

No.	Nomor Putusan	Sebaran Wilayah	TUNTUTAN					PUTUSAN				
			Penjara	Denda		Uang Pengganti		Penjara	Denda		Uang Pengganti	
110	61/Pid.Sus-TPK/2024/PN Mks	Luwu	12	Rp. 50.000.000	2	Rp 131.062.000	tidak tersedia	12	Rp. 50.000.000	1	tidak tersedia	
111	60/Pid.Sus-TPK/2024/PN Mks	Luwu	21	Rp. 100.000.000	3	Rp 81.200.000	4	12	Rp. 50.000.000	1	tidak tersedia	
112	59/Pid.Sus-TPK/2024/PN Mks	Luwu	30	Rp. 100.000.000	3	Rp 315.164.000	6	30	Rp. 100.000.000	1	Rp315.164.000	
113	58/Pid.Sus-TPK/2024/PN Mks	Luwu	12	Rp. 50.000.000	1	tidak tersedia	12	tidak tersedia	LUNAS			
114	57/Pid.Sus-TPK/2024/PN Mks	Luwu	21	Rp. 100.000.000	3	Rp 54.404.000	4	17	Rp. 50.000.000	1	Rp 54.404.000	
115	56/Pid.Sus-TPK/2024/PN Mks	Luwu	30	Rp. 100.000.000	3	Rp 287.717.000	6	24	Rp. 100.000.000	2	Rp 91.566.000	
116		Luwu	30	Rp. 100.000.000	3	Rp 287.717.000	6	20	Rp. 50.000.000	1	tidak tersedia	
117	62/Pid.Sus-TPK/2024/PN Mks	Luwu	18	Rp. 100.000.000	3	Rp 33.000.000	4	20	Rp. 50.000.000	1	Rp 33.000.000	
118	55/Pid.Sus-TPK/2024/PN Mks	Pangkajene d	60	Rp. 200.000.000	6	Rp. 816.260.710	24	36	Rp. 100.000.000	3	Rp. 816.260.710	
119	54/Pid.Sus-TPK/2024/PN Mks	Pangkajene d	48	Rp. 200.000.000	6	Rp. 50.000.000	24	18	Rp. 100.000.000	2	Rp. 50.000.000	
120	50/Pid.Sus-TPK/2024/PN Mks	Pangkajene d	30	Rp. 100.000.000	2	tidak tersedia		24	Rp. 100.000.000	1	tidak tersedia	
121	15/Pid.Sus-TPK/2024/PN Mks	Pangkajene d	30	Rp. 50.000.000	2	Rp.315.394. 642	15	24	Rp. 50.000.000	2	Rp.315.394. 642	
122	1/Pid.Sus-TPK/2024/PN Mks	Pangkajene d	48	Rp. 200.000.000	3	Rp. 419.125.000	24	24	Rp. 50.000.000	2	Rp. 419.125.000	
123	49/Pid.Sus-TPK/2024/PN Mks	Pinrang	20	Rp. 50.000.000	1	Rp 707.842.575	12	14	Rp. 50.000.000	1	Rp 707.842.575	
124	36/Pid.Sus-TPK/2024/PN Mks	Sinjai	60	Rp. 300.000.000	6	Rp. 19.500.000	36	12	tidak tersedia		Rp. 19.500.000	
125	35/Pid.Sus-TPK/2024/PN Mks	Sinjai	tidak ditampilkan									
126	33/Pid.Sus-TPK/2024/PN Mks	Sinjai	84	Rp. 500.000.000	6	Rp 2.825.928.156	42	60	Rp. 500.000.000	3	Rp 2.825.928.156	
127	13/Pid.Sus-TPK/2024/PN Mks	Sinjai	36	Rp. 50.000.000	3	Rp175.259.104	3	29	Rp. 50.000.000	3	Rp 156.522.037	
128	12/Pid.Sus-TPK/2024/PN Mks	Sinjai	36	Rp. 50.000.000	3	Rp175.259.104	3	24	Rp. 50.000.000	1	tidak tersedia	
129	14/Pid.Sus-TPK/2024/PN Mks	Sinjai	24	Rp. 50.000.000	3	Rp42.470.539	LUNAS	BEBAS				

Sources: Authors, 2026

Criminal fines also have a position in the construction of corruption penalties. The nominal fine starts from IDR 50,000,000.00 to IDR 800,000,000.00. In some cases, the fine is maintained according to the Prosecutor's Demands, but in other cases the fine is lowered or increased.

There is also the existence of substitute money – in some cases – substitute money is still imposed even though prison sentences have decreased. For example, in Makassar, the replacement money is charged in the amount of Rp. 4,000,000,000 – Rp. 9,332,800,000. Bantaeng, with an amount of Rp. 1,570,000,000 – Rp. 1,240,000,000. This pattern shows that the recovery of state losses is an orientation in the practice of criminalizing corruption.

Table 1. Distribution and Pattern of Corruption Crimes in the Makassar District Court in 2024

Region	Criminal Pattern
São Paulo	Prison down, replacement money remains significant
Squirt	There are penalties, releases, and criminal reductions
Bantaeng	Prisons go down, fines are relatively fixed, substitute money is still dropped
Gowa	not showing
North Toraja	Jail down and recovery of losses considered
Südü	Jails and fines dropped, replacement money retained

Pangkajene and Islands	Prison drops, money substitutes become a tool of recovery
Stuttgart	Prison dropped, replacement money was still dropped
Sinjai	There are releases, criminal reductions, and rehabilitation

Sources: Authors, 2026

Based on this pattern, there are three things. First, prison is still "prioritized" as the main crime. Second, fines are used as a form of economic punishment. Third, replacement money is an instrument in recovering state losses. Thus, the pattern of punishment in the 2024 Makassar District Court decision began to show a shift, from imprisonment-oriented punishment to punishment that also emphasized the recovery of state losses.

2. Paradigm Shift in Corruption Punishment in the Relationship of Prosecutions and Judges' Decisions

The relationship between the Public Prosecutor's Demands and the Judge's Decision in the case of corruption shows a shift/change in penalties. If previously the corruption penalty focused on imprisonment as a form of retribution, then in practice the verdict is seen as imprisonment along with the recovery of state losses through fines and substitute money.

The research shows 3 (three) patterns of the criminal paradigm, namely the conventional paradigm¹³, the modern paradigm, and the contemporary paradigm¹⁴. All three show the development of punishment from a "only" imprisonment model to a prison model with the recovery of state losses.

Table 2. Paradigm Shift in Corruption Crime

Paradigm	Punishment	Characteristics
Conventional	Prison sentences	Retributive <i>punishment</i>
Modern	Jail and fines	Balance of punishment

¹³ Christianto, "From Crime Control Model to Due Process Model : A Critical Study of Wiretapping Arrangement by the Corruption Eradication Commission of Indonesia."

¹⁴ Mas Putra Zenno Januarsyah et al., "The Implementation of the Deferred Prosecution Agreement Concept to Corruption by Corporations with the Anti-Bribery Management System (SNI ISO 37001 : 2016)," *Padjadjaran Journal of Law* 8, no. 2 (2021): 232–54; Hadi Purnomo, Baharuddin, and Mohammad Nasr Khater, "The Return of State Finances: Effectiveness of Th New Paradigm in Enforcing of Law on Corruption Crimes Cases," *Jurnal Hukum UNISSULA* 40, no. 4 (2025): 1078–92.

Contemporary	Replacement money	Asset recovery
Sources: Authors, 2026		

The conventional paradigm is marked by "only" imprisonment. All cases analyzed still make prison sentences as punishment. From the perspective of *retributive punishment*, the punishment is in the form of suffering in the form of imprisonment imposed by the state on the perpetrator for having committed a mistake¹⁵. These findings suggest that there is still a retributive orientation through incarceration.

The practice of decisions shows a direction towards a modern paradigm. The use of a combination¹⁶ of imprisonment and a fine – in some cases – judges reduced the prison sentence but retained the fine. So there is a phenomenon towards the economic, modern aspect. This is also relevant to the principle of proportionality between the level of wrongdoing and the harm caused¹⁷. Thus, fines began to function as an instrument of punishment for profits obtained through corruption crimes.

Developments can also be seen through the strengthening of the penalty for substitute money¹⁸, which was imposed, although prison sentences have decreased. For example, in Makassar and Bantaeng, corporal punishment is deducted from the Prosecution, but the replacement money is retained in large amounts. There is even a nominal amount of replacement money that has increased compared to the Demand.

This pattern shows that corruption is beginning to be seen as *an economic crime* and *a state financial crime*¹⁹. So that the punishment is not only directed to imprisonment, but also to the return of state assets lost due

¹⁵ Rose-Ackerman and Palifka, *Corruption and Government: Causes, Consequences and Reform*.

¹⁶ Ahmad Feri Tanjung, Ronald Hasudungan Sianturi, and Rony Andre Christian, "Regent's Liability for Receiving Bribery of Product Procurement Of Goods/Services," *Eksekusi: Journal of Law* 7, no. 1 (2025): 165–76, <https://doi.org/10.24014/je.v7i1.37462>.

¹⁷ Tanjung, Sianturi, and Christian.

¹⁸ Januarsyah et al., "The Implementation of the Deferred Prosecution Agreement Concept to Corruption by Corporations with the Anti-Bribery Management System (SNI ISO 37001 : 2016)."

¹⁹ Ilahi and Widowaty, "The Optimization of Corruption Deterrence during the Covid-19 Pandemic"; Gumbira et al., "Assessing the Assurance of Legal Certainty and Equity of the Indonesian Law of Money Laundering."

to corruption. For this reason, it is appropriate to state that the effectiveness of corruption eradication is not only measured by the severity of prison sentences, but also by the state's ability to recover state financial losses²⁰.

The relationship between the prosecution and the judge's verdict also suggests that the judge does not always follow the criminal charges of imprisonment. Sometimes it decreases, while replacement money is maintained. The judge establishes "proportionality" between the corporal punishment and the recovery of state losses. In other words, corruption punishment is not just a *prison-oriented punishment*, but also a *recovery-oriented punishment*.

This development is important for the *political will* to eradicate corruption in Indonesia. The strengthening of *asset recovery* shows that anti-corruption policies are starting to move towards an economic-based and restorative model. In the future, the "mandatory" replacement money will be returned to the state. However – as Article 4 of the Law on the Eradication of Corruption Crimes states that the return of state losses does not remove the crime against the perpetrators of corruption crimes – the criminal conviction of the defendant is not erased. This is in order to maintain the effect of deterrence²¹ and public perception of the corruption eradication system.

Thus, the relationship between the Prosecutor's Demands and the Judge's Decision in the case of corruption shows a shift in the criminal paradigm in Indonesia. Prison sentences remain "prioritized", along with fines and compensation. The shift suggests that corruption criminalization is starting to move from a punishment model that is oriented towards retaliation "only" to a model of retaliation with the recovery of state losses as part of the goal of eradicating corruption.

²⁰ Gumbira et al., "Assessing the Assurance of Legal Certainty and Equity of the Indonesian Law of Money Laundering"; Gustian, Ardiansah, and Kadaryanto, "Inconsistency of Law on Eradication of Corruption in Indonesia."

²¹ Ilahi and Widowaty, "The Optimization of Corruption Deterrence during the Covid-19 Pandemic."

Conclusion

Based on the results of the research, the practice of corruption punishment in the 2024 Makassar District Court decision has experienced a paradigm shift in punishment from imprisonment only to imprisonment with the recovery of state losses. Although imprisonment is still used and prioritized in the Judge's demands and decisions, fines and substitute money are still applied. The relationship between the Prosecutor's demands and the Judge's decision shows that in some criminal cases prison is "lowered", but the substitute money is maintained and even increased. Thus, corruption began to be seen as an economic crime so that punishment leads to punishing the perpetrator along with recovering state losses through the asset recovery mechanism.

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DECLARATION OF CONFLICTING INTERESTS

The authors do not report any potential conflicts of interest.

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