

## Corruption as an Extra-Ordinary Crime: Elements and Eradication Efforts in Indonesia

*Journal of Creativity Student*

2021, Vol. 6(2) 131-150

© The Author(s) 2021

DOI: **10.15294/jcs.v7i2.38493**

This journal has been accredited by

Ministry of Education, Culture,

Research & Technology of Republic

Indonesia (**Rank SINTA 5**).

Published biannually by:



**Nur Rohim Yunus**

Center for the Study of National Constitution  
and Legislation (Poskolegnas) Universitas Islam  
Negeri Syarif Hidayatullah Jakarta, Indonesia

[nurrohimyunus@uinjkt.ac.id](mailto:nurrohimyunus@uinjkt.ac.id)

**Latifah Nasution**

Poskolegnas Universitas Islam Negeri Syarif  
Hidayatullah Jakarta, Indonesia

[latifah1230@gmail.com](mailto:latifah1230@gmail.com)

**Siti Romlah**

Poskolegnas Universitas Islam Negeri Syarif  
Hidayatullah Jakarta, Indonesia

[siti.romlah.eltosib@gmail.com](mailto:siti.romlah.eltosib@gmail.com)

**Siti Nurhalimah**

Poskolegnas Universitas Islam Negeri Syarif  
Hidayatullah Jakarta, Indonesia

[nurhalimahalqosim4@gmail.com](mailto:nurhalimahalqosim4@gmail.com)

All writings published in this journal are personal views of the author(s) and do not represent the views of this journal and the author's affiliated institutions. Author(s) retain copyrights under the license of **Creative Common Attribution 4.0 International (CC BY 4.0)**

### History of Manuscript

Submitted : February 21, 2021

Revised 1 : March 12, 2021

Revised 2 : April 17, 2021

Accepted : June 11, 2021

Online since : July 30, 2021

### **Abstract**

Corruption is part of an extraordinary crime. This is because corruption has threatened the country's economy, democracy, and public welfare. Prevention and prosecution of extraordinary crimes need to be carried out in an extraordinary way as well. This study uses a normative type of research, with a statutory approach and a literature approach. The results of the study state that the establishment of the Corruption Eradication Commission is a tool used by the Indonesian government in implementing law enforcement. Additional punishment is an effort to crack down on corruption crimes. In fact, handling corruption cases requires cooperation between law enforcement officials, the government and the community.

### **KEYWORDS**

Corruption ▪ Legal Effort ▪ Additional Punishment

## **A. Introduction**

Eradication of corruption is an issue that is always hotly broadcast in various media, both print and electronic. Thus, many people are wrong about eradicating corruption. It can be realized that there are many bad consequences that arise from cases of criminal acts of corruption. Corruption is not only detrimental to state finances, but corruption has taken away the social and economic rights of the community. Corruption has also weakened democracy and the rule of law which has led to violations of human rights, especially

---

corruption has degraded the values of life, because it has fostered various crimes (Naskah Akademik RUU TIPIKOR, 2005).

The crime of corruption is not only a national problem, but has entered the international realm. This can be seen with the United Nations Convention Against Corruption (UNCAC) held by the United Nations in 2003 which was attended by 133 countries. This convention was held because corruption is considered to have shaken the joints of social and economic life of the community, which has implications for the international community. In addition, corruption in practice has become a currency for organized crime, money laundering, and economic crime (Abdurofiq, 2016).

UNCAC introduces comprehensive standards, measures and rules for all participating countries that ratify it as national law, in order to strengthen the eradication of corruption. UNCAC regulates prevention and enforcement efforts from both the public and private sectors. Many laws have become breakthroughs in crime action to tackle corruption. However, it is undeniable that the rules do not escape implementation (Situmorang, 2014).

Corruption has become an extraordinary crime, so its prevention must be carried out in an extraordinary way. Indonesia as a state of law does not remain silent. This can be seen with the establishment of an anti-corruption agency and legal reforms related to corruption. Corruption as an extraordinary crime also has special measures, such as the establishment of special rules, special courts and the establishment of non-structural anti-corruption bodies. Corruption has indeed been rooted in the joints of Indonesian people's lives. Corruption is not actually a culture of Indonesian society, but corruption itself has become entrenched in Indonesia. From the background above, several questions can be formulated including How is corruption considered an extraordinary crime? What are the legal remedies for handling corruption cases in Indonesia?

---

## **B. Method**

The method used in this research is a qualitative method, where the research sources come from scientific articles in the form of journals and books that are relevant to the research title. While the approach used is a qualitative descriptive approach. Qualitative research is a scientific approach that reveals certain social situations by properly describing reality, formed by words based on relevant data analysis techniques and obtained from scientific situations.

## **C. Results & Discussion**

### **1. Corruption: Between Terminology and Its Development**

Corruption in the literal sense is rottenness, ugliness, depravity, dishonesty, bribery, immorality, deviation from chastity, insulting or slanderous words or speech (Poerwadarminta, 2007). As for the meaning of corruption that has been accepted in the Indonesian vocabulary, it can be concluded that "Corruption is a form of white-collar crime. The characteristics of the form of white-collar crime are crimes committed by people in ties, as a term given to officials in carrying out their duties as state apparatus (Runtutahu, 2012).

Corruption in the legal sense in Indonesia is defined as any person who is categorized as violating the law, committing acts of enriching himself, benefiting himself or another person or a corporation, abusing the authority or opportunities or facilities available to him because of his position or position that can harm state finances or the country's economy. This is as stated in Law Number 31 of 1999 concerning Eradication of Corruption Crimes (Runtutahu, 2012).

In the power of exercising office, there is a tempting angle, such as discretionary power, which is a type of power to use authority based on the official's creativity. This power is given by law with the intention that the position carried can be carried out as mandated (Irawan, 2011). In office status,

---

this condition is very prone to be misused, because at the same time as carrying out public policies, it is easy to insert intentions to attract personal or group benefits.

J.S Nye argues that corruption is a behavior that deviates from the normal obligations of a government agency role because of personal interests, both family, class, friends and relatives, such as bribery in the form of giving gifts with the intention of diverting someone in their position in their service, nepotism, abuse or illegally use state revenue sources for personal interests/needs (Musarofa, 2016).

Samuel Huntington defines corruption as *“behavior of public official which deviates from accepted norms in order to serve private ends (Huntington, 1968).”* Corruption is behavior that deviates from the norms accepted and embraced by society with the aim of obtaining personal gain carried out by public employees.

From these various definitions, corruption is defined as behavior that deviates from formal ethical rules concerning the actions of a person in a position of public authority caused by motives for personal considerations, such as wealth, power and status. Corruption is also often understood as the abuse of power and trust for personal gain. However, corruption can also be understood as behavior that does not comply with the “maintaining distance” principle. This means that in economic policy making, whether it is carried out by individuals in the private sector or by public officials, personal or family relationships do not play a role. Once this “maintaining distance” principle is violated, and decisions are made based on personal or family relationships then corruption will arise. For example, conflicts of interest and nepotism. The principle of maintaining this distance is the foundation for any organization to achieve efficiency (Nye, 1967).

Corruption practices are not only structural crimes and moral violations, but more than that, corruption has created the banality of corruption. Banal means making corruption a commonplace, natural, ordinary and even a driving

---

principle of everyday life (Salama, 2014). Corruption has taken root and there is no longer a culture of shame to commit corruption.

Means-Ends Scheme Theory: Robert Merton states that corruption is a human behavior caused by social pressure, thus causing a violation of norms. GONE Theory is the basic theory that discusses the factors causing the occurrence of fraudulent behavior presented by Jack Bologne. The illustration of GONE Theory is related to the factors that cause fraud or corruption which include Greeds, Opportunities, Needs and Exposure (disclosure), related to the greed and greed of potential corrupt actors in every person (Isgiyataa, et.all, 2018).

The consequences of corruption are the people who bear the brunt of the treatment of corruptors. Poverty, unemployment, and economic disparity are factors that cause corruption. So a nomenclature if corruption is included in the category of extraordinary crimes and crimes against humanity.

It can be concluded that corruption is an extraordinary crime, which means extraordinary according to the Latin *ordinarius* dictionary, from the words *ordo*, *ordinis*, *agora*, negotiate. According to the established order; methodical; stay; regular. "Ordinary forms of law." Of general rank, quality, or ability; not distinguished by excellence or beauty. Therefore, it is not distinguished in any way; normal; low; little service; as a man; ordinary judgment; ordinary book. An ordinary youth would acquire little or no useful knowledge in such a way.

The factors behind the occurrence of corruption are: (Kemendikbud, 2013)

1. Internal factors. The cause of corruption comes from the personal self, (greedy nature, lack of moral strength in the face of temptation, a consumptive lifestyle, lazy to work hard).
2. External factors. The causes of corruption come from outside, namely the lack of exemplary and leadership of the nation's elite, low salaries of civil servants, weak commitment and consistency in law enforcement and legislation, low integrity and professionalism, internal control

mechanisms in all banking, financial and bureaucratic institutions are not yet well established, working environment conditions, job duties, and community environment, and Weak faith, honesty, shame, morals and ethics.

As for some opinions stated that the factor of corruption is when the materialistic and consumptive behavior of the community and the political system that still "devotes" the material, it can "force" the occurrence of corruption. The more people view wealth, the more likely they are to make mistakes in accessing wealth (Kemendikbud, 2013).

## **2. Types and Forms of Corruption**

There are several types and forms of corruption crimes which have been formulated as follows: (<https://www.kajianpustaka.com>)

1. Bribery includes the act of giving and receiving bribes, both in the form of money and goods.
2. Embezzlement is an act of fraud and theft of resources by certain parties who manage these resources, either in the form of public funds or certain natural resources.
3. Fraud is an economic crime that involves fraud (trickery or swindle). This includes the process of manipulating or distorting information and facts with the aim of taking certain advantages.
4. Extortion is an act of asking for money or other resources by force or accompanied by certain intimidations by those who have power. This is usually done by local and regional mafia.
5. Favoriteism is a mechanism of abuse of power which has implications for the privatization of resources.
6. Violating applicable laws and harming the state.
7. Complete secrecy, even though it is done collectively or in congregational corruption.

---

The more operational types of corruption are also classified into four types of corruption, namely: (Anwar, 2006)

1. Extortive corruption, namely in the form of bribes or bribes made by entrepreneurs to the authorities.
2. Manipulative corruption, such as a request by someone with an economic interest to the executive or legislature to make regulations or laws that are profitable for their economic business.
3. Nepotistic corruption, namely the occurrence of corruption because there are ties of kinship, friendship, and so on.
4. Subversive corruption, namely those who arbitrarily rob state wealth to be transferred to foreign parties with a number of personal gains.

Among the models of corruption that often occur in practice are: extortion, bribery, extortion, embezzlement, smuggling, giving gifts/grants related to one's position or profession.

Quoting from Gerald E. Caiden in *Toward a General Theory of Official Corruption* describes in detail the forms of corruption that are commonly known, namely: (Pope, 2003)

1. Treason, subversion, illegal foreign transactions, smuggling.
2. Embezzlement of institutional property, privatization of government budgets, cheating and stealing.
3. Improper use of money, falsification of documents and embezzlement of money, channeling institutional money to personal accounts, tax evasion, misappropriation of funds.
4. Abuse of authority, intimidation, torture, mistreatment, pardon and pardon are not appropriate.
5. Cheating and deceiving, giving the wrong impression, cheating and deceiving, blackmail.
6. Ignoring justice, breaking the law, giving false testimony, unlawfully detaining, trapping.



- 
7. Not carrying out tasks, deserting, living clinging to others like parasites.
  8. Bribery and bribery, extortion, quoting fees, soliciting commissions.
  9. Tackling the general election, falsifying ballot cards, dividing up the general election area in order to win.
  10. Use internal information and confidential information for personal gain; make a false report.
  11. Selling without a government position permit, government property, and government license.
  12. Manipulation of regulations, purchasing of supplies, contracts, and lending of money.
  13. Avoiding taxes, making excessive profits.
  14. Selling influence, offering brokerage services, conflicts of interest.
  15. Receiving gifts, fees, facilitation and entertainment fees, inappropriate travel.
  16. Associated with criminal organizations, black market operations.
  17. Conspiracy, cover up crime.
  18. Unauthorized spying, misappropriation of telecommunications and post.
  19. Abusing office stamps and stationery, office houses, and office privileges.

### **3. Efforts to Eradicate Corruption**

Corruption has become an acute and systemic problem and is detrimental to the State and its people. The modes and perpetrators of corruption crimes change rapidly. Meanwhile, the pace of law change is relatively slow. This is what is then used by most corruptors. Perpetrators of corruption are the actions of educated people and relatively have positions, as is the case with the bribery case that befell the Chief Justice of the Constitutional Court, Akil Mochtar. The legal events that have occurred have involved high-

---

ranking state officials. Akil's form of corruption can be traced to high-level government activities that distort policies or central state functions, and allow perpetrators to profit at the expense of the wider community (<https://acch.kpk.go.id>).

Akil Mochtar, the chairman of the panel of judges, granted the petition for a constitutional case submitted by Amir Hamzah-Kasmin as a candidate for regent and deputy regent of Lebak for the 2013-2018 period. Paslon Amir Hamzah-Kasmin submitted a request for the Court to cancel the KPU's decision on September 8, 2013 regarding the recapitulation of the vote count results, and ordered a re-vote to be held. Akil was found guilty of accepting gifts and money laundering related to the case.

Prosecution of corruption cases in Indonesia has not yet reached its maximum point, so public participation is needed who knows of acts of corruption to report corruption that occurs among them. So it is necessary to disclose facts or often referred to as justice collaborators, being a justice collaborator (people who work with law enforcement) the application of the Justice collaborator system is certainly not an easy thing, because it has many risks, especially the threat of terror experienced by the reporter and even reporting family. Therefore, the protection of witnesses as reporters needs to be protected considering the important role of the reporting witness in uncovering the corruption crimes that occurred.

Whistleblowers are also known as whistleblowers, where whistleblowers are not only known in the criminal justice system, but in other environments such as companies as an effort to realize good corporate governance. A whistleblower is not just a complainant, but can be a witness to a crime. The Corruption Eradication Commission as an institution to eradicate corruption has developed an online whistleblower reporting system, LKPP (a government agency for trade in goods and services as well) has developed a whistleblower system (Artantojati, 2012).

In Law number 13 of 2006 concerning the Witness and Victim Protection Agency (LPSK) there is no specific mention of the term whistleblower, but the

---

whistleblower's protection is contained in Article 10 paragraphs (1) and (2). In Article 10 paragraph (1) it is stated that Witnesses, Victims, and reporting and/or perpetrator witnesses cannot be prosecuted both criminally and civilly for reports, testimonies that will be, are being, or have been given unless the report or testimony is given not in good faith. good. Whereas in paragraph (2) it is stated that a witness who is also a suspect in the same case cannot be released from criminal charges if he is proven legally and convincingly guilty, but his testimony can be used as consideration by the judge in mitigating the sentence to be imposed.

The whistleblower itself is a person in a ministry or regional level work unit or other institution that has access to information from other institutions who can complain about actions that indicate irregularities..

The presence of a witness and victim protection institution is certainly a forum for legal protection of witnesses and victims, so the effectiveness of this institution must be optimized considering cases of deep-rooted corruption crimes so that they can be eradicated more effectively with community involvement. The importance of whistleblowers and justice collaborators in uncovering cases of corruption, of course, requires protection both physically, psychologically and circulating terror. The KPK as an institution that handles corruption cases also coordinates with LPSK regarding the protection of witnesses and victims.

The basis for prosecution for someone who refuses to be a witness and give testimony before a court is regulated in Article 216 paragraph (1), Article 224, and Article 522 of the Criminal Code (KUHP). The Criminal Code authorizes judges to determine whether or not witnesses are present at trial. In addition, the judge has the authority to decide whether to continue or postpone the trial.

The Criminal Procedure Code has not yet regulated the protection of witnesses, but witnesses are protected subjects which include ordinary witnesses, victim witnesses, and expert witnesses. In article 1 number 26 of the Criminal Code it is stated that a person who can provide information for the

---

purposes of investigation, prosecution and trial regarding a criminal case that he has heard for himself, he has seen for himself, and has experienced it himself. As for the rights of witnesses, it has been stated in Law no. 31 of 2014 concerning the Witness and Victim Protection Agency, the rights of witnesses are stated in article 5.

The need for legal protection for reporting witnesses in order to obtain legal certainty. Because it is not uncommon between legal certainty and justice, a clash between legal certainty and expediency, and between justice and legal certainty. If you want to uphold justice then of course the benefits and legal certainty must be sacrificed. Even though the plaintiff and the defendant have different values or sense of fairness. Justice may take precedence and sacrifice the benefits for the wider community. So on his theory Gustav Radbruch teaches that there is a priority scale that must be implemented, where the first priority is always justice, then benefit, and finally legal certainty. The combination of justice and expediency must certainly bring certainty.

Legal protection can be interpreted as any form of regulation that is regulated and based on laws and regulations based on legal certainty (Faisal, 2012). Legal protection for justice collaborators should apply from the start of the judicial stage or when witnesses are asked for their testimonies, starting from reporting, investigating, investigating, prosecuting and examining at trial, as well as after the judicial process is complete, because it is possible for the threat of terror to continue after the judicial process is complete. The existence of legal protection provided by the state to a witness is a form of legal certainty so that witnesses do not feel terrorized. According to Satjipto Rahardjo, legal protection is an effort to protect someone by allocating a power to him to act in the context of that interest (Satjipto. 2003).

In this case, it can be seen that Indonesia upholds the rights of a person, namely the establishment of a witness and victim protection agency whose duty and authority is to provide protection and other rights to witnesses and victims as stipulated in the LPSK law. The issuance of SEMA No. 4 of 2011 and the SKB are legal instruments that regulate the existence of Justice Collaborators

---

in Indonesia, and the basic reference for protection is in PP No. 71 of 2000, PP No. 2 of 2002, PP No. 57 of 2003, PP No. 24 Years, Law no. 13 of 2006, Law no. 31 of 1999 jo. UU no. 20 of 2001 Law no. 8 of 2010, and the United Nations Convention Against Corruption, as well as the United Nations Convention Against Transnational Organized Crime (Agustine, 2012).

#### **4. Effectiveness of punishment against corruptors**

Eradication of corruption in Indonesia is carried out conventionally, namely by finding the perpetrators and then putting them in prison, it has not provided a deterrent effect, so there needs to be several additional laws that are imposed on perpetrators of corruption crimes. This is also based on Article 18 of the Corruption Crime Act and Article 10 of the Criminal Code which regulates the types of criminal penalties for corruption defendants, namely basic and additional crimes.

The main punishment in Article 10 of the Criminal Code consists of the death penalty, imprisonment, imprisonment and a fine. While additional punishment consists of revocation of certain rights, deprivation of certain rights, deprivation of certain rights. In addition to the provisions in the Criminal Code, additional types of crimes are also formulated in Article 18 paragraph (1) of Law Number 31 of 1999:

1. Confiscation of tangible or intangible movable or immovable goods obtained from the proceeds of corruption.
2. Payment of replacement money as much as possible is the same as assets obtained from corruption.
3. Closure of all or part of the company for a maximum of 1 year..
4. Revocation of all or part of certain rights or revocation of certain rights (Hartono, 2016).

If the application of the punishment with the principal punishment has not provided a deterrent effect, additional penalties can be given to the perpetrators of corruption convicts. The additional penalties are in the form of:

---

First; confiscation of certain goods. Criminal confiscation of certain goods is a crime of wealth. There are two kinds of goods that can be confiscated, namely goods obtained because of a crime and goods that are intentionally used in committing a crime. This is embodied in Law Number 31 of 1999 article 28 paragraph (1). The confiscation of goods can be pursued through two procedures, namely by criminal law, namely through court decisions and through civil law, namely through civil lawsuits. Criminal confiscation of assets can only be carried out if it has permanent legal force (*inkrah*) (Sibuea, 2016).

The difficulty of returning state assets that have been corrupted is due to the ability of the perpetrators to divert or flee the proceeds of crime and instruments of crime abroad and even the perpetrators can flee abroad and cannot be extradited back to Indonesia. In this case, assets in Indonesia that are still running are still profitable. So it is necessary to have a legal instrument that has a confiscation system that allows the seizure of assets resulting from criminal acts through the Non-Conviction Based (NCB) Asset Forfeiture mechanism. This mechanism emphasizes the confiscation of criminal assets "in rem" and not to the person. Thus, a decision that has permanent legal force against the perpetrator of a crime is not a prerequisite that must be met in the confiscation of assets (Sudarto, 2017).

Confiscation of assets without crime is a comprehensive mechanism, because it begins with the search, blocking, and confiscation processes as well as the court process. This concept can work effectively if the Attorney General's Office is determined to submit an asset application to the court. There must be a commitment from the court, in this case the judge, in examining and adjudicating the Non-Conviction Based Asset Forfeiture application without being influenced by the opinion that it is a violation of human rights (Sudarto, 2017).

Second; Payment of replacement money as much as the same as the assets obtained from corruption. The implementation of the criminal payment of compensation in Law Number 31 of 1999 concerning the eradication of criminal acts of corruption is subject to a maximum of the assets obtained from the

---

proceeds of corruption and the payment period is no later than 1 month after the court's decision has permanent legal force.

The execution of the payment of replacement money is not much different from the execution of people and the execution of goods in criminal cases, what is different in the payment of replacement money is that there is a time limit for the convict to pay replacement money after inkrah, and is required to surrender his property to cover the replacement money if the convict is unable to pay it (Mungki. 2012). The additional penalty of payment of substitute money in Corruption Cases goes through several stages, namely: the billing stage, the auction stage, the replacement money payment stage, and the civil lawsuit stage. As is known, the rules regarding the mechanism for payment of Compensation Money in returning state losses due to corruption are contained in the decision of the Attorney General Number: Kep 518/J.A/11/2001.

Third; Closure of all or part of the company. What is meant by "closure of all or part of the company" is the revocation of business licenses or temporary cessation of activities in accordance with a court decision. The period for closing the company is one year.

Fourth; Revocation of all or part of certain rights or revocation of certain rights. The application of the punishment for revocation of political rights is one of the implementations of the 1945 Constitution article 28j, "everyone is obliged to respect the rights of others". Corruption is a deprivation of the rights of others. According to the Supreme Court's decision Number 4/PUUVII/2009 (March 24, 2019) it has been determined that the penalty for revocation of political rights is considered constitutional, with the limitation that the revocation of political rights is only valid for five years after the convict finishes carrying out his main sentence (Anjari, 2015).

The Criminal Code has outlined that on the day the court's decision begins to carry out the revocation of political rights on the convict, it means that for those who are sentenced to prison, for example, the period of revocation of political rights will be counted at the time the sentence begins. While the

---

decision of the Constitutional Court has also set a limit, namely, since the convict has finished serving his main sentence (Veranda, 2015).

Ideally, the Constitutional Court's decision should be followed and become a reference for court judges (MA to its ranks: PN/Corruption Court and High Court) because the Constitutional Court's decision is final. But there are still judges who often ignore the decisions of the Constitutional Court, by taking refuge in principles; the independence of each judiciary (Mahayanthi, 2015).

Law enforcement in criminal cases in Indonesia has not yet reached its maximum point. This is still in the level of discourse and debate by political elites and academics, but has not yet entered into application or axiology and rationalism, so it is still in the epistemological and ontological stages of discourse on eradication and law enforcement.

Indonesia is a nation whose society is predominantly Muslim with the ideology of Pancasila, so the enforcement of Islamic law born of Muslim individuals internalizes the values of piety towards Indonesian law enforcement in the context of enforcement in eradicating corruption with a progressive approach to Islamic law (Fatakh, 2015).

As a recommendation in the future, all levels of the judiciary must share the view that corruption is an extraordinary crime and punishments for corruptors must also be carried out with extraordinary punishments (giving a deterrent effect, impoverishment, limiting their rights). This is manifested concretely in the form of the issuance of a Circular Letter of the Supreme Court or an Instruction of the Supreme Court so that judges impose a maximum sentence on corruptors, through the provision of high fines or compensation in accordance with the mistakes they have made, as well as additional penalties in the form of revocation of rights. politics, pension funds and employment status of convicted corruptors. In addition, the courts need to improve and strengthen the function of monitoring information disclosure and judicial administration. This is important to prevent corruption in courts, encourage courts to be more accountable and support optimization of corruption eradication (Indonesia Corruption Watch, 2014).



---

## **D. Conclusion**

The crime of corruption in Indonesia has reached an alarming stage. This can be seen by the number of corruption cases that befell central to regional public officials. Corruption as an extraordinary crime in the law is contained in the preamble considering Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption which states that corruption crimes that have been widespread so far are not only detrimental to state finances, but also has constituted a violation of the social and economic rights of the community at large, so that the criminal act of corruption needs to be classified as a crime whose eradication must be carried out in an extraordinary, comprehensive, integral and holistic manner.

As for the prosecution of corruption cases in Indonesia as an extraordinary form of punishment, additional penalties are applied in the form of confiscation of goods/assets, whether movable or not, tangible or intangible, payment of replacement money, and revocation of certain rights. Law enforcement certainly has to look at the sociological side so as not to carry out coercion which is very contrary to the sense of justice of the people, it is necessary to raise public awareness of the law in the midst of irregular conditions, to achieve an order. If the community has exercised the rights they have obtained, namely with the legal awareness provided by the legal system provided by the legal system in Indonesia, it is not only awareness for the people, but also applies specifically to state leadership officials, as well as all human resources.

## **E. Acknowledgment**

None.

## **F. Declaration of Conflicting Interests**

The authors declare that there is no conflict of interest in this research or the publication of this research.

## G. Funding Information

None

## H. References

- Abdurofiq, Atep. (2016). *Politik Hukum Ratifikasi Konvensi PBB Anti Korupsi di Indonesia* Jurnal Cita Hukum. Vol. 4 No. 2 Desember. P-ISSN: 2356-1440. E-ISSN: 2502-230X.
- Agustine, Vina. (2012). *Kebijakan Formulasi Hukum Pidana Terhadap " Justice Collaborator" Dalam Tindak Pidana Korupsi Di Indonesia*, Diponegoro Law Review, Volume 1, Nomor 4.
- Anjari, Warih. (2015). *Pencabutan Hak Politik Terpidana Korupsi Dalam Perspektif Hak Asasi Manusia*, Jurnal Yudisial Vol. 8 No. 1 April.
- Anwar, Syamsul. (2006). *Fikih Antikorupsi Perspektif Ulama Muhammadiyah Majelis Tarjih dan Tajdid PP Muhammadiyah*, Jakarta: Pusat studi Agama dan Peradaban (PSAP).
- Artantojati, Sigit. (2012). *Perlindungan Terhadap Saksi Pelaku Yang Bekerjasama (Justice Callaborators) Oleh Lembaga Perlindungan Saksi Dan Korban (LPSK)*, Tesis, Program Studi Magister (S2) Ilmu Hukum Universitas Indonesia.
- Mahayanthi, Yosy Dewi. (2015). *Dasar Pertimbangan Hakim Dalam Menjatuhkan Putusan Pencabutan Hak Pilih Aktif Dan Pasif Terhadap Terpidana Tindak Pidana Korupsi Dalam Perspektif Hak Asasi Manusia*, Kementerian Riset Teknologi Dan Pendidikan Tinggi Universitas Brawijaya Fakultas Hukum.
- Faisal, (2012). *Menerobos Positivisme Hukum*, Bekasi: Gramata Publishing.
- Fatakh, Abdul. (2015) *Kejahatan Pidana Khusus Korupsi Di Indonesia Perspektif Hukum Islam Progresif Dalam Integritas Hukum Nasional*, Al-Mizan ISSN 1907-0985. EISSN 2442-8256 Volume 11 Nomor 1 Juni.
- Hadipratikto, Mungki. 2012. "Eksekusi Putusan Pidana Uang Pengganti dalam Perkara Tindak Pidana Korupsi." *Jurnal Nestor Magister Hukum*, vol. 2, no. 2.
- Huntington, Samuel P. (1968). *Political Order in Changing Societies*. New Haven: Yale University Press.

- 
- Indonesia Corruption Watch. 2014. *Catatan Pemantauan Perkara Korupsi Yang Divonis Oleh Pengadilan Selama Tahun 2013 hukuman koruptor belum menjerakan* 10 Januari 2014.
- Irawan, Benny. (2011). *Diskresi sebagai Tindak Pidana Korupsi: Kajian Kriminologi dan Hukum terhadap Fenomena Pejabat Otoritas*, MIMBAR, Vol. XXVII, No. 2. Desember.
- Isgiyataa, Jaka; Indayanib; Budiyni, Eko. (2018). "Studi Tentang Teori Gone dan Pengaruhnya Terhadap Fraud Dengan Idealisme Pimpinan Sebagai Variabel Moderasi: Studi Pada Pengadaan Barang/Jasa di Pemerintahan" *Jurnal Dinamika Akuntansi dan Bisnis* Vol. 5 (1).
- Kemendikbud, (2013) Kementerian Pendidikan dan kebudayaan RI Direktorat jendral pendidikan tinggi, *Pendidikan Anti Korupsi Untuk Perguruan Tinggi*. Slide share, 03 Agustus.
- Musarofa, Haliva. (2016). *Tinjauan Yuridis Terhadap Pencabutan Hak Politik Bagi Terpidana Korupsi Di Indonesia* JOM Fakultas Hukum Volume III Nomor I Februari.
- Salama, Nadiatus. (2014). *Motif dan Proses Psikologis Korupsi*, *Jurnal Psikologi* Volume 41, NO. 2, Desember.
- Naskah Akademik Rancangan Undang-Undang Tindak Pidana Korupsi Usul Inisiatif Masyarakat, 2005.
- Nye, J.S. (1967). "Corruption and Political Development: A Cost-Benefit Analysis", *American Political Science Review*, Vol LXI, No. 2, 1967.
- Poerwadarminta, W.J.S. (2007). *Kamus Umum Bahasa Indonesia*. Jakarta, Balai Pustaka, Cetakan Keempat.
- Pope, Jeremy. (2003). *Strategi Memberantas Korupsi; Elemen Sistem Integritas Nasional*, (terj.) Masri Maris, Jakarta: Yayasan Obor Indonesia.
- Raharjo, Satjipto. (2003). *Sisi Lain Dari Hukum Di Indonesia*, Jakarta: Kompas.
- Veranda, Ivon Rista. (2015). *Urgensi Pencabutan Hak Menduduki Jabatan Publik Bagi Pelaku Tindak Pidana Korupsi*, Vol 8.
- Hartono, Dian Rudi. (2016). *Pencabutan Hak Politik Terhadap Koruptor Perspektif Nomkrasi Islam*. Skripsi UIN Sunan Kalijaga Jogjakarta.
- Runtukahu, Ernest. (2012). *Korupsi Dalam Konsep Hukum Formal Dan Konsep Hukum Material*, *Lex Crimen* Vol.I. No. 2 Apr-Jun.
- Situmorang, Morgan. (2014). *Harmonisasi Hukum Nasional Dibidang Korupsi Dengan United Nations Convention Againsts Corruption*, *jurnal rechvinding* volume 3 No. 3 Desember.

---

Sibuea, Deypendy Tommy. (2016). *Kebijakan Hukum Pidana Dam Perampasan Aset Hasil Tindak Pidana Korupsi Di Indonesia*. Diponegoro law reivew, Volume 5 No. 2.

### **Regulations:**

Undang Undang Republik Indonesia No. 31 Tahun 2014 Tentan Lembaga Perlindungan Saksi Dan Korban, Bab Umum, Lembaran Negara Nomor 293 Tahun 2014

Undang-Undang Republik Indonesia No. 8 Tahun 1981 Tentang Hukum Acara Pidana

United Nations Convention Againts Corruption (UNCAC) 2013

Undang-undang No 13 Tahun 2006 tentang Perlindungan Saksi dan Korban.

Undang-Undang Nomor 20 Tahun 2001 tentang Pemberantasan Tindak Pidana Korupsi.

### **Website**

Jenis dan bentuk Korupsi, <https://www.kajianpustaka.com/2013/08/pengertian-model-bentuk-jenis-korupsi.html> diakses pada 7 Juni 2018

KPK, Anti-Corruption Clearing House "Akil Mochtar, Kasak-Kusuk Sang Hakim" <https://acch.kpk.go.id/id/artikel/fokus/akil-mochtar-kasak-kusuk-sang-hakim> diakses pada 18 November 2020 pukul 16.20 WIB

Pengertian Konvensional Menurut Ahli <http://www.pengertianmenurutparaahli.net/pengertian-konvensional-dan-contohnya/> diakses pada 17 Juni 2018

Sudarto, 2017. *Mekanisme Perampasan Aset Dengan Menggunakan Non-Conviction Based Asset Forfeiture Sebagai Upaya Pengembalian Kerugian Negara Akibat Tindak Pidana Korupsi*, Jurnal Pasca Sarjana Hukum UNS Vol IV No. 2 Juli-Desember.