

Ratification of the UN Anti-Corruption Convention: Legal and Political Implications in Indonesia and its Context within Southeast Asian International Law Discourse

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Abstract

This paper scrutinizes Indonesia's ratification of the UN Anti-Corruption Convention, examining its legal and political implications within Southeast Asia's international law discourse. Analyzing treaty provisions alongside Indonesia's legal framework, it assesses challenges and opportunities in combating corruption. The study emphasizes several key findings. Firstly, domestically, ratification showcases Indonesia's commitment to combat corruption, addressing a long-standing governance and economic development issue. Aligning with international standards signals intent to fortify anti-corruption efforts, bolster transparency, and augment accountability mechanisms. This aligns with



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fostering good governance practices vital for sustainable development and attracting foreign investment. Secondly, ratification holds political significance, affirming the government's dedication to tackling corruption, potentially enhancing its legitimacy. However, effective implementation may face hurdles due to entrenched political interests and bureaucratic challenges. In the Southeast Asian context, Indonesia's ratification serves as a model for regional cooperation against corruption. As a major economy and populous nation, Indonesia's commitment sets a precedent for collective action. It underscores the importance of regional collaboration in combating corruption, opening avenues for dialogue, collaboration, and capacity-building initiatives. This offers prospects for strengthening anti-corruption frameworks and mechanisms both nationally and regionally. In conclusion, Indonesia's ratification of the UN Anti-Corruption Convention signifies a pivotal step in combating corruption domestically and regionally. While it showcases political will and potential for regional cooperation, effective implementation remains contingent on overcoming internal challenges and fostering collaboration across Southeast Asia. This study illuminates the complex interplay between national and international efforts to combat corruption, contributing to a deeper understanding of the regional dynamics at play.

KEYWORDS *UN Anti-Corruption Convention, Ratification, Southeast Asia Legal Framework, Combating Corruption*

Introduction

The ratification of international conventions often serves as a critical juncture for nations, signaling their commitment to global standards and principles. Among these, the United Nations Anti-Corruption Convention stands as a pivotal instrument aimed at combating corruption on a transnational scale. In the context of Southeast Asia, where corruption has been a persistent challenge, the decision to ratify such a convention carries significant legal and political implications. In this study, we delve into the intricacies surrounding Indonesia's ratification of the UN Anti-Corruption Convention, examining its

implications within both the national and regional contexts, particularly within the discourse of Southeast Asian international law.¹

In this context, corruption, pervasive in many facets of society, undermines governance, erodes public trust, and stifles economic development. Recognizing the urgency of addressing this scourge, Indonesia embarked on the path of ratifying the UN Anti-Corruption Convention, joining a global coalition committed to combating corruption. However, the decision to ratify such a convention is not merely symbolic; it carries profound legal and political ramifications.²

At the legal level, ratification of the UN Anti-Corruption Convention necessitates aligning national legislation with its provisions, bolstering anti-corruption frameworks, and enhancing mechanisms for international cooperation in combating corruption-related crimes. This process entails not only enacting new laws but also strengthening enforcement mechanisms and judicial systems to ensure effective implementation. Moreover, it may require amendments to existing legal frameworks to address gaps and inconsistencies, thereby enhancing the legal infrastructure for combating corruption within Indonesia.³

¹ See Ridwan Arifin, "Analisis Hukum Internasional dalam Perampasan Aset di Negara Kawasan Asia Tenggara Berdasarkan United Nations Convention Against Corruption (UNCAC) dan ASEAN Mutual Legal Assistance Treaty (AMLAT)." *Jurnal Penelitian Hukum Gadjah Mada* 3, no. 1 (2016): 37-55; Sylvana Agnetha Wulan Widyastuty, Rina Shahriyani Shahrullah, and Elza Syarif. "Pengembalian Aset Tindak Pidana Korupsi Berdasarkan United Nation Convention Against Corruption Di Kawasan ASEAN." *Legal Spirit* 6, no. 2 (2022): 165-176.

² Alex B. Brillantes, and Maricel T. Fernandez. "Toward a reform framework for good governance: Focus on anti-corruption." *Philippine Journal of Public Administration* 54, no. 1-2 (2010): 87-127; Ahmad Khoirul Umam, "Understanding the influence of vested interests on politics of anti-corruption in Indonesia." *Asian Journal of Political Science* 29, no. 3 (2021): 255-273.

³ Nurul Afzan Najid, et al. "Anti-Corruption Initiatives: Experience of Several Southeast Asia Countries." *Gading Journal for Social Sciences* 23, no. 2 (2020): 9-24; Ridwan Arifin, Siti Faridah, and Mohammad Naefi. "Misdemeanor of Corruption within the Scope of International Law and the Legal Consequences." *Journal of Indonesian Legal Studies* 4, no. 2 (2019): 299-314.

Furthermore, for instance there was an incident involving the chairman of a prominent state institution ensnared in a bribery case regarding sugar quotas ignited widespread public scrutiny, amplifying discussions across regional and national mass media platforms. This episode underscores the entrenched nature of corruption, often termed a "*social pathology*," which undermines governmental structures and poses significant barriers to progress and development.⁴ Yet, combating corruption proves exceedingly challenging, as substantiating evidence is elusive and legal grounds for prosecution are often elusive. Nevertheless, corruption persists as a latent peril demanding vigilance from both governmental authorities and society at large.

Corruption is an act of the attitude of life of a group of people who use money as a level of truth and as absolute power. As a result, wealthy corruptors and corrupt politicians who have excessive money can enter the ruling elite and are highly respected. These people will also occupy a high social status in the eyes of society. Corruption has been going on for a very long time, from the time of Ancient Egypt, Babylonia, Rome to the Middle Ages and to the present. It is undeniable that corruption occurs in several countries, even in developed countries. Even in the United States, which is so developed, there is still corruption. Conversely, in primitive societies where social ties were still very strong and social control effective, corruption was relatively rare.⁵

However, with the rapid development of the economic and political sectors and the development of development efforts with the opening of new natural resources, so is the stronger incentive of the main individuals among civil servants to engage in corrupt practices and embezzlement

⁴ Suci Nabila, "Social Loss Corruption Cases in Indonesia: How Should the Corruptors Punished?." *Indonesian Journal of Criminal Law Studies* 4, no. 1 (2019): 65-82. See also Marina Zaloznaya, "The social psychology of corruption: Why it does not exist and why it should." *Sociology Compass* 8, no. 2 (2014): 187-202; Susan Rose-Ackerman, "Corruption: greed, culture and the state." *Yale Law Journal Online* 120 (2010): 125-140.

⁵ Maryvonne Génaux, "Social sciences and the evolving concept of corruption." *Crime, Law and Social Change* 42 (2004): 13-24.

efforts.⁶ Corruption begins with the urgency of desired development efforts, while the bureaucratic process is relatively slow, so that everybody or person really hopes for a faster shortcut by offering something tempting such as a monetary reward or bribe.

The corruption will occur continuously as long as there are no measures to control the government and society. For the realization of national development goals, corruption must be eradicated regardless of the circumstances. There are various ways to overcome corruption, such as starting from preventive and repressive. Corruption is a very virulent disease that eats away at public health like cancer that takes human life step by step.

This opinion was expressed by prominent sociologist Selo Soemardjan in his introduction to the book *'Eradicating Corruption'* by Robert Klitgaard. Selo's view clearly contradicts the opinion of some people who say that corruption is part of the black side of the Indonesian mentality. This public opinion that is considered correct arises considering so many corrupt practices in various places and community groups in Indonesia. Not only that, with the intensification of efforts to promote democratization and transparency in various fields of life, more and more governments in countries in the world are using step-by-step steps to realize the implementation of a clean and corruption-free country.⁷

The research model employed in this study is quantitative, focusing on the ratification of international law, particularly the UN convention against corruption, and its implications for domestic conditions, particularly within Indonesia. This approach aims to delve into the intricacies of corruption issues in Indonesia, seeking to identify underlying

⁶ See Frank Anichiarico, and James B. Jacobs. *The pursuit of absolute integrity: How corruption control makes government ineffective*. (Chicago: University of Chicago Press, 1996). See also Van Rijckeghem, Caroline, and Beatrice Weder. "Bureaucratic corruption and the rate of temptation: do wages in the civil service affect corruption, and by how much?." *Journal of Development Economics* 65, no. 2 (2001): 307-331.

⁷ See Robert Klitgaard, "Subverting corruption." *Finance & Development* 37, no. 2 (2000); Robert Klitgaard, "Managing the fight against corruption: A case study." *Public Administration and Development* 4, no. 1 (1984): 77-98. See also Robert Klitgaard, *Controlling corruption*. (California: Univ of California Press, 1988).

problem areas. Data collection methods involve sourcing relevant literature from books and reputable international journals with a thematic focus on the subject matter.

Data processing techniques entail scrutinizing collected data through thorough examination of book references, international journals, and other pertinent sources related to the subject matter at hand. This meticulous approach ensures comprehensive analysis and interpretation of the gathered information. Additionally, the study adopts a descriptive nature, intending to provide detailed insights into the current state of affairs. Materials gathered from books and journals are meticulously presented in a structured manner, facilitating a nuanced understanding of the relationship between the ratification of international law, particularly the UN convention against corruption, and its impact on the domestic landscape, particularly within Indonesia.

Combating Global Corruption: Indonesian Experience and Problems

Upon closer examination, the failure to address corruption within a nation or its governing regime can result in systemic decay, transforming governmental structures into parasitic entities that drain resources and hinder progress. Corruption permeates every aspect of governance, eroding the efficiency of administrative processes and siphoning off vital resources. This pervasive corruption not only undermines economic efficiency by diverting funds from productive endeavors to illicit activities but also undermines political legitimacy and erodes societal trust in the fairness of governmental institutions. Consequently, a sense of justice within society diminishes as corruption flourishes, leading to widespread disillusionment and disenchantment with the governing authorities.

Moreover, the unchecked proliferation of corruption poses a significant threat to the stability and integrity of the state. As corruption seeps into the fabric of governance, it weakens the foundations of the state, rendering it vulnerable to internal strife and external pressures. The erosion of public trust in governmental institutions exacerbates social tensions and diminishes cohesion within society. Ultimately, the corrosive effects of corruption can lead to widespread social unrest, undermining the

stability and viability of the state. Therefore, combating corruption is not merely a matter of moral imperative but also a critical necessity for safeguarding the economic prosperity, political stability, and social cohesion of the nation.

In Indonesian contexts, the endeavor to combat corruption holds paramount significance within the realms of politics and law, particularly concerning governmental efforts to curb or eradicate corrupt practices. The commitment of a government, as the custodian of the state, to address corruption serves as a litmus test for its dedication to this cause. A nation's "*political will*" and commitment to tackling corruption are often gauged by the extent to which it has ratified and implemented anti-corruption regulations and measures. These legislative actions reflect the seriousness with which a country approaches the challenge of corruption and its determination to uphold integrity and transparency within its governance structures.⁸

The implementation of the convention on anti-corruption is very important, considering that:

1. To handle and resolve corrupt practices carried out by public officials (state officials).
2. In order to strengthen multilateral cooperation when preventing and handling and resolving corrupt practices directly or indirectly that drag public officials (state apparatus).

Thus, the application of international conventions to a country is not arbitrary, but uses a procedure known as ratification. In relation to the government's responsibility to fight corrupt practices by ratifying the convention on anti-corruption, it is also bound to the authority of the government as a party that has *political will* to formulate legal policies regarding anti-corruption. With the intent, in order to fight corruption,

⁸ See Ali Mukartono, and Muhammad Rustamaji. "The Development of Corruption in Indonesia (is Corruption a Culture of Indonesia?)." *3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019)*. Atlantis Press, 2019; Meuthia Ganie-Rochman, and Rochman Achwan. "Corruption in Indonesia's emerging democracy." *Journal of Developing Societies* 32, no. 2 (2016): 159-177; Kanti Pertiwi, and Susan Ainsworth. "'Democracy is the cure?': Evolving constructions of corruption in Indonesia 1994–2014." *Journal of Business Ethics* 173, no. 3 (2021): 507-523.

the government is required to have legal politics. Similar to what was conveyed by Reus Smit, international legal politics has two meanings, namely:

- a. Explain how politics influences, prints and guides international law. International law is a reflection of power politics or as a functional solution to problems.
- b. Explain politics to international law; that law can shape politics, manifest different forms of politics can be in the practice of law and *legal reasoning*.

The purpose of Reus-Smit is to provide a better understanding of these two meanings. How international politics affects international law and vice versa how law is a guide that creates political expression.⁹ From the explanation explained by Reus Smit, the legal politics of ratification of the anti-corruption convention is intended as a political decision regarding the ratification of the anti-corruption convention which covers state policy on how the ratification of the convention was created and implemented in order to build a better future, namely a clean state life and avoid corrupt practices, especially those carried out by public officials.

Corruption is a problem that never ends up being discussed and resolved. Corruption is a disease of the Indonesian nation because it has been happening for a long time, strong and designed. Corruption causes a disaster for the national economy and disrupts the system of governance. Corruption is not about the loss of state money alone, but results in poverty and makes people suffer from people. Laws and regulations have considered such acts as *extra ordinary crimes*.¹⁰

Corruption has ravaged state finances across various sectors, including banking, state-owned enterprises, government agencies, and natural resources meant for the people's welfare. Perpetrators range from

⁹ Christian Reus-Smit, *The Politics of International Law* (Cambridge: Cambridge University Press, 2004).

¹⁰ Vidya Prahassacitta, "The Concept of Extraordinary Crime in Indonesia Legal System: Is the Concept an Effective Criminal Policy?." *Humaniora* 7, no. 4 (2016): 513-521; I. Ketut Seregig, "Motives of Criminal Acts of Corruption in Indonesia." *Yustisia* 7, no. 2 (2018): 228-246. See also Tim Lindsey, and Helen Pausacker. "Crime and punishment in Indonesia." *Crime and Punishment in Indonesia*. (London: Routledge, 2020), pp. 1-17.

high-ranking officials, including the president, to officials in both central and regional governments, encompassing both legislative and executive branches. The scale of corruption is staggering, with vast sums diverted from public coffers. According to former Minister of Finance and Head of Bappenas, Kwik Kian Gie, an estimated 215 trillion was siphoned from taxation and state budget expenditures in 2003 alone. Further, Attorney General Abdurrahman Saleh, disclosed an even higher figure, suggesting that corruption had swallowed up approximately Rp 305 trillion. Notably, these figures do not encompass corruption within the judiciary or prosecutor's offices, which often remains obscured from public scrutiny.¹¹

A. Ratification of International Agreement: Problems and Challenges in Combating Corruption

An international agreement, if studied from the side of its making, can be divided into three stages, namely *first, negotiation, signature and ratification. Second*, international agreements whose making only go through two stages, namely: negotiations and signing. So that an international treaty, in order to tighten a country, there is a time when it is confirmed using an endorsement or ratification. This ratification is considered a very important thing to unite oneself to a treaty. So now ratification has become a fundamental element in order to unite oneself against an agreement between countries.

The explanation of ratification itself is explained by several Indonesian legal, such as Mochtar Kusumaatmadja and Wirjono Prodjodikoro¹², emphasized that ratification is strengthening by the

¹¹ Kwik Kian Gie, *Pemberantasan Korupsi untuk Meraih Kemandirian, Kemakmuran, Kesejahteraan dan Keadilan* (Jakarta: Texbook, 2003). See also Martin J. Bull, and Newell, James (eds). *Corruption in Contemporary Politics*. (London: Palgrave Macmillan, 2003).

¹² Mochtar Kusumaatmadja, *Pengantar Hukum Internasional* (Bandung: Bina Cipta, 1981). See also Wirjono Prodjodikoro. *Asas-Asas Hukum Publik Internasional*. (Jakarta: Pembimbing Masa, 1967). Furthermore it is highlighted that ratification in the context of international law in Indonesia refers to the formal process by which the country expresses its consent to be bound by an international agreement. After

authorized body in his country of a treaty. In addition, ratification is an official statement from the government of each country that ratifies the *treaty*. In the other side, Starke stated that ratification is the approval of a head of state or government on the signature of his representative contained in the treaty.¹³ According to Ian Brownlie, ratification is a form of state statement about its willingness to be bound by an international treaty.¹⁴

As a sovereign state and an active member of the international community, Indonesia follows specific procedures for ratifying international agreements. Upon negotiating and finalizing an agreement, typically involving diplomatic representatives, Indonesia's ratification process begins internally. This process entails scrutiny and approval by relevant governmental bodies, predominantly the executive branch, often under the auspices of the President, and occasionally involving the legislative branch, such as the People's Consultative Assembly. Once approved internally, Indonesia formally expresses its consent to be bound by the agreement through the submission of an instrument of ratification to the designated depository, which could be an international organization or specified authority. This instrument serves as Indonesia's official

the agreement is signed by the Indonesian government, the next step involves the internal ratification process, which typically requires approval from the executive, usually the President, and sometimes from the legislative body, such as the People's Consultative Assembly. Upon completion of the ratification process, Indonesia submits the instrument of ratification to the depository of the agreement, such as the Secretary-General of the United Nations. This confirms Indonesia's willingness to comply with the provisions of the agreement. Once a sufficient number of countries have ratified the agreement according to the specified requirements, the agreement enters into force and becomes binding on the parties that have ratified it. Internationally ratified agreements usually have legal force in Indonesia and must be respected and enforced by the competent authorities domestically. *See also* Simon Butt, "The Position of International Law Within the Indonesian Legal System." *Emory International Law Review* 28, no. 1 (2014): 1-28.

¹³ J. G. Starke, "The Concept of Opposability in International Law." *The Australian Year Book of International Law Online* 4, no. 1 (1971): 1-4; J. G. Starke, *Introduction to International Law*. (London: Butterworth Legal, 1984).

¹⁴ Ian Brownlie, *Principles of Public International Law*. (London: Oxford University Press, 1973).

confirmation of its commitment to uphold the terms of the agreement. Subsequently, upon fulfillment of any specified conditions, such as the required number of ratifications by other states, the agreement enters into force, becoming legally binding on Indonesia. This process underscores Indonesia's adherence to international norms and obligations, ensuring the alignment of its domestic policies with its international commitments.¹⁵

In the current Constitution, the 1945 Constitution, there is Article 11 as the legal basis for ratification. However, Article 11 of the 1945 Constitution does not clearly state the issue of ratification, both regarding the distribution of agreements from important to unimportant, or about the form of approval from the DPR. Article 11 of the 1945 Constitution, in full reads as follows: "*The President with the approval of the House of Representatives, declares war, makes peace and treaties with other countries.*"

B. Reason for Action in Constructivism in Combating Global Corruption

The main idea of constructivism is: *first*, structure shapes the behavior of social and political actors. The individual or state not only has a material aspect, but there are normative and ideational aspects. It is these interests that these political actors develop. *Second*, between structure and agent there is a relationship to determine one another. There is a reciprocal

¹⁵ See Hikmahanto Juwana, "Kewajiban Negara dalam Proses Ratifikasi Perjanjian Internasional: Memastikan Keselarasan dengan Konstitusi dan Mentransformasikan ke Hukum Nasional." *Undang: Jurnal Hukum* 2, no. 1 (2019): 1-32; Welly Angela Riry, "Ratifikasi Perjanjian Internasional Sebagai Salah Satu Bentuk Politik Hukum Nasional." *Jurnal Syntax Transformation* 2, no. 2 (2021): 244-250; Yosua Yohanes Robot Simbawa Ume, "Implikasi Proses Ratifikasi Perjanjian Internasional terhadap Hukum Nasional." *Lex et Societatis* 8, no. 1 (2020): 24-32. See also Ni'matul Huda, Dodik Setiawan Nur Heriyanto, and Allan Fatchan Gani Wardhana. "The urgency of the constitutional preview of law on the ratification of international treaty by the Constitutional Court in Indonesia." *Heliyon* 7, no. 9 (2021); Iur Damos Dumoli Agusman, *Treaties Under Indonesian Law: A Comparative Study*. (Bandung: Remaja Rosdakarya, 2015); Kholis Roisah, et al. "Dynamics and Practices of the Implementation of International Treaties in Indonesian Laws." *Res Militaris* 12, no. 2 (2022): 2797-2806.

relationship between actors and structures where structures are influenced by actors, and vice versa. *Third*, interests are a manifestation of the identity of political actors.¹⁶

With the presence of constructivism provides several important contributions to the world of international relations, namely: *first*, increasing material on the way of view in analyzing an event in international relations related to perspective theory. So that events in the international world can be analyzed from various points of view. *Second*, constructivism became the originator of a renewal of interest in international theory. *Third*, constructivism brings a new level of conceptuality and experience in analyzing international and world societies.

In the book Reus Smit, *The Politics of International Law*, the politics of international law has two meanings, namely: (a) explaining how politics influences, shapes and directs international law. International law is a reflection of power politics or as a functional solution to problems, and (b) describes politics in international law; While law can shape politics, politics can take different forms when it comes to legal practice and legal reasoning.¹⁷

The idea that politics is concerned with power and the pursuit of objectives and that international law is epiphenomenal and a *set of functional rules* has been challenged over the past few decades by constructivist international theory.¹⁸ Often labeled as "*the new idealists*", constructivists put forward three main propositions regarding *the social nature of international relations*.

First, structure as a shaper of the behavior of social and political actors, both individuals and states, has not only material, but also normative and ideational aspects. The actor's response to his material environment is not only influenced by the knowledge present in a

¹⁶ Scott Burchill, Matthew Paterson, Christian Reus-Smit, Andrew Linklater, Richard Devetak, Jacqui True, Jack Donnelly. *Theories in International Relations*. (London: Palgrave Macmillan, 2005).

¹⁷ Christian Reus-Smit, *The Politics of International Law* (Cambridge: Cambridge University Press, 2004).

¹⁸ Emanuel Adler, "Seizing the middle ground: Constructivism in world politics." *European Journal of International Relations* 3, no. 3 (1997): 319-363.

particular structure but is also influenced by the intersubjective beliefs that shape the identity of the actor and also determine his interests.¹⁹

Second, constructivists prove that if you want to understand the behavior of states and other actors, you must understand how their social identity conditions their goals and actions. In contrast to rationalists and realists who firmly assemble the processes of interest formation, constructivists believe that an actor's social identity exerts an influence on the actor's interests, with significant implications on how the actor behaves.²⁰

Then, identity must be stated at socially because identity is not simply formed but through learning and dialogue carried out by actors with the prevailing norms of legitimate agents or institutions that form identity roles to define the *sense* of the actor. In this view actors do not only act in response to their material environment; However, actors also have intersubjective beliefs, which ultimately shape the identity of the actor and in turn shape their interests. If you want to know the behavior of actors, you need to know their social identity as well, where that identity conditions and shapes the interests and actions of the actor. Human beings are always related, this relationship will manifest their beliefs and these beliefs will form identity, identity then affects interests and interests will affect their actions. Because humans are always interacting, they are not static beings, but dynamic, so they can make changes (transformations).²¹ At the core of the idea of constructivism is *reason for action*.²² *Reason* is an individual or collective motive (the reason why NATO bombed Serbia) and is a *justificatory claim*.²³ *Reason* has two dimensions, namely internal and external dimensions or *private-public*. Normative and ideational

¹⁹ Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999).

²⁰ Audie Klotz, *Norms in International Relations: The Struggle Against Apartheid* (Ithaca: Cornell University Press, 1995).

²¹ Alexander E. Wendt, "The agent-structure problem in international relations theory." *International organization* 41, no. 3 (1987): 335-370.

²² Kratochwil, Friedrich V. *Rules, Norms, and Decisions: On the Condition of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge: Cambridge University Press, 1989).

²³ Reus-Smit, *The Politics of International Law*.

structures shape the actor's reason in two dimensions, namely: (a) through the process of socialization, with socialization the structure forms the actor's definition of who he is and what he wants. (b) through the process of public justification, by which such justification the structure provides a framework for logic of argument.

Constructivists are concerned with understanding *reason for action*, focusing not only on the *so-called logic of appropriateness* on the conformity of *action* to normative rules, but also on the *logic of argumentation* in that norms provide a communicative framework within which actors debate legitimate issues of agency, goals and strategies.²⁴ Politics is a multidimensional form of human action and consideration.²⁵

The *nature of politics* includes 4 types of reason: (a) *Idiographic* refers to "*who I am*" and relates to identity. (b) *Purposive* refers to "*what I want*" with regard to the process of forming interests/preferences. (c) *Ethical* designates how "*I should act*" there are social norms. (d) *Instrumental* designates how "*I can get what I want*" with regard to method or means. The important point to be drawn is that actors' political actions are influenced by the consideration of these four types of reasons.

An example of this is NATO's act of bombing Serbia can be explained as an action carried out after considering the 4 things above. In rationalizing and justifying their actions, NATO members assert that their identity as a group founded on democratic principles or norms, individual freedom and the rule of law, directs their goals or interests in addressing the challenges of the crisis in Kosovo, and that NATO military action is the right way to achieve these goals or interests. Politics has a special form of reason because of its interstitial qualities.

Carr provides a different terminology, the idea of politics captured in Carr's critique although it ignores the observation that politics is

²⁴ Thomas Risse, "'Let's argue!': communicative action in world politics." *International organization* 54, no. 1 (2000): 1-39.

²⁵ Reus-Smit, *The Politics of International Law*, pp. 24-25. See also Goldsmith, Jack L., and Eric A. Posner. *The limits of International Law*. (Oxford: Oxford University Press, 2005); Rosalyn Higgins, *Problems and process: international law and how we use it*. (Oxford: Oxford University Press, 1995); David Kennedy, "International law and the nineteenth century: History of an illusion." *Nordic Journal of International Law* 65, no. 3 (1996): 385-420.

inseparable from power. But the concept of *homo politicus*²⁶ in which actors only attempt to gain power is as unreal a myth as the concept of *homo economicus* where actors only attempt to gain profit. According to Carr, political action should be based on coordination between morality and power.²⁷

If political considerations are very multi-dimensional. This also applies to *political action*. Since *political action* is a behavioral expression of *political reason*, each aspect of that reason influences practical political expression. Idiographic reasoning lies behind actors' behavior in order to articulate, justify, demonstrate, organize, and debate the identity of actors through verbal communication and ritual processes.

²⁶ "Homo politicus" is a concept used in political theory to describe the idea of humans as political animals or beings inherently inclined towards participation in political life. The term originates from ancient Greek philosophy, particularly Aristotle's works on politics. Aristotle believed that humans are naturally social creatures and that political participation is an essential aspect of human nature. Homo politicus emphasizes the fundamental role of individuals in shaping and participating in political communities, institutions, and processes. It suggests that humans have an inherent need for community and governance, and they find fulfillment and identity through their involvement in political affairs. In contemporary political discourse, the concept of homo politicus underscores the importance of civic engagement, democratic participation, and the pursuit of collective interests for the well-being of society. *See also* Neta C. Crawford, "Homo politicus and argument (nearly) all the way down: Persuasion in politics." *Perspectives on Politics* 7, no. 1 (2009): 103-124; Christian Reus-Smit, "Politics and international legal obligation." *European Journal of International Relations* 9, no. 4 (2003): 591-625; Mihailo Djurić, "Homo politicus." *Praxis: Yugoslav Essays in the Philosophy and Methodology of the Social Sciences*. (Dordrecht: Springer Netherlands, 1979), pp. 101-119.

²⁷ Carr, "Twenty Years Crisis", in Christian Reus-Smit, *The Politics of International Law* (Cambridge: Cambridge University Press, 2004). *See also* Hedley Bull, "The twenty years' crisis thirty years on." *International Journal* 24, no. 4 (1969): 625-638; Philip Cunliffe, *The New Twenty Years' Crisis: A Critique of International Relations, 1999-2019*. (Montreal: McGill-Queen's Press-MQUP, 2020).

Background to the Establishment of the UN Convention Against Corruption

Entering the 21st century, one of the visions of the international community is a stronger agreement to cooperate with each other in terms of eradicating corrupt practices. This is evidenced by the signing of the declaration to eradicate corruption in the 2003 UNCAC (United Nations Convention Against Corruption) held by the United Nations. UNCAC 2003 was held because corruption has shaken the joints of social and economic life of people in a country and created implications for the international community. In addition, corruption has the potential to disrupt the stability and security of society and can weaken democratic values, ethics, justice, and legal certainty. The weakening of these values seriously endangers the continuity and sustainability of development (*jeopardizing sustainable development*). In practice, corruption can be a link in the chain of organized crime, money *laundering*, and other *economic crimes*. The major crimes that arise as a result of this corruption can undermine the principles of fair *competition* and foster *unfair competition* in the business world.²⁸

²⁸ It is highlighted that corruption can lead to significant criminal activities that undermine the principles of fair competition and promote unfair practices in the business realm. When corruption occurs within governmental or regulatory bodies, it can distort the market by favoring certain businesses or individuals unfairly. For example, bribes or kickbacks may be used to secure contracts or permits, giving corrupt entities an advantage over honest competitors. This distorts the level playing field essential for fair competition. Additionally, corruption can lead to the misallocation of resources, inefficient business practices, and reduced transparency, all of which contribute to an environment conducive to unfair competition. Ultimately, these major crimes associated with corruption erode trust in the market, discourage investment, and hinder economic growth. Thus, combating corruption is crucial for maintaining the integrity of the business environment and upholding the principles of fair competition. See Antonio Argandoña, "The United Nations convention against corruption and its impact on international companies." *Journal of Business Ethics* 74 (2007): 481-496; Stuart Poole-Robb, and Alan Bailey. *Risky business: Corruption, fraud, terrorism and other threats to global business*. (London: Kogan Page, 2002). See also Unggul Satria, Hadin Muhjad Muhammad, and Fikri Hadin Ahmad. "Conflicts of Interest, Private Sector Corruption And Eradication Strategies In Indonesia: UNCAC Review." *Psychology and Education* 58, no. 5

Before UNCAC was formed, there were several international Anti-Corruption Conventions, namely:²⁹

1. 1977 The United States Congress by companies in the United States. This congress raised the issue of corrupt practices in the form of criminalization of bribery by foreign officials.
2. 1980 Cold War Security promotes international anti-corruption conventions.
3. 1996 The first regional Inter-American Convention Against Corruption
4. 1997 The OECD Convention on Bribes by foreign officials (Bribery of Foreign Public Officials).
5. 1998-1999 The Council of Europe produced 2 anti-corruption agreements: Criminal Law; Civil Law Convention.
6. 2000 The UN Convention in eradicating Transnational Organized Crime.
7. 2003 The African Union Convention on the prevention and eradication of corruption.

UNCAC (United Nations Convention Against Corruption) is the first anti-corruption convention at the global level that takes a comprehensive approach in solving corruption problems. UNCAC consists of eight chapters with 71 articles requiring ratifying states to implement the content of the convention.

The general objectives of the 2003 UNCAC are: (1) Promote and take decisive measures *to prevent and combat corruption more efficiently and effectively*. (2) Promote, facilitate, and support international cooperation and technical *assistance in the prevention of and fight against corruption*,

(2021): 774-784; Deni Setya Bagus Yuherawan, "Obstruction of Justice in Corruption Cases." *Journal of Indonesian Legal Studies* 5, no. 1 (2020): 225-256.

²⁹ A. Katarina Weilert, "United nations convention against corruption (UNCAC)—after ten years of being in force." *Max Planck Yearbook of United Nations Law Online* 19, no. 1 (2016): 216-240; Karen Hussmann, and Hannes Hechler. "Anti-corruption policy making in practice: Implications for implementing UNCAC." *U4 Brief* 2008, no. 1 (2008).

*including in asset recovery. (3) To promote integrity, accountability and proper management of public affairs and public property.*³⁰

³⁰ The United Nations Convention against Corruption (UNCAC), established in 2003, embodies a global commitment to combatting corruption by laying down comprehensive objectives. These objectives primarily focus on prevention, criminalization and law enforcement, international cooperation, asset recovery, and technical assistance. Prevention efforts target the promotion of transparency, accountability, and integrity in both public and private sectors. Criminalization and law enforcement mechanisms aim to prosecute and punish corruption-related offenses effectively, including bribery and money laundering. International cooperation is vital for addressing cross-border corruption, facilitating extradition, and recovering illicit assets. Additionally, the UNCAC emphasizes the importance of providing technical assistance and fostering information exchange to aid countries in implementing anti-corruption measures. However, in Indonesia, despite its ratification of the UNCAC and the enactment of anti-corruption laws, such as the Anti-Corruption Law (UU No. 31 Tahun 1999), significant challenges persist in effectively combatting corruption. One major issue is weak implementation and enforcement of anti-corruption measures, leading to impunity for corrupt individuals. Political interference also undermines the independence and efficacy of anti-corruption agencies like the Corruption Eradication Commission (KPK). Limited institutional capacity, resources, and expertise further hinder effective investigation and prosecution of corruption cases. Moreover, cultural norms accepting bribery and nepotism, along with structural issues within the legal and judicial systems, pose significant barriers to anti-corruption efforts. Furthermore, high-level corruption involving politicians, government officials, and business elites remains deeply entrenched and difficult to address due to power dynamics and inadequate accountability mechanisms. Tackling these challenges requires sustained efforts to strengthen institutional capacity, ensure accountability, and foster a culture of transparency and integrity across all sectors of society. This includes empowering anti-corruption agencies, enhancing coordination among relevant stakeholders, and promoting public awareness and engagement in anti-corruption initiatives. Despite the obstacles, continued dedication to the principles outlined in the UNCAC is essential for combating corruption effectively and promoting good governance and sustainable development in Indonesia and beyond. See Simon Butt, "Anti-corruption reform in Indonesia: an obituary?," *Bulletin of Indonesian Economic Studies* 47, no. 3 (2011): 381-394; Sofie Arjon Schütte, "Against the odds: Anti-corruption reform in Indonesia," *Public Administration and Development* 32, no. 1 (2012): 38-48; Richo Andi Wibowo, "When anti-corruption norms lead to undesirable results: learning from the Indonesian experience," *Crime, Law and Social Change* 70, no. 3 (2018): 383-396.

The United Nations Convention against Corruption (UNCAC) stands as a pivotal international instrument in the fight against corruption, delineating a meticulous framework comprising eight chapters. Chapter I sets the groundwork with General Provisions, encapsulating the Convention's overarching objectives and principles, including the Statement of Purpose and mechanisms for upholding sovereignty while combating corruption. Chapter II, titled Preventive Measures, establishes a multifaceted approach to thwarting corruption, spanning the adoption of robust policies and practices across the Public and Private Sectors, stringent rules of conduct for officials, and measures to curtail money laundering. This chapter underscores the importance of preventative strategies to stem corruption's proliferation, emphasizing transparency, accountability, and ethical governance as fundamental pillars in fostering integrity.

Chapter III delves into Crime and Law Enforcement, delineating offenses such as Bribery, Embezzlement, and Trading Influence, alongside procedural aspects like Prosecution, Trial, and Asset Recovery. With a focus on both national and international legal frameworks, this chapter outlines mechanisms to combat corruption-related crimes comprehensively, ensuring effective law enforcement and judicial procedures to hold perpetrators accountable. Furthermore, Chapter IV, International Cooperation, underscores the imperative of cross-border collaboration to address the transnational nature of corruption. Through mechanisms such as Extradition, mutual legal assistance, and Joint Investigations, this chapter facilitates cooperation among nations to pursue corrupt individuals and recover illicitly obtained assets, bolstering the global fight against corruption through concerted efforts.

In Chapter V, Return of Assets, provisions are outlined to prevent the transfer of proceeds of crime and facilitate the repatriation of assets through international cooperation mechanisms. Additionally, Technical Assistance and Information Exchange are addressed in Chapter VI, emphasizing the importance of capacity-building initiatives and the exchange of expertise and resources to enhance the implementation of the Convention. As Implementing Mechanisms are detailed in Chapter VII, including the Conference of States Parties and the Secretariat, and Final Provisions are delineated in Chapter VIII, covering aspects such as Dispute

Resolution and Amendment procedures, the UNCAC emerges as a comprehensive framework designed to combat corruption on a global scale, fostering integrity, accountability, and the rule of law across diverse legal systems and jurisdictions.

A. UNCAC Stages

The process of making UNCAC (United Nations Convention Against Corruption) is carried out through several stages, namely: Negotiation, Signature, and Ratification. The implementation of these stages took a short time, so that finally came to the final completion of the convention.

First, negotiation. The drafting of the United Nations Convention began in 2000 where the United Nations General Assembly in its 55th session, through Resolution Number 55/61 on December 6, 2000, considered the need for the formulation of international legal instruments against corruption globally. These international legal instruments are indispensable to bridge disparate legal systems and at the same time promote efforts to eradicate corruption effectively. To this end, the United Nations General Assembly established an *Ad Hoc Committee* tasked with negotiating the draft Convention.³¹ The Ad Hoc Committee consisting of the majority of member states of the United Nations took almost 2 (two) years to complete the discussion before finally agreeing on the final text of the Convention to be submitted and accepted by the United Nations General Assembly.

Second, signature. The United Nations Convention Against Corruption was accepted by the UN General Assembly on October 31, 2003 at UN Headquarters in New York, USA. The signing process of the convention was held from 9 to 11 December 2003 in Merida, Mexico. The number of countries that have signed is 111. Then the signing process continued until September 19, 2005 at UN Headquarters and at that time

³¹ Sofie Arjon Schütte, "The fight against corruption in Indonesia." *Südostasien Aktuell: Journal of Current Southeast Asian Affairs* 26, no. 4 (2007): 57-66. See also Ridwan Arifin, "Combating Corruption under ASEAN cooperation: the emerging issues." *Political and Security Issues in ASEAN* 25 (2014): 35-36.

there were 140 countries that signed the convention. This signing process is in accordance with Article 67 Paragraph 1 of UNCAC.³²

Third, ratification. The binding force of the *United Nations Convention Against Corruption* only occurred on September 15, 2005 after 30 countries that had signed to ratify the content of the convention. As of 2022 there are 190 countries that have ratified the convention.³³

B. Conference of State Parties (CoSP)

The Conference of State Parties is the first meeting of UNCAC states parties or better known as *The First Conference of State Parties (CoSP I)* as a follow-up to the 2003 KIP. The meeting was held on 10–14 December 2006 in Jordan. The results of the meeting are: (1) The need for a monitoring mechanism in order to monitor the implementation of UNCAC in countries parties that have ratified UNCAC. (2) The United Nations shall promote coordination of activities related to technical assistance and *asset recovery*. (3) Each State party to UNCAC shall take action in the event of deliberate requests for bribes or receipt of illegal benefits by foreign parties. (4) UNCAC States parties agreed to hold *The Second Conference of State Parties (CoSP II)* in Indonesia on January 28-February 1, 2008.

Constructivist Political Law Ratification of the UN Convention Against Corruption

The ambition to eradicate corruption in Indonesia is mandatory and fully supported by persistent and professional law enforcement. *Law enforcement performance* and performance are absolutely empowered and empowered. If not, then in the current reform era there can only be a repeat of the failure to eradicate corruption from previous times. And then

³² This Convention shall be open to all States for signature from 9 to 11 December 2003 in Merida, Mexico, and thereafter at United Nations Headquarters in New York until 9 December 2005.

³³ See UNODC, “UNCAC Signature and Ratification Status”, online at <https://www.unodc.org/unodc/en/corruption/ratification-status.html>

eating will further make this nation and country sink into a pool of uncertainty.

In order to prevent that, the Government of the Republic of Indonesia on December 18, 2003 at the United Nations Headquarters has co-signed the United Nations Convention on Anti-Corruption adopted by the 58th Session of the General Assembly through Resolution Number 58/4 on October 31, 2003 and ratified into Law Number 7 of 2006 concerning the ratification of the United Nations Convention Against Corruption, 2003 on 18 April 2006 and Indonesia is the 48th country to ratify it. The term ratification itself comes from Latin, namely "*ratificare*" which is formed from the word hundred which means made or formed (made). So, ratification can literally be said to be made steady or ratified by consent (*make valid by approving*).³⁴ Indonesia considers the international convention quite important in an effort to uphold "*good governance*", transparency and accountability, and create a conducive investment climate. The Convention provides for international cooperation to pursue and arrest perpetrators of corruption, trace their criminal property and repatriate the proceeds of corruption.

This Convention is quite strategic when viewed from the side of international law as a political instrument (*realism*) because in a situation where there is no bilateral extradition treaty, we can still use this tool to eradicate corruption, as can be seen in the explanation of Law Number 7 of 2006 concerning the ratification of the *United Nations Convention Against Corruption, 2003* (United Nations Convention Against Corruption, 2003) on the importance of ratification of corruption, as follows: (1) to enhance international cooperation, especially in tracking, freezing, confiscating, and returning assets resulting from corruption crimes placed abroad; (2) enhance international cooperation in realizing good governance; (3) enhance international cooperation in the implementation of extradition treaties, mutual legal assistance, surrender of prisoners, transfer of criminal proceedings, and law enforcement cooperation; (4) encourage technical cooperation and information

³⁴ Priyatna Abdurrasyid, "National Legal Instruments for the Ratification of International Treaties" in *BPHN National Law Magazine*, No. 1 of 1991, (Jakarta: BPHN, 1991).

exchange in the prevention and eradication of corruption under the umbrella of economic development cooperation and technical assistance at the bilateral, regional and multilateral scopes; and (5) harmonization of national laws and regulations in the prevention and eradication of criminal acts of corruption in accordance with this Convention.

The significance of this explanation is in line with what Hikmahanto Juwana has explained that the existence of international law that functions as a political instrument is based on the reality of relations between states. Relations between countries are not far from interconnected interests. Especially in this global era where physical boundaries are considered borderless. A state will use various political instruments, such as economic dependence, dependence on defense issues, and international law to override obstacles to the sovereignty of other states in achieving their national interests.³⁵

In addition, international law makes political instruments contrary to the will of states in their national interests to interfere in the domestic affairs of other states without being suspected of a violation. The most appropriate effort to intervene is to use international agreements as a product of international law. International treaties are created in such a way as to imply the obligation for states to transform the rules of international treaties into their national laws. Thus, a country's national law must reflect, not even contradict, the international treaties it has followed.³⁶

In the Institutional Neoliberal view where politics is a strategic game in which selfish states will try to maximize their respective interests in the face of existing constraints. International law is seen as a set of functional rules made to resolve the problems of cooperation in an

³⁵ Juwana, "Kewajiban Negara dalam Proses Ratifikasi Perjanjian Internasional: Memastikan Keselarasan dengan Konstitusi dan Mentransformasikan ke Hukum Nasional." *See also* Hikmahanto Juwana, "The Obligation to Ensure the Conformity of International Treaties with the Constitution." *Indonesian Journal of International Law* 8, no. 3 (2011): 434-446.

³⁶ Hikmahanto Juwana, "Internasional Law as a Political Instrument (A Case Study of Indonesia)." *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 13, no. 2. (2013): 1-26.

anarchic situation.³⁷ Indonesia's interest in ratifying the anti-corruption convention is to realize a just and prosperous society based on Pancasila and the 1945 Constitution of the Republic of Indonesia, so the government together with the community takes steps to prevent and eradicate corruption crimes systematically and continuously.

The obstacle faced by Indonesia is that corruption is no longer a local problem, but a transnational phenomenon that affects all societies and economies, so it is important to have international cooperation for its prevention and eradication, including the recovery or return of assets resulting from corruption. International cooperation is needed to solve this corruption problem in the context of preventing and eradicating criminal acts of corruption, of course, it needs to be supported by integrity, accountability, and good governance management and the Indonesian nation has actively participated in the efforts of the international community to prevent and eradicate criminal acts of corruption by signing the United Nations Convention Against Corruption, 2003.

In terms of constructivism, the ratification of the anti-corruption convention can be seen as an effort to construct Indonesia's identity as a corrupt country into a country that has the desire to create a clean government, as stated in the explanation of Law Number 7 of 2006 concerning the ratification of the *United Nations Convention Against Corruption*, 2003 on the importance of corruption ratification, as follows: "*The ratification of this Convention is a national commitment to improve the image of the Indonesian nation in international politics.*"

If we look at the concept of constructivism where actors (Indonesia) do not only act to respond to their material environment; then the actor also has intersubjective beliefs, the belief that Indonesia has is that Indonesia believes that corruption is a bad disease and needs to be eliminated, this belief then forms the identity of the actor (Indonesia) as a country that is reforming and trying to change from a corrupt country to a clean country, and in turn it shapes Indonesia's interest to improve or shape the image which is good in the international political scene. If you

³⁷ Christian Reus-Smit, *The Moral Purpose of The State: Culture, Social Identity, and Institutional Rationality in International Relations* (Princeton University Press, 1999).

want to understand an actor's behavior, you need to understand their social identity, which conditions and shapes the actor's interests and actions. Human beings are always interacting, these interactions will shape their beliefs and these beliefs will form identity, identity then affects interests and interests will affect their actions. Because humans are always interacting, they are not static creatures, but sweetened, so that they can make changes (transformations).

One of the cores of constructivism is *Reason for Action*. Reasons here include collective and individual motives if associated with Indonesia, then *Reasons* here are reasons why Indonesia ratified the UN Convention Against Corruption. In addition to collective and individual motives, there is one more thing that is part of *Reason for Action*, namely the claim of justification (justification for Indonesia ratifying the UN Convention Against Corruption). Reason has two dimensions, namely internal and external dimensions or *private-public*. Normative and ideational structures form actors' reasons in two dimensions, namely: (1) Through the process of socialization, with this socialization the structure forms the actor's definition of who he is and what he wants.

In this case, Indonesia identifies itself as a country that has a high level of corruption. Indonesia's *corruption perception index* (CPI) rose two points in 2015 compared to 2014. For the 2015 assessment, Indonesia achieved a score of 36, up from 34 in the previous year. CPI scores are in the range of 0 to 100. A country with a score of 0 means that the country is perceived as very corrupt. In contrast, a country that has a score of 100, means it is perceived as very clean. The assessment of the non-profit organization *Transparency International* is the youngest indicator of corrupt practices in a country. This assessment is given by business people and experts on corrupt practices in the public sector or carried out by the state apparatus. The increase in the index in 2015 boosted Indonesia's ranking to position 15 for the region. As for the world level, Indonesia is ranked 88 out of 168 countries assessed. In 2014, Indonesia ranked 107th. Despite the increase in score of 2 points, it is not enough to match the scores and rankings achieved by countries in the region.³⁸ In addition, in 2023, Indonesia's Corruption Perceptions Index (CPI) stands at a score of

³⁸ Yonky Karman, "Indonesia Darurat Korupsi", *KOMPAS*, October 2, 2017.

34/100, maintaining the same position as the previous year, ranking 115th among 180 surveyed countries.³⁹

Based on these data, Indonesia wants to reduce and eradicate corrupt practices. The existence of prevailing norms and ideas in this world such as democracy, transparency and accountability shape Indonesia's identity and ultimately shape and influence Indonesia's decision to ratify the UN convention against corruption. (2) Through the process of public justification, with such justification the structure provides a framework for logic of *argument*. Meanwhile, the justification for Indonesia to ratify the UN convention against corruption is the failure of efforts to eradicate corruption and the implementation of a corrupt government that has

³⁹ The breakdown of the 2023 CPI reveals notable trends across eight composite indicators. One data source, the PRS, saw a decline of 3 points compared to the previous year, resulting in a cumulative decrease of 16 points over the past two years. Four data sources, including Global Insight, World Justice Project–Rule of Law Index, PERC Asia Risk Guide, and Economist Intelligence Unit, showed stagnation in their scores. Conversely, three data sources demonstrated improvement: the Bertelsmann Transformation Index with a +3 increase, IMD World Competitiveness Yearbook with a +1 increase, and Varieties of Democracy Project (VDem) with a +1 increase. The stagnation observed in the 2023 CPI signals a persistent sluggishness in responding to corrupt practices, potentially exacerbating the situation due to inadequate support from stakeholders. This lackluster response underscores a concerning trend, especially evident amid the backdrop of recent developments such as the perceived weakening of the Corruption Eradication Commission, amendments to the Constitutional Court Law, and the emergence of regulations overlooking the fundamental values of integrity. Moreover, the disregard for conflict of interest practices further compounds the challenges in addressing corruption effectively. The findings of the 2023 CPI underscore the urgent need for concerted efforts to combat corruption in Indonesia. Addressing systemic weaknesses, bolstering institutional integrity, and fostering genuine support from stakeholders are imperative to reverse the trend of stagnation and drive meaningful progress towards a more transparent and accountable governance framework. Without decisive action, Indonesia risks perpetuating a culture of impunity and undermining its development prospects in the long run. See Transparency International Indonesia, “Corruption Perception Index 2023”, *Online*, available at <https://ti.or.id/corruption-perceptions-index-2023/#:~:text=%E2%80%9CCPI%20Indonesia%20tahun%202023%20berada,dari%20180%20negara%20yang%20disurvei>.

encouraged high inefficiency at almost all levels of government in Indonesia.

Indonesia's political tendency in ratifying the UN convention can be illustrated as follows: (1) *Idiographic* refers to "who I am" and is related to identity, in this case Indonesia identifies itself as a country that has a high level of corruption. (2) *Purposive* refers to "what I want" related to the process of forming interests / *preferences*, in this context Indonesia wants an effort to improve the image of the Indonesian nation in international politics, as a country that has a clean, fair and democratic government and to increase international cooperation, especially in tracking, freezing, confiscating, and returning assets resulting from actions corruption crimes placed abroad and also increase international cooperation in realizing good governance; enhance international cooperation in the implementation of extradition treaties, mutual legal assistance, surrender of prisoners, transfer of criminal proceedings, and law enforcement cooperation; encourage technical cooperation and information exchange in the prevention and eradication of corruption under the umbrella of economic development cooperation and technical assistance at the bilateral, regional, and multilateral scopes; and harmonization of national laws and regulations in the prevention and eradication of criminal acts of corruption in accordance with this Convention. (3) *Ethical* designates how "I must act" there are social norms, in this case the existence of norms and ideas that prevail in this world such as democracy, transparency and accountability shape the pattern of how Indonesia should act and ultimately shape and influence Indonesia's decision to ratify the UN convention against corruption. (4) *Instrumental* designates how "I can get what I want" with regard to method or means. The important point to be drawn is that actors' political actions are influenced by the consideration of these four types of *reasons*. In this case, Indonesia to get what it wants by ratifying the UN convention against corruption.

Corruption is a threat to democratic principles, which uphold transparency, accountability, and integrity, as well as the security and stability of the Indonesian nation. Because corruption is a criminal act that is systematic and detrimental to sustainable development, it requires

prevention and eradication measures that are comprehensive, systematic, and sustainable both at the national and international levels.

In carrying out efficient and effective prevention and eradication of criminal acts of corruption, support for good governance management and international cooperation is needed, including the return of assets derived from criminal acts of corruption. So far, the prevention and eradication of corruption in Indonesia has been carried out based on special laws and regulations in force since 1957 and have been amended 5 (five) times, but the laws and regulations are inadequate, among others, because there is no international cooperation in the issue of returning the proceeds of corruption. The Government of the Republic of Indonesia on December 18, 2003 at the United Nations Headquarters has co-signed the United Nations Convention on Anti-Corruption adopted by the 58th Session of the General Assembly through Resolution Number 58/4 on October 31, 2003.

Conclusion

This study concluded and highlighted that Indonesia recognizes the United Nations Convention against Corruption (UNCAC) as a crucial tool in its pursuit of "*good governance*" and fostering a conducive investment climate. The convention's framework enables international cooperation in apprehending and eliminating corruption perpetrators, tracing their ill-gotten gains, and repatriating the proceeds of their crimes. Particularly significant in the absence of bilateral extradition treaties, the UNCAC serves as a potent instrument within the realm of international law, providing avenues for combating corruption even in the absence of specific extradition agreements.

Moreover, from an institutional neoliberal standpoint, addressing corruption necessitates international collaboration in preventing and eradicating such criminal activities. This requires a foundation built on integrity, accountability, and effective governance. Indonesia's active participation in the UNCAC reflects its commitment to align with global efforts to anticipate and combat corruption crimes. From a constructivist perspective, the ratification of the UNCAC represents Indonesia's endeavor to reshape its identity. Transitioning from a country marred by

corruption to one aspiring for a government free from such transgressions, Indonesia's engagement with the UNCAC signifies its determination to construct a new narrative centered on integrity and accountability. Through these multifaceted perspectives, Indonesia positions itself as a proactive participant in the global fight against corruption, forging a path towards a more transparent and accountable governance landscape.

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