RESEARCH ARTICLE

The Urgency of Redefinition of Offense Formulation of Corruption in The Law on The Eradication of Corruption

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Abstract

This research aims to analyse corruption law in Indonesia, especially in the form of offense formulation of corruption in the law on the eradication of corruption. This study used mixed legal method, namely descriptive qualitative and normative juridical method. This research found that corruption in Indonesia still doing as business as usual. Moreover, in the offense formulation of corruption eradication, there are quite several ambiguous and multi-interpretative norms, that can be interpreted widely by the judge. This condition is very horrible and terrible. In connection with the above conclusions, then there are some things that can be suggested by the authors and are expected to be used as material for consideration for parties related to this research, the government should provide clear and certain offense formulation of corruption and the judges may not interpret the formulation of corruption offenses with the aim of reducing or alleviating the punishment of corruptors.

Keywords: *Redefinition; offense; formulation; corruption; law*

1. INTRODUCTION

Corruption and catch-hand operation (well known in Indonesia as OTT or *Operasi Tangkap Tangan*) cases of recent officials have again made *headlines in print* and online newspapers. In recent months, KPK conducted OTT to two advanced Indonesian Cabinet ministers, namely Juliari

Batubara (Minister of Social Affairs) and Edhy Prabowo (Minister of Marine Affairs and Fisheries).

Although KPK has routinely conducted OTT and strict crackdown on corruptors, the fact that corruption cases persist today, like mushrooms in the rainy season. Corruption is nothing new in this country. Even corruption has gone viral since the beginning of this country's founding. Kartono in the 80s has put limits on the definition of corruption as the conduct of individuals who use their authority and position to extract personal gain, harming the public interest and the state (Kartono, 2012). There are discussions and scientific studies on corruption in the early era of independence as well as evidence that corruption is not new and prevention and eradication efforts have begun since time immemorial.

Referring to the notes submitted by Denny Indrayana, efforts to prevent and eradicate corruption have been started since 1957 through an institution named the Coordinating Board of Property Reviewers (Indrayana, 2016). Furthermore, the government at that time commonly known as the Old Order Era re-established anti-corruption institutions in a few years continuously, such as the birth of the State Apparatus Activities Supervisory Agency/Bapekan (1959-1962), The Committee for Retooling State Apparatus/ Paran 1 (1960-1963), Paran 2/Operation Budi (1963-1967), Command Retooling Apparatus Revolution/ Kotrar (1964-1967) (Indrayana, 2016). The New Order era was also no less ferocious in blocking the pace of corruption. It is recorded that there are 4 anti-corruption institutions born in the New Order Era, namely; Corruption Eradication Team 1 (1967), Commission 4 (1970), Operation Control (1977-1981) and Corruption Eradication Team 2 (1982) (Indrayana, 2016).

The commitment to fight corruption is also a key point of the post-reform government. Noted, the Reform Era gave birth to 3 anti-corruption institutions, namely the Joint Team for the Eradication of Corruption Crimes (TGTPK), the Corruption Eradication Commission (KPK) and the Coordination Team for the Eradication of Corruption (*TimTasKorupsi*) (Indrayana, 2016). Until now, the one who still exists and gets the authority to prevent and eradicate corruption, collution and nepotism (well known in Indonesia as *Korupsi, Kolusi, Nepotisme,* KKN) in this country is KPK. Although it has involved many institutions with

various dynamics in it, the KKN case, especially corruption seems to be still running as usual.

Corruption cases in Indonesia do not continue to decrease, but instead continue to take root and run like busines as usual (Lubis, 2011). This is evidenced by a report from Transparency International (TI), on the Corruption Perception Index (CPI) or commonly referred to as the *Indeks Persepsi Korupsi* (IPK). Indonesia as one of the countries surveyed by TI, in the last survey in 2016, Indonesia pocketed a score of 37 points. Indonesia is ranked 90th out of 176 countries surveyed worldwide. At the Southeast Asian level, Indonesia lost to Singapore (CPI score of 85), Brunei Darussalam (58), Malaysia (49). Indonesia has only better rankings and points compared to Thailand (35), Philippines (35), Vietnam (33), Myanmar (28) and Cambodia (21). CPI takes a range of values from 0 to 100, where 0 is perceived to be very corrupt, while 100 is very clean (Al-Fatih, 2018).

The data then improved in 2019. Transparency International Indonesia (TII) released data on Indonesia's corruption perception index (CPI) in 2019 at number 40 with the highest score of 100. The corruption perception index refers to 13 expert surveys and assessments to measure public sector corruption in 180 countries and territories. CPI value is based on a score of 0 for very corrupt and a score of 100 is very clean. Based on rankings, Indonesia is ranked 85th out of 180 countries. Indonesia's corruption perception index score has increased by two levels from 2018. In 2018, Indonesia had a score of 38 out of 100 with an 89th place out of 180 countries (Mashabi, 2020). However, with the OTT of two ministers and several regional heads in 2020, Indonesia's CPI score may fall again.

In the Florentin Saga, Machiavelli looked at several reasons that made corruption rampant. *First*, the state is enslaved by another country. Every year, the government seeks foreign loans of up to tens of trillions of rupiah to close the budget deficit. The source could be from multilateral institutions such as the IMF, World Bank or ADB. In addition, there is also bilateral and commercial debt by issuing global bonds that are usually denominated in U.S. Dollars, and most recently Yuan. As a result, Indonesia seems to be a slave to the countries or financial institutions of the debt guarantor. Governments in making policies often

get interference from outside parties for their benefit. As a result, it is very difficult for the government to make regulations for its own internal affairs.

The *second,* cause of corruption is the lust of hoarding among the rulers. The drive to commit corruption not only comes from within, but also comes from the environment. The envy and spite of co-worker's wealth as well as the encouragement of families to buy new homes, jewelry, and cars could also trigger authorities to commit acts of corruption. Through his financial puns, the ruler traded idealism and public morals pragmatically. Third, a high-end lifestyle. Undoubtedly, the lifestyle of the upper class is always in the luxury. They live off popularity, on high incomes with little work.

With high cases of corruption in a region, it will have an impact on the damage to the system order and social dynamics. Some of the consequences that arise as a result of the actions of the corrupters are (Revida, 2003):

1) Economic system, such as the run of capital abroad, disruption to companies, disruption of investment.
2) Socio-cultural system, such as social revolution, high crime rate, demoralization, and social inequality.
3) The political system, such as the takeover of power, the loss of authority of the government, political instability, the destruction of democracy.
4) Administrative system, such as lack of administrative ability, loss of expertise, loss of state resources, limitations of government discretion, taking repressive measures.

If observed specifically, the symptoms are clearly already occurring in Indonesia. So, to avoid more harmful impacts, it is necessary for the government, NGOs, communities, and all relevant stakeholders to join hands, shoulder to shoulder and join hands to fight corruption. This research focuses on answering the question of the formulation of deliberative corruption crimes whether it is in accordance with the development of corruption cases in Indonesia or not. Through this research, hopefully the input related to the redefinition of offense corruption crimes can be changed in the next revision of the Anti-Corruption Law, which is expected to help law enforcement in preventing and eradicating corruption in Indonesia (Lubis, 2018).

This research examines and analyzes two main point, *first* concerning the effort by the government to eradicate corruption in Indonesia, and *second* the best model of offense formulation of corruption crime.

2. METHOD

A. Research Types and Approaches

This study used mixed legal method, namely descriptive qualitative method (Soekanto, 2018) and normative juridical method (Marzuki, 2017). Where the object of this research is offense formulation of corruption crime and the Focus Group Discussion under the topic "*Telaah Konsep Perumusan Tindak Pidana Korupsi Dalam Upaya Pembaharuan Undang-Undang Pemberantasan Tindak Pidana Korupsi*," Saturday, 1 September 2018, in Orchid Room, Hotel Sahid Montana II, Malang to strengthen this research. This research is an empirical (holistic/combined) normative legal research, namely the study of legal materials, both primary and secondary legal materials and assessing the legal consequences/impacts.

B. Data Sources

The source of data in this study is to use secondary data is data from library research where in the secondary data consists of 3 (three) legal materials, namely primary secondary and tertiary legal sources as follows:

1) Primary Legal Sources is legal material that is binding in the form of applicable laws and regulations and is related to the issues discussed, consists of:
   a) Criminal Code by R. Soesilo.
   b) TAP MPR No. XI/MPR/1998 on the Implementation of a Clean State from Corruption, Collusion and Nepotism.
   c) Law No. 28 of 1999 on the Implementation of a Clean State from Corruption, Collusion and Nepotism.
   d) Law No. 31 of 1999 jo Law Number 20 Year 2001 Law No. 30 of 2002 on the Corruption Eradication Commission (KPK).
   e) Law No. 46/2009 on The Corruption Criminal Court.
   f) Law No. 15 of 2002 jo Law No. 25 of 2003 on Money Laundering Crimes.

g) Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering Crimes.

2) Secondary Legal Source is legal material that explains the primary legal entity, where secondary legal material in the form of literature books, websites, and the work of scholars, consists of:
   a) Books:
      i. Introduction to Legal Research by Soerjono Soekanto.
      ii. Legal Research by Peter Mahmud Marzuki.
      iii. Criminology by Topo Santoso.
      iv. Pathology Social by Kartono Kartini.
      v. Special Crime by Aziz Syamsuddin.
      vi. Books on Legal Research.
      vii. Books on Normative Legal Research.
      viii. Book - Legal Research Method.
      ix. Documents in the Police.
   b) Journal articles include:
      i. Tinuk Dwi Cahyani and Sholahuddin Al-Fatih, "Peran Muhammadiyah dalam Pencegahan dan Pemberantasan Korupsi di Kota Batu," (*Justitia Jurnal Hukum*, Volume 4, No. 2, 2020).
      ii. Sholahuddin Al-Fatih, "Darus as an Anti-Corruption Education," (*Asia Pacific Fraud Journal*, Volume 3, No. 1, 2018).
3) Tertiary Legal Source is legal material as a complement to the two previous legal materials, namely the legal dictionary and the results of interviews or empirical observations as a support to provide a comprehensive picture both normatively and sociologically or empirically.

C. Data Collection Method

The technique used in collecting this data is taken from legal materials as normative studies, mostly obtained through legal documents, including legislation, law books, and law journals.

D. Data Processing Method

Data analysis is a process that is never finished. The data analysis process is actually a work to find themes and formulate hypotheses, even though there is actually no

definite formula to be used to formulate hypotheses. It is just that the analysis of data themes and hypotheses are further enriched and deepened by combining them with existing data sources. The data processing and analysing by prescriptive method (Marzuki, 2014) to get new formula of offense formulation of corruption crime.

E. Research Location

The location of research conducted by the author to obtain data sources, namely: Focus Group Discussion under the topic "*Telaah Konsep Perumusan Tindak Pidana Korupsi Dalam Upaya Pembaharuan Undang-Undang Pemberantasan Tindak Pidana Korupsi*," Saturday, 1 September 2018, in Orchid Room, Hotel Sahid Montana II, Malang.

3. RESULT AND DISCUSSION

A. Efforts to Eradicate Corruption

Corruption is not new in this country, and its eradication efforts are almost the age of independence itself. As mentioned in previous discussions, every government in Indonesia has sought to eradicate corruption (Lubis, 2011). The effort started from the Corruption Eradication Team in 1967 until the establishment of the KPK in 2003 (Ma'ruf, Santoso, & Mufifah, 2019; Suryani, 2015; Saifullah, 2017). KPK is an Independent institution established by the government and responsible for efforts to eradicate corruption in Indonesia. There are several efforts that can be taken in eradicating corruption in Indonesia both preventive and repressive efforts (Ma'ruf, Santoso, & Mufifah, 2019; Suryani, 2015; Saifullah, 2017).

Prevention efforts are carried out using non-penal lines, while suppression efforts are carried out through penal lines. However, the crackdown provides several points of weakness (Ma'ruf, Santoso, & Mufifah, 2019; Suryani, 2015; Saifullah, 2017), including: criminal sanctions are *ultimum remidium* (the last resort) (Erdianti & Al-Fatih, 2019), require high costs, criminal law is *kurieren am symptom* (cure symptoms) and is only a symptomatic treatment not causative because the causes of such crimes are complex and are beyond the reach of criminal law and prison is the best area for perpetrators of crimes to learn and imitate crimes from other perpetrators (Santoso & Zulfa, 2005). Thus, using

penal routes to eradicate corruption is considered less effective (Cahyani & Al-Fatih, 2020).

In view of this fact, KPK seeks to present a non-penal line that focuses on education efforts for the community through ACCH (Anti-Corruption Clearing House) (ACCH, 2016). The socialization of education encouraged by KPK in ACCH provides some content and domain to eradicate corruption for the younger generation. The content can be accessed through the internet and there are also printed forms such as picture books, journals, articles, and pocketbooks. To support this step, KPK tries to actively involve several elements of society such as students (from elementary to college level), teachers, NGOs and related officials (Haris & Al-Fatih, 2020).

In addition to efforts and direct actions through the KPK, the government has also prepared a juridical basis for the eradication of corruption crimes, for example: TAP MPR No. XI/MPR/1998 on the Implementation of a Clean State from Corruption, Collusion and Nepotism, Law No. 28 of 1999 on the Implementation of a Clean State from Corruption, Collusion and Nepotism, Law No. 31 of 1999 jo Law Number 20 of 2001 Law No. 30 of 2002 on the Corruption Eradication Commission (KPK), Law No. 46 of 2009 on The Corruption Criminal Court and Law No. 15 of 2002 *jo* Law No. 25 of 2003 on Money Laundering Crimes, which was later changed to Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering Crimes (Ismaidar & Yudi, 2019).

Although efforts through the ratification of the juridical basis for the eradication of corruption crimes are also accompanied by the establishment of anti-corruption institutions such as the KPK, with a complete tool, so that the KPK can conduct legal efforts, ranging from investigations, investigations to prosecutions, the fact that corruption cases are still found and infected the country's celebrities, moreover, lately emerged efforts to weaken the KPK institutionally and authorities. The entry of deliberative formulation of corruption in the RKUHP, is also strongly suspected as an attempt to weaken the KPK. Not to mention the interpretation of the definition of corruption that has changed after being interpreted differently by the Constitutional Court. This dynamic, seems to be a double-

edged hot ball for efforts to eradicate corruption in the country.

B. Offense Formulation of Corruption Crimes

Based on the provisions in Law No. 31 of 1999 jo. Law No. 20 of 2001, corruption crimes can be grouped into several deliberative formulations as follows (Syamsuddin, 2011):

1) Offense corruption group that can harm the country's finances/economy (Article 2 and 3 of Law No. 31 of 1999)
2) Bribery deliberation group both active and passive (Article 5, 6, 11, 12 and 12B of Law No. 20 of 2001)
3) Deliberative group corruption of embezzlement (Articles 8, 9 and 10 of Law No. 20 of 2001
4) Group offense corruption of extortion in office (Article 12e and f Law No. 20 of 2001)
5) Deliberative group related to cheating (Article 7 of Law No. 20 of 2001)
6) Conflict of interest in Procurement (Article 12 letter I of Law No. 21 of 2001)
7) Gratification (Article 12 b of Law No. 20 of 2001)

The seven types of offense formulation experienced an expansion of offense formulation (criminal acts). The expansion is in the formulation in the interpretation of the meaning against the law of Law No. 31 of 1999 *jo*. Law No. 20 of 2001 states corruption as a formal deliberation, but the understanding against the law in a corruption crime as a formal and material deliberation (Syamsuddin, 2011).

As a formal deliberation, an act can be declared as a criminal act if the act has fulfilled the deliberative formulation in the law without having to cause adverse consequences. So, although the act has not yet caused financial losses to the state, but if the act has been "able" categorized will cause state losses, the perpetrator is already punishable. Similarly, if the results of the corruption crimes have been returned to the state, but does not scorch the unlawful nature of the act (Syamsuddin, 2011). While the notion of the nature of the contrary to formal and material law refers to an act not only contrary to the prevailing laws and regulations, but also a despicable act and contrary to the sense of community justice (Syamsuddin, 2011).

The unlawful nature of formal and material law is contained in Law No. 31 of 1999 *jo*. Law No. 20 of 2001, as

formulated in the general explanation in the law. Consideration of the list of formal and material understanding in Law No. 31 of 1999 *jo*. Law. No. 20 of 2001, as follows:

1) Given that corruption occurs systematically and widely, it not only harms the country's finances and economy, but is a violation of the social and economic rights of society at large (classed as extra ordinary crime), so its eradication must be carried out in an extraordinary way.
2) Given the impact of corruption so far in addition to harming the state's finances, it also inhibits the growth and continuity of national development that demands high efficiency.
3) To respond to the development of legal needs in society, in order to make it easier to prove, to reach various modus operandi of financial irregularities or the country's economy is increasingly sophisticated and complicated.

Interpreting an offense of corruption to be a formal or material deliberation, and legal experts of corruption often dissent. There are always pros and cons that end up causing problems. Some problems related to the formulation of corruption offense in the Law on the Eradication of Corruption include: First, the involvement of the Constitutional Court in interpreting the formulation of corruption offense. Through the Decision of the Constitutional Court No. 25/PUU-XIV/2016, in the decision of the Constitutional Court revealed, "Declaring the word *'can'* in Article 2 paragraph (1) and Article 3 of the Anti-Corruption Law is contrary to the 1945 Constitution and has no binding legal force.

Reject the applicant's application for other than and the rest. Although 4 of the 9 Constitutional Judges who decided the case gave a different view or dissenting opinion, but overall, the Decision of the Constitutional Court removed the phrase "*can*" in the Law on the Eradication of Corruption. The Court (Constitutional Court) provides juridical arguments related to the matter, including (Syamsuddin, 2011):

1) The phrase word "*can*" be interpreted as an estimate or estimate. The element of harming the state's finances is no longer understood as an estimate (potential loss), but it must be understood that it has happened or real loss

in the corruption. Thus, the phrase "*can*" must be omitted, because it causes the impact of obscurity and uncertainty in suspecting a case.

2) The phrase "*can*" can be used as a tool for policy criminalization. Related to the criminalization of policies that may arise due to the principle of discretion to conduct a policy that is urgent and important to do. So, when forced the phrase "*can*" as one of the deliberative formulations of corruption, then it can result in a lot of policy makers who should be suspected of committing corruption.
3) The phrase "*can*" make corruption offense as a formal deliberation. So, this is feared to cause fear and concern in public officials. As a result, they are careful in making policies, budget absorption is minimal, work programs do not run optimally, development is stagnant, people's welfare cannot be improved. This is a domino effect of the formal deliberative formulation in the corruption.
4) The phrase "*can*" in Article 2 paragraph (1) and Article 3 of the Law on the Eradication of Corruption creates legal uncertainty and is manifestly contrary to the guarantee that everyone is entitled to a sense of security and protection from the threat of fear in Article 28G paragraph (1) of the 1945 Constitution. Feared by formal deliberations, public officials are wary, especially those who are referred to as PPK.
5) The phrase "*can*" be contrary to the principle of formulation of criminal acts that must meet the legal principles must be written *(lex scripta),* must be interpreted as read *(lex stricta),* and not multi-interpreted *(lex certa).* Because, in fact the phrase "can" is often unable to be measured, giving rise to ambiguous meanings.

In practice, Article 2 paragraph (1) and Article 3 of the Law on the Eradication of Corruption often cause problems. For example, a) regarding the law, b) elements against the law that are often ambiguous and jumbled between the concept of criminal law *(wederrechttelijk) or* civil law *(onrechtmatigedaad),* c) elements of enriching themselves, others or corporations and d) harming the state's finances. So, it is necessary to decide with a broad but strict interpretation*(strict)*and clear (*clear*). According to thrifty writers, it is still necessary to maintain the phrase word "*can*"

in the Law on the Eradication of Corruption. This is because the phrase "*can*" can be proven by several other elements, including:

1) The loss of the phrase "*can*" fundamentally change the qualifications of formal deliberations of corruption crimes into material deliberations. Consequently, if the prohibited consequences of "*harming the state's finances or the state economy*" have not or have not occurred even though the element of "*unlawfully*" and the element of "enriching yourself or others or a corporation" has been fulfilled, then it means that there has not been a crime of corruption.
2) Concerns that the phrase "*could*" potentially make a government official punishable without any wrongdoing in the form of state losses are unwarranted. Because, the Law on Government Administration has provided protection to government officials who are suspected of abusing authority that harms the state's finances through a testing mechanism to PTUN. Whereas there is or is no abuse of authority that is suspected of causing state losses will be decided based on the results of the supervision of the government's internal apparatus or inspectorate
3) By re-entering the phrase "*can*" in the amendment of the Law on the Eradication of Corruption, the formulation of corruption offense can be more widespread but strict and clear. Because in fact, the phrase "*can*" have been preceded by two other elements of the corruption, namely the element "*unlawfully*" and the element *"enrich yourself or others or a corporation*." Thus, when the element of "may harm the state's finances" has not been met, then there has been other preliminary evidence through the element of "*unlawfully*" and the element of "*enriching one's own or others or a corporation*." This is also evidence that there is no need to worry that officials arrested on charges of causing financial losses to the state or criminalizing the policy, because those who are examined by the KPK and then designated as suspects usually have fulfilled the existing corruption element.

In addition to interpreting and canceling the meaning of the phrase "*can*" in Article 2 paragraph (1) and Article 3 of the Law on the Eradication of Corruption, the Constitutional Court is also recorded to have intervened in

interpreting the formulation of corruption offense. On July 24, 2006, the Constitutional Court through Decree No. 003/PUU-IV/2006 stated the norm of Explanation of Article 22 Paragraph (1) of the Corruption Act contrary to the constitution so that it becomes a formal norm (Kompas, 2017).

Consideration of the Constitutional Judge in the first amendment related to the norm of the formulation of the phrase "*unlawfully*" is an act that is only contrary to written law, while the law is no longer written in it. This is because unwritten law creates uncertainty due to the different conditions and understandings of society and changes over time so that it will always vary and places (Kompas, 2017).

In fact, Article 15 of the Law on the Eradication of Corruption in the phrase "*evil drafting*" was also interpreted by the Constitutional Court in a case filed by Setya Novanto some time ago. The interpretation model carried out by the Constitutional Court is considered to limit the wiggle room of investigators, prosecutors, and judges in eradicating corruption in Indonesia. Moreover, we must understand the position of the Constitutional Court, which should not be a positive legislator through the interpretation they make.

In addition to the problem of interference of the Constitutional Court in interpreting the formulation of corruption offense, other problems arising from the material contained in the Law on the Eradication of Corruption itself. The second problem, related to multi-interpretation and ambiguity of the definition of corruption offense formulation, including:

1) Related to the deliberative arrangements that are regulated twice, for example Article 5 paragraph (2) and Article 11C of Law No. 31 of 1999 jo. Law No. 20 of 2001 which equally regulates civil servants who receive bribes.
2) There are contradictory articles on the issue of criminal threats, namely Article 6 paragraph (2) and Article 12 letter C of Law No. 20 of 2001.
3) There is ambiguity in Article 21 of Law No. 20 of 2001 which regulates efforts or actions to prevent, obstruct or thwart directly or indirectly against suspects with alleged corruption.

4) Blunt provisions related to the evidence are reversed in Articles 12 B, 37, 37 A and 38 B in Law No. 20 of 2001. The provision is considered barren, ambiguous, multi-interpretive and applies narrowly. With this error, the formulation that should be made to set the burden of proof is reversed, but in its implementation becomes the usual evidentiary process.

Looking at the various definitions in the Law on the Eradication of Corruption that are multi-interpreted, confusing, and interesting to be tested to the Constitutional Court, it is necessary for the government to immediately make revisions or amendments to the Law on the Eradication of Corruption. The above notes, related to some of the problems considered problematic, need to be re-formulated immediately, to provide legal certainty for law enforcement and the public of course.

The government does not need to take tactical and exclusive steps by inserting the formulation of corruption offense into the RKUHP (Penal Code Draft), because it will only weaken the KPK and efforts to eradicate corruption in Indonesia. Given the importance and urgency of redefinition of the formulation of corruption offense, then the government should immediately form a special team, which contains experts from criminal law, government law, anti-corruption NGOs as well as community representatives or organizations to make a better formulation of corruption offense.

4. CONCLUSION

This research concluded and highlighted that the background of the corruption is caused by several factors, such as lifestyles factors, environmental factors, and social environmental factors. Some of the consequences that arise as a result of the actions of the corrupters are economic system, socio-cultural system, political system, and administrative system, such as lack of administrative ability, loss of expertise, loss of state resources, limitations of government discretion, taking repressive measures. Efforts to prevent and eradicate corruption in Indonesia have been started since 1957 through an institution named the Coordinating Board of Property Reviewers. Furthermore, the government at that time commonly known as the Old Order Era re-established anti-corruption institutions in a

few years continuously, such as the birth of the State Apparatus Activities Supervisory Agency/Bapekan (1959-1962), The Committee for Retooling State Apparatus/Paran 1 (1960-1963), Paran 2/ Operation Budi (1963-1967), Command Retooling Apparatus Revolution/ Kotrar (1964-1967). The New Order era was also no less ferocious in blocking the pace of corruption. It is recorded that there are 4 anti-corruption institutions born in the New Order Era, namely: Corruption Eradication Team 1 (1967), Commission 4 (1970), Operation Control (1977-1981) and Corruption Eradication Team 2 (1982). The commitment to fight corruption is also a key point of the post-reform government. Noted, the Reform Era gave birth to 3 anti-corruption institutions, namely the Joint Team for the Eradication of Corruption Crimes (TGTPK), the Corruption Eradication Commission (KPK) and the Coordination Team for the Eradication of Corruption. Until now, the one who still exists and gets the authority to prevent and eradicate corruption, collution and nepotism (well known in Indonesia as KKN) in this country is KPK. However, corruption in Indonesia still doing as business as usual. Moreover, in the offense formulation of corruption eradication, there are quite several ambiguous and multi-interpretative norms, that can be interpreted widely by the judge. This condition is very horrible and terrible. In connection with the above conclusions, then there are some things that can be suggested by the authors and are expected to be used as material for consideration for parties related to this research, *first* the Government should provide clear and certain offense formulation of corruption, and *second*, the judges may not interpret the formulation of corruption offenses with the aim of reducing or alleviating the punishment of corruptors.

5. DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no potential conflict of interest in the research, authorship, and/or publication of this article.

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Trust is that there should be no difference between what you do and say and what you think.

Umar ibn Khattab, *The Caliph*

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