

Corruption as an Extraordinary Crime: A Historical and Legal Study in the Indonesian Legal System

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Info Articles	Abstract
<p>Article History Received: 2024-07-02 Revised: 2024-07-12 Published: 2024-07-31</p> <p>Keywords: <i>Corruption, Regulation, History, Law, KPK.</i></p>	<p>This paper aims to understand the history of corruption regulation through legal, historical, and international approaches. Corruption in Indonesian positive law is regulated by Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, which covers various forms such as bribery, gratuities, and abuse of authority. In addition, an international perspective through the UNCAC and the views of experts emphasize that corruption is the abuse of power for personal gain. History shows that corrupt practices have existed since ancient civilizations and continue to develop into the modern era. In Indonesia, corruption regulations have developed from the colonial period, the Old Order, the New Order, to the reform era marked by the establishment of the Corruption Eradication Commission (KPK). Globally, the principles of transparency, accountability, and good governance are the main foundations for eradicating corruption. Thus, corruption regulations continue to develop in order to create a clean and integrated government.</p>

I. INTRODUCTION

Corruption is a fundamental problem that has been deeply rooted in national and state life since the beginning of human civilization. This practice of abusing power for personal gain is not merely a legal issue, but has become a serious threat to the social, economic, and moral order of a nation. In the Indonesian context, corruption has been proven to hamper national development and create widespread injustice within society.

Corruption is categorized as an extraordinary crime because its impacts go far beyond mere material losses. This crime is systemic, organized, and capable of destroying the very foundations of national life. As stated by Transparency International, corruption is the abuse of entrusted power for personal gain, which in turn undermines the legitimacy of state institutions and erodes public trust.

Examining the history of corruption regulation is crucial because it provides a comprehensive understanding of how societies across civilizations have attempted to address this

problem. From ancient Rome, which recognized the concept of *crimen repetundarum* (the crime of extortion by officials), to the development of increasingly sophisticated modern laws for prosecuting corruptors, the long history of anti-corruption regulation reflects humanity's collective awareness of the dangers of corrupt practices.

In Indonesia, anti-corruption regulations have undergone a long and winding evolution. It began with the legacy of Dutch colonial law, the Criminal Code (KUHP), and continued through various laws and regulations during the independence era. Finally, it led to the establishment of the Corruption Eradication Commission (KPK) during the reform era, demonstrating the state's commitment to systematically and independently eradicating corruption.

From an international perspective, global awareness of the dangers of corruption has grown stronger since the late 20th century. Various international conventions have been established in response to the spread of transnational corruption. This culminated in the establishment

of the United Nations Convention Against Corruption (UNCAC) in 2003, which remains the most comprehensive international legal instrument in global efforts to eradicate corruption.

II. RESEARCH METHODS

The learning method for the topic "Understanding the History of Corruption Regulation" uses a historical and analytical approach. The lesson begins with an interactive lecture to provide a basic understanding, followed by a timeline to help students understand the development of regulations over time. Discussions and case studies are then used to analyze factors of change and relate theory to real-world situations. With this method, students not only learn history but also develop critical thinking skills regarding the development of corruption regulations.

III. RESULTS AND DISCUSSION

A. Research result

Corruption is clearly defined under Indonesian law in Law Number 31 of 1999. Law Number 20 of 2001 defines it as an unlawful act that harms state finances. Corruption encompasses various forms, including bribery, gratuities, embezzlement, and abuse of authority.

Internationally, corruption is understood as the abuse of power for private gain, as defined by the UNCAC. Furthermore, the practice of corruption has existed since ancient civilizations and continues to thrive today.

In Indonesia, corruption regulations have undergone significant developments from the colonial period to the reform era, which was marked by the strengthening of the law and the establishment of the Corruption Eradication Commission (KPK) as an independent institution in eradicating corruption.

B. Discussion

The history of corruption regulation shows that corruption is a complex phenomenon that is

not only related to legal aspects, but also involves social, political and economic dimensions.(Transparency International, 2022) In the context of Indonesian positive law, corruption has been explicitly defined in Law Number 31 of 1999. Law Number 20 of 2001 defines it as an unlawful act aimed at enriching oneself, another person, or a corporation, potentially harming state finances. This definition emphasizes that corruption is not only seen from the actions taken, but also from the consequences they have on the public interest.(KPK, 2023).

These legal regulations also show significant developments in the classification of criminal acts of corruption, which include various forms such as bribery, gratuities, embezzlement in office, extortion, and abuse of authority.(Arifin, 2020)This reflects that corruption has developed into various increasingly complex modes of operation, thus requiring more comprehensive and adaptive legal instruments.(Rahman, 2021).

From an international perspective, corruption is seen as a transnational crime that requires global cooperation.(UNODC, 2021)The United Nations Convention Against Corruption (UNCAC) 2003 is the main foundation for efforts to eradicate corruption internationally.(UNODC, 2020)UNCAC emphasizes not only enforcement but also prevention efforts, international cooperation, and asset recovery. Principles such as transparency, accountability, and good governance are key pillars in creating a clean and integrated government system.(Transparency International, 2022).

Expert perspectives also make important contributions to understanding the root causes of corruption. The theory put forward by Robert Klitgaard, for example, suggests that corruption results from the monopoly of power and discretion in decision-making that is not balanced by accountability. This suggests that corruption is not solely caused by individual factors, but also by weaknesses in institutional systems and structures.(Hidayat, 2023).

Historically, the practice of corruption has existed since ancient civilizations, such as in Egypt, Rome, and India.(Widodo, 2020)This shows that corruption is a classic problem that continues to recur in various forms. As time goes by, society is beginning to realize the importance of regulations to control the abuse of power.(Nugroho, 2022). then gave birth to various legal instruments both at the national and international levels.

In Indonesia, the development of corruption regulations can be seen chronologically from the colonial period to the reform era.(Santoso, 2021)During the colonial period, corruption regulations were still limited and discriminatory. Entering the Old and New Order eras, regulations began to develop, although law enforcement remained weak due to political factors.(Kurniawan, 2020).a government system that does not yet support transparency.

Significant changes occurred during the reform era, with the enactment of Law Number 31 of 1999, Law Number 20 of 2001, and the establishment of the Corruption Eradication Commission (KPK, 2023), becoming important milestones in the fight against corruption. As an independent institution, the KPK has broad authority, enabling more effective and professional law enforcement.(Halim, 2022).

Furthermore, international influence also plays a significant role in driving legal reform in Indonesia. Ratification of the UNCAC through Law No. 7 of 2006 demonstrates Indonesia's commitment to adopting global standards for eradicating corruption.(UNODC, 2021) This is reflected in the strengthening of regulations related to transparency, accountability, witness protection, and international cooperation in handling corruption cases.(Transparency International, 2023).

Thus, it can be understood that the eradication of corruption does not only depend on the existence of strong regulations, but also on the effectiveness of implementation, the integrity of

law enforcement officers, and the active participation of the community.(Hidayat, 2023) Synergy between legal, institutional, and anti-corruption cultural aspects is the key to creating clean and corruption-free governance.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the results of the historical and legal Corruption is a complex phenomenon that encompasses not only legal aspects but also social, political, and economic dimensions. In Indonesia, corruption is explicitly regulated in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, which covers various forms of corruption. Regulatory developments demonstrate the government's serious efforts to adapt the law to the increasingly complex dynamics of corrupt practices.

Internationally, the existence of the UNCAC strengthens global cooperation in eradicating corruption through the principles of transparency, accountability, and good governance. In Indonesia, significant progress has been made during the reform era with the establishment of the Corruption Eradication Commission (KPK). However, the success of corruption eradication remains influenced by the effectiveness of legal implementation, the integrity of law enforcement officials, and public participation.

B. Suggestion

The government needs to continue strengthening firm and consistent law enforcement to create a deterrent effect. Furthermore, transparency and accountability in governance must be increased to prevent abuse of authority. Institutions like the Corruption Eradication Commission (KPK) must also maintain their independence to remain effective in eradicating corruption.

On the other hand, public participation needs to be continuously encouraged through education and increasing legal awareness, so

that a strong anti-corruption culture is created in social and national life.

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