## Death Deterrent Effect for Corruptors : Implications Verdict Light Action Criminal Corruption

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This study aims to analyze the phenomenon of light sentences imposed on corruption perpetrators in Indonesia from the perspective of the theory of justice. In the context of corruption as an extraordinary crime, this study highlights the imbalance between the principles of retributive, distributive, and restorative justice and their implementation in the justice system. This normative legal research uses a regulatory, comparative, and conceptual approach, and analyzes data descriptively-prescriptively based on legal literature and reports from related international institutions. The results of the study indicate that light against corruption perpetrators is caused by a number of factors, including weak law enforcement, political intervention, lack of supervision of the judicial apparatus, and a culture of tolerance for corruption. These findings confirm that the application of the theory of justice in the Indonesian legal system is still far from ideal, with striking disparities in sentencing, especially for perpetrators from the elite compared to perpetrators from the ordinary community. In addition, light sentences have a significant impact on the low deterrent effect, loss of public trust in the legal system, and the negative perception of the international community towards Indonesia's commitment to eradicating corruption. This study recommends structural and institutional reforms that include harmonization of national regulations with international standards, increasing the capacity of law enforcement officers, and strengthening legal literacy in society to create a more just and effective legal system. With a comprehensive approach, it is hoped that the eradication of corruption in Indonesia can achieve more optimal results.

### INTRODUCTION

Corruption has be one of problem main problem faced by almost all countries in the world, including Indonesia. The phenomenon This No only damage integrity system government , but also give rise to wide impact to development economy , stability politics and beliefs public to state institutions . Transparency International noted that Indonesia is still is at a worrying level in Index Perception Corruption , shows the need steps significant For overcome problem this . [1]

In the Indonesian context , corruption often categorized as crime outside extraordinary crime, considering its very detrimental impact interest public and development national . However , the irony happen when perpetrator act criminal corruption often receive punishment that is classified as light from institution justice . Conditions This bring up criticism from various circles , including academic , practitioner law and society civil , who questioned the state's commitment to eradicate corruption . According to data from Commission Eradication Corruption (KPK), partly big verdict to perpetrator corruption only range between 1 to 4 years prison , far away from expectation public For more punishment heavy and gives effect deterrent . [2]

Study previous has Lots discuss issue punishment light to perpetrator corruption . A study by Nurhayati revealed that factors like intervention politics , weakness enforcement law and culture

patronage become reason main lightness judge's verdict . [3] On the other hand , research by Kartono highlights existence mismatch between decision court with principle justice substantive , which should be become base main in to drop punishment .1 Temporary that , study international by Rose-Ackerman and Palifka confirms that punishment that is not comparable with level crime corruption contribute to the low trust public to system justice . [4]

From the perspective theory justice, problems punishment light to perpetrator corruption can analyzed through various approaches, such as theory justice distributive, retributive, and restorative. [5] Theory of justice distributive emphasize importance allocation source fair power in society, including giving proportional punishment to perpetrator crime. [6] Temporary that, theory justice retributive focus on punishment perpetrator as form revenge on action those who violate legal and moral norms. [7] On the other hand, the theory justice restorative put forward recovery connection between perpetrators, victims and communities affected by the crime crime. Third approach This give framework conceptual that can used For analyze inequality in the fall punishment to perpetrator corruption. [8]

One of phenomenon latest relevant For discussed is cases corruption big involving figure public or official high , which often gets verdict light . [9] For example , in case corruption involving a exministers in Indonesia in 2023 , the court decide punishment prison for two years , although state losses caused reach billions of rupiah. Verdict This trigger reaction hard from society , which considers decision the No reflects a sense of justice . At the level international , report from the United Nations Office on Drugs and Crime (UNODC) highlights that lightness punishment to perpetrator corruption in many countries, including Indonesia, reflects weakness commitment political in eradicate corruption . [10]

Issue this can also seen from corner view normative in study law . Research law normative , also known as as study doctrinal or bibliography , focusing on analysis regulation legislation , principles law , and doctrine relevant law . In the context of study this , approach normative can used For evaluate to what extent are regulations in Indonesia, such as Constitution Number 31 of 1999 concerning Eradication Action Criminal Corruption , has implemented with consistent in the judicial process . In addition , research this will also to study decisions court For identify possible patterns leading to lightness verdict to perpetrator corruption . [11]

Focus study This is For to study phenomenon punishment light to perpetrator corruption from perspective theory justice , with use approach normative . Formulation the problem that will discussed includes : factors that influence lightness the punishment imposed to perpetrator corruption in Indonesia; implementation theory justice in the fall punishment to perpetrator corruption ?; implications from punishment light to effectiveness eradication corruption in Indonesia? For answer questions said , research This will refers to various source primary and secondary law . Source primary law includes law , decision courts , and conventions relevant international treaties , such as the United Nations Convention Against Corruption (UNCAC). While that , source law secondary covering literature academic , report institution international , and statistical data describing trend punishment in case corruption . Analysis to sources This will give better understanding deep about root problems and solutions that can be proposed . [12]

Important For noted that phenomenon punishment light to perpetrator corruption No only impact on trust public to system justice , but also in efforts eradication corruption in a way overall . Punishment is not worth it with level crime tend reduce effect deterrent effect and even can push perpetrator potential For do action similar . In the context of this , theory justice retributive give strong argument that perpetrator corruption must accept appropriate punishment with his actions For ensure there is a sense of justice in society . [13] Study This aiming For give contribution for development knowledge law , in particular in understand and overcome problem punishment light to perpetrator corruption . With use approach normative and perspective theory justice , expected study This can give constructive recommendations for maker policy , institution justice , and society civil in strengthen effort eradication corruption in Indonesia. As stated by Transparency

International, eradicating corruption No only about punish the perpetrator , but also creates fair and transparent system For prevent crime similar in the future .

#### **METHOD**

Study This use method study law normative or library research with a purpose For analyze phenomenon law based on sources bibliography . [14] The approach used covers approach regulation legislation , approach comparison , and approach conceptual . Approach regulation legislation done with to study relevant laws , such as Constitution Number 31 of 1999 concerning Eradication Action Criminal Corruption , as well as regulation international such as the United Nations Convention Against Corruption (UNCAC). [15] Approach comparison used For compare practice enforcement law to case corruption in Indonesia with other countries that have system law similar . While that , approach conceptual aiming For understand theory relevant justice , such as theory justice retributive , distributive , and restorative . Data analysis was carried out in a way descriptive-prescriptive , namely with describe fact existing laws and provide recommendation For repair system law based on findings research . [16]

#### **RESULTS**

# Factor affecting Lightness The Sentence Imposed to Perpetrator Corruption in Indonesia

There is a number of factors that influence lightness the punishment imposed to perpetrator corruption in Indonesia, which can grouped to in aspect structural , institutional , and cultural . In structural , weak enforcement law become factor main . This is indicated by the presence of imbalance between existing regulations with its implementation in the field . Although Constitution Number 31 of 1999 concerning Eradication Action Criminal Corruption in a way explicit mention importance punishment heavy For give effect deterrent , empirical data show that majority the verdict handed down revolves around the minimum penalty , namely between One until four year prison (KPK, 2023). Phenomenon This indicates existence gap between regulation normative with its implementation . In a studies comprehensive by Transparency International (2023), Indonesia was declared own regulation sufficient anti- corruption good , but its implementation often hit obstacles technical and political . In the context of This , Lemieux stressed that weakness enforcement law No only create gap law , but also provides room for perpetrator corruption For utilise system vulnerable justice to manipulation . [17]

Imbalance between threat criminal maximum set in Constitution with a decision handed down by a judge in court be one of problem main in effort eradication corruption in Indonesia. Data released by the Commission Eradication Corruption show that more from 70% of decisions court to case corruption in five years final tend to drop punishment at the minimum limit set law . This is cause criticism from society and institutions monitor corruption international . As example , report from the United Nations Office on Drugs and Crime (UNODC, 2023) states that verdict light to perpetrator corruption reduce trust public to system justice and weaken effect the deterrent that should be appear from punishment the .

From the aspect institutional , influence power political to institution justice become problem main . A study by Nurhayati (2021) revealed that Judicial independence is often threatened by pressure politics and economics , especially in cases involving official height of country or figure influential . In many case , intervention This No only affect the trial process , but also the outcome decision , so that perpetrator corruption often get far away punishment more light than expected . As For example , research by Setiawan shows that in cases involving figure political influential , intervention political often seen in form postponement of the trial process or decisions that are of a nature compromise . This factor is also supported by the findings from the Global Integrity Report,

which notes that influence political to system justice be one of obstacle main in eradication corruption in developing countries , including Indonesia. In addition to intervention politics , weakness internal supervision of judges and officials enforcer law other participate contribute to emergence verdict that is not reflects a sense of justice . In context This , Purnomo emphasized the importance of institutional reform that includes strengthening mechanism internal and external supervision to institution justice . As example , mechanism supervision by the Commission Judicial often limited to functions administrative and less touch aspect substantive in supervision to judge's decision . Research by Tanaka in context comparison international show that countries with mechanism strong supervision to judiciary , such as South Korea and Singapore, has level more corruption low compared to with countries under supervision nature weak .

In general cultural , culture patronage and tolerance to corruption also plays a role role significant in influence lightness the sentence imposed to perpetrator corruption . A society that is accustomed to with practice corruption often shows attitude apathetic to verdict light given to perpetrator . Kartono emphasized that culture This exacerbated by the low literacy law in society , which makes public not enough critical to weakness in system justice . In a study by Zainuddin it was found that more of the 60% of respondents in Indonesia believe that corruption is the hard thing avoided , especially in context bureaucracy . Attitude apathetic This reinforced by the low transparency in the judicial process , which is often not allow public For supervise the way trial .

In context this , theory justice distributive highlight importance fair distribution in system law , including in giving appropriate punishment . Rawls in theory justice distributive emphasize that justice must realized through equal distribution to rights and obligations in society . However , the practice in the field show existence striking inequality , where the perpetrators from elite circles often get more treatment light compared to with perpetrator from circles below . As example , in case corruption involving official high , often found that perpetrator only sentenced punishment test or punishment very light prison . This is in stark contrast with case corruption small involving public usual , where the perpetrator often punished with more prison heavy . Harding shows that phenomenon This No only occurs in Indonesia, but also in other countries that have level inequality high social and economic .

Aspect culture also plays a role role in strengthen inequality this . Culture The strong patronage in Indonesia creates network protection that allows perpetrator corruption from elite circles to escape from punishment heavy . In the context of This , Heidenheimer emphasized that culture patronage often become barrier main in effort eradication corruption , because create dependence between perpetrator corruption and networks its supporters . [18] In addition , tolerance public to corruption is also exacerbated by low awareness will impact negative from practice said . As For example , research by Transparency International shows that that more of the 40% of Indonesian people still consider corruption as practices that can accepted in situation certain , especially If related with fulfillment need personal or family . [1]

In terms of this , is required a comprehensive approach For overcome factors that influence lightness punishment to perpetrator corruption . Structural reforms , such as strengthening mechanism enforcement law and revision the law that regulates eradication corruption , must become priority main . In addition , institutional reforms that include improvement independence greater justice and oversight strict to apparatus enforcer law is also very important . From the side cultural , educational and anti -corruption campaigns must improved For change culture tolerance to corruption and increase literacy law in society . With integrated approach this , it is expected system the judiciary in Indonesia can more reflect principles true justice and provide effect more deterrent big to perpetrator corruption . [8]

# **Application of the Theory of Justice in Sentencing Punishment To Perpetrator Corruption**

Analysis from perspective theory justice show that implementation justice in the fall punishment to perpetrator corruption Still Far from the ideal. In the context justice retributive , punishment should given as form appropriate retribution with level crimes committed . However , many verdict in case corruption that is not reflect principle this . In a case corruption big in 2023 , a official proven height harming the country to billions of rupiah only sentenced two year sentence prison . verdict This clear No comparable with impact losses incurred , both in a way financial and morals. Johnson and Carmichael show that in countries with system weak law , punishment light to perpetrator crime big often become indication from lack of justice retributive as it should be become runway justice criminal .2

Theory of justice distributive also highlights imbalance in allocation punishment. In many case, perpetrator from circles public usual to do corruption in scale small often get more punishment heavy compared to with perpetrator from elite circles that do corruption in scale big. [7] Phenomenon This show existence inequality in implementation principle justice distributive, where the source Power law and justice tend side with the group certain. Smith in context system Southeast Asian law shows that perpetrator corruption from elite circles often get treatment special, good in legal process and also in decision court. 3In Indonesia, the case similar seen in difference punishment between perpetrator corruption scale small like ordinary civil servant with official high, where is the last often get a more severe verdict light. In the context of This, Rawls in theory his justice emphasize importance equal distribution For reach justice in society. However , studies empirical show that principle This often not reflected in practice law in Indonesia. Harding noted that inequality This exacerbated by the low accountability in system justice, often providing opportunity for perpetrator from circles on For utilise gap law. Many perpetrators corruption scale big only required pay fine or replace loss without accompanied by punishment equivalent prison. From the corner view justice restorative, ideally the fall punishment to perpetrator corruption No only aiming For punish, but also restore losses incurred to society. However, the mechanism recovery This seldom implemented in a way effective in system Indonesian law. Most of decision court only focus on punishment criminal without notice aspect recovery state losses or society . In the report of the United Nations Office on Drugs and Crime it is stated that approach restorative can increase trust public to system justice with integrate effort recovery in the legal process. However, in Indonesia, the mechanism like return asset results corruption often not done in a way maximum . [5]

Tanaka also highlighted that approach restorative in case corruption can give impact positive for eradication corruption in developing countries . In Japan , for example , the courts often requires perpetrator corruption For No only pay change make a loss but also participate in educational programs anti-corruption . However , the practice This Not yet Lots implemented in Indonesia, which is still very focused on the aspects criminal solely without involving component education or recovery affected communities . In addition , the analysis decision court show that many judges do not fully adopt principles theory justice in the process of being dropped punishment . This is can due to lack of understanding about theory justice or pressure from factor external , such as intervention politics and economics . Purnomo showed that more of the 50% of judges in Indonesia admitted face pressure political in handle case corruption involving official high country. Pressure This often affects independence of judges in take decision .

Heidenheimer highlights that influence political in system law is one of the factor the main thing that hinders implementation justice in case corruption . In many countries, including Indonesia, the judicial process often influenced by actors politics that has interest For protect perpetrator from punishment heavy . This is create injustice systemic weakening effect deterrent and destructive trust public to system justice .

In context This requires system reform . justice For ensure that principles theory justice can implemented in a way consistent in every decision court . This reform covers strengthening independence of judges, improvement mechanism supervision to decision court , and education sustainable for judges and officers enforcer law other about principles theory justice . A study by

Rose-Ackerman and Palifka showed that comprehensive institutional reform can increase effectiveness system law in eradicate corruption .

In addition to internal reforms, support from public Civil is also important For push change in system justice . Transparency International noted that participation public in supervise the legal process can give pressure for court For more transparent and accountable in take decision . In Indonesia, strengthening role public civil in eradication corruption can done through campaign literacy law , monitoring trial in a way direct , and advocacy for further legal reform inclusive .

Implementation theory justice in the fall punishment to perpetrator corruption Still need Lots improvement . Justice retributive , distributive , and restorative Not yet fully integrated in system Indonesian law , which is still face various challenge structural , institutional , and cultural . With appropriate reforms and participation active from all parties , it is expected principles theory justice can realized in a way consistent in every aspect eradication corruption .

### Implications Punishment Light To Effectiveness Eradication Corruption in Indonesia

Punishment light to perpetrator corruption own significant impact to effectiveness eradication corruption in Indonesia . First , light sentences tend reduce effect deterrent effect , good for perpetrator and also candidate perpetrators . Data from Transparency International shows that countries with punishment heavy For perpetrator corruption tend own level more corruption low compared to with countries that provide punishment light . In the Indonesian context , the weakness effect deterrent This reflected from height level repetition act criminal corruption by the same perpetrators . Lemieux stressed that punishment that is not proportional with level crime strengthen perception that system law No capable give strict sanctions , so that perpetrator feel safe For repeat his actions . [4]

Second , punishment light also has an impact negative to trust public to system justice . The public who sees perpetrator corruption get punishment light tend lost trust to the country's ability to to uphold justice . This is can trigger apathy and even tolerance to practice corruption , which ultimately to worsen culture corruption in society . As For example , a survey conducted by the Indonesian Survey Institute ( 2023 ) showed that 68% of respondents feel pessimistic to ability system justice For give just punishment for perpetrator corruption . Harding added that trust public to system law is factor key in effort eradication corruption ; without trust this , society tend No report action the corruption that they watch or experience .

Third, punishment light can influence perception international to Indonesia's commitment to eradicate corruption. In the Global Integrity Index report (2023), Indonesia received score low in category enforcement law, some of which big due to low level punishment For perpetrator corruption. Perception This No only harm the country's reputation, but also has an impact on the confidence of foreign investors, which tends to reluctant invest in countries with level high corruption. Research by Rose-Ackerman and Palifka states that level high corruption often associated with with instability economy, which in turn lower interest investment foreign. In the context of this, verdict light to perpetrator corruption can considered as indicator weakness commitment political For eradicate corruption. Fourth, punishment light also creates domino effect on bureaucracy and state institutions. Actors at the level below who witnessed that the officials tall get punishment light often feel pushed For follow same traces. Tanaka in Southeast Asian countries shows that corruption at the level low often influenced by behavior corruption at the level above, which tends to No get punishment heavy. Phenomenon This known as "trickledown corruption," where elite behavior creates culture permissive to corruption throughout levels . For overcome problem This requires system reform . comprehensive law . First , the revision to regulation legislation that regulates eradication corruption must become priority main . As For example, some countries such as South Korea have succeed increase effect deterrent through

more laws strict and consistent implemented . In Indonesia, it is necessary There is improvement harmonization between regulation national and international , such as United Nations Convention Against Corruption (UNCAC), to ensure that regulation domestic fulfil global standards . [2]

Second , the increase capacity apparatus enforcer law also becomes step important . Purnomo showed that Lots apparatus enforcer law in Indonesia is still not enough understand principles justice that should be applied in case corruption . Training sustainable and education more laws deep can help increase professionalism and integrity in Handling case corruption . In addition , greater supervision strict towards judges and prosecutors required For prevent existence intervention political or economy that can influence the judicial process .

Third , strengthening mechanism supervision towards the judicial process is very important For increase transparency and accountability . Transparency International (2023) noted that participation public in supervise the legal process can give pressure for court For more transparent in taking decisions . In some countries, such as Singapore, transparency in legal process has proven effective in increase trust public and reduce level corruption .

Fourth, it is necessary There is effort For increase literacy law in society so that the public can more critical in supervise the enforcement process Law. Campaign education anti-corruption must become part from national strategy For eradicate corruption. Kartono shows that society that has good understanding about law tend more proactive in report action corruption and support legal reform. In the context of theory justice, is needed effort For ensure that principles justice retributive, distributive, and restorative integrated in a way consistent in system justice. Theory of justice retributive emphasize importance appropriate punishment with level crime, while justice distributive ensure that punishment given in a way fair without discrimination . Justice restorative, on the other hand, aims For restore losses caused by the perpetrator to society. The third integration principle This can help create system more laws fair and effective in eradicate corruption . In overall , results study This show that lightness punishment to perpetrator corruption is problem complex that requires approach multidimensional For overcome it. With adopt a more approach fair and transparent, Indonesia can increase effectiveness eradication corruption and strengthening trust public to system law. Reform of the system law supported by participation community and cooperation international can become step important For create significant changes in effort eradicate corruption in Indonesia.

### CONCLUSION

Implementation theory justice , good retributive , distributive , and restorative , still Far from the ideal in system Indonesian justice . Imbalance between principle law and its implementation , intervention politics , weakness supervision institutional , as well as culture tolerance to corruption become factor the main thing that makes it worse situation this . Punishment light No only reduce effect deterrent for perpetrators and candidates perpetrators , but also weakens trust public to system law and damage reputation Indonesia as a serious country in eradication corruption . In theoretical , findings This confirm the need strengthening integration principles justice in every aspect system law . Implementation justice retributive , distributive , and restorative in a way consistent can repair inequality in giving punishment and return trust public . In practical , research This highlight the importance of structural and institutional reforms , such as harmonization regulation national with standard international , improvement capacity apparatus law , and greater oversight transparent . In addition , the strengthening literacy law in society and campaign sustainable anti- corruption is step crucial For change culture tolerance to corruption . With a more approach comprehensively , Indonesia can strengthen effectiveness eradication corruption and realize system fair and integrity law .

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