Death Penalty Policy for Perpetrators of Corruption Criminal Acts in Certain Circumstances

Herry Liyus, Andi Najemi, Wildan Ambron Ritonga
Faculty of Law, Universitas Jambi,, Indonesia
herry_liyus@unja.ac.id

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Abstract

This article discusses the policy of the death penalty against perpetrators of corruption crimes in certain circumstances based on criminal law in Indonesia. Corruption itself is a crime that often occurs every time in Indonesia, and the impact of the corruption committed is very detrimental to the state and society, which will be discussed further in this article. With the topic of discussion, this article uses a normative juridical research method. The discussion of this article has conclusions including: 1) That the regulation of the death penalty for corruption crimes has been regulated in Article 2 paragraph (2) of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption with the qualification that the corruption is carried out under certain circumstances 2) That further legal reform is needed to be able to impose the death penalty for corruption that can harm the State

I. Introduction

Corruption is a crime considered to be highly detrimental to state finances. Serious corruption, under certain circumstances and disrupting public activities, is restricted through Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions. This regulation restricts daily community activities (K. Ali, 2024). As a result, economic development is disrupted, including the economic sector. To address this issue, the government has implemented various policies, including the Family Hope Program (PKH), the National Economic Recovery Program (PEN), the Greater Jakarta Social Assistance Program, the Pre-Employment Card, the Village Fund Direct Cash Assistance (BLT), and others (Mauludi, 2023).

These various policies are considered to be very helpful for the public in meeting their daily needs (Fairuz, 2023). Furthermore, with these activity restrictions, problems arise when the government's good intentions are misused by irresponsible individuals who exploit the pandemic for personal gain through corruption. This is undoubtedly very detrimental not only to the public but also to the state (Bunga et al., 2019).

The crime of corruption has a negative impact not only on the economic sector, but also harms state finances. Furthermore, state finances are worsening, disrupting all economic activity. Certain state officials and state institutions are abusing their authority and trust by committing various forms of fraud, including forgery, bribery, and embezzlement of public funds.

Any state official who dares to commit corruption will be subject to the threat of severe criminal penalties as stipulated in the Criminal Code. Criminal Corruption Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. The threat of the death penalty awaits those who commit corruption in "certain" circumstances, which is stated in Article 2 paragraph (2) of the PTPK Law, which states that "in the case of criminal acts of corruption as referred to in paragraph (1) being committed in certain circumstances, the death penalty may be imposed." (Drani, 2020).

The criminal penalties imposed by the Corruption Law against corruptors are still considered relatively light. Efforts to combat corruption continue, although they have not yet shown optimal results. We know that corruption is an extraordinary crime (Hartono et al., 2023). Addressing it requires extraordinary (special) methods. The maximum penalty should be imposed, with the death penalty being the ultimate penalty. which is the right step to have a deterrent effect that can shake the perpetrator's heart before committing a criminal act of corruption (Hamzah, 2019).

The threat of the death penalty is often associated with violations of a person's right to life. The results of the material review of the corruption law at the Constitutional Court (MK) based on Constitutional Court Decision Number 122/PUU-XIII/2015 stated that there is no conflict between Article 2 paragraph (2) and Article 28 A and Article 281 paragraph (1) of the 1945 Constitution which guarantees the right to life.

In relation to the threat of the death penalty for corruption cases carried out under certain circumstances, the chairman of the Corruption Eradication Commission, Firli Bahuri, made a firm statement to the media by giving strict sanctions in the form of the threat of the death penalty to those who dare to commit corruption under certain circumstances (Nasution & Bangun, 2020).

Regarding the criminal case of corruption during this particular period, what is being widely discussed is the corruption case carried out by the inactive Indonesian Minister of Social Affairs. Juliari Peter Batubara received a bribe of 17 billion rupiah from two social assistance package implementers for handling natural disaster relief (Damping, 2019). The money was used for his personal needs. Of course, the actions carried out by the former Minister of Social Affairs of the Republic of Indonesia were very cruel and had no concern for humanity (Mansyah & Ali, 2020). The basic food packages that were intended for the underprivileged due to natural disasters were instead misused and used for personal gain (Hatta, 2024). From this description, the researcher is interested in conducting a study entitled "Death Penalty Policy for Perpetrators of Corruption Crimes During Certain Circumstances ". Based on the background explained above, the problems can be formulated, including: first, how is the regulation of the imposition of the death penalty on perpetrators of corruption crimes during certain circumstances? Second, what is the future criminal law policy for perpetrators of corruption committed during certain circumstances?

II. Research Method

This research uses a normative juridical approach using secondary data in the form of legal regulations, and is supported by primary data in the form of field research (Junianto, 2020).

III. Results and Discussion

1. Legal Regulations for Imposing the Death Penalty on Perpetrators of Crimes

Corruption Crimes During Certain Circumstances

During the enactment of the Corruption Law I, the death penalty for

perpetrators of corruption has never been carried out in Indonesia. In fact, in a corruption case committed by Ahmad Sidik Mauladi Iskandardinata alias Dicki Iskandardinata, the Public Prosecutor demanded the death penalty for the perpetrator, but the judge did not grant the prosecutor's demand to sentence the defendant to death, but the judge only sentenced the defendant to life imprisonment (Zikril Akbar Tanjung, 2024).

The provisions regarding the death penalty are regulated in Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, namely regulated in Article 2 paragraph (2) of the Corruption Law which states "In the event that the criminal act as referred to in Article 2 paragraph (1) is committed under certain circumstances, the death penalty may be imposed." What is meant by "certain circumstances" is if a state or non-government official commits corruption when the country is in a state of danger. (Sindarto, 2021). The state of danger referred to, for example, occurs when a national natural disaster occurs as a repetition of the criminal act of corruption, or when the country is in a state of economic and monetary crisis.

In addition, the regulation of the death penalty in corruption crimes is strengthened by the existence of Presidential Decree Number 11 of 2020 concerning the Determination of the Public Health Emergency for Corona Virus Disease 2019 (COVID-19) and Presidential Decree Number 12 of 2020 concerning the Determination of the Non-Natural Disaster of the Spread of Corona Virus Disease 2019, which means that the COVID-19 disaster is included in certain circumstances, as explained in the Corruption Law Article 2 paragraph (2).

This criminal act of corruption, when viewed from the context of Islam, is the same as a facade, namely an act that destroys the order of life, and the perpetrator is categorized as committing a major sin. Corruption in Islam is an act that violates sharia. Islamic sharia aims to achieve the welfare of humanity, which is what it is intended to achieve. namely the preservation of assets from various forms of violations and misappropriation (Bagus Tunggala Putra, 2024).

Corruption, when viewed from Islamic law, falls under the category of ghoiru hudud crimes, which are punishments imposed at the discretion of judges, as opposed to those specified in the Quran and Hadith. This punishment can sometimes take the form of the death penalty. This punishment can be imposed in times of emergency or crisis. Therefore, the death penalty for corruptors is tailored to the circumstances of society, and the decision regarding the death penalty is left to the government and judges.

cases can give rise to many negative consequences for the country. Corruptors ignore the negative consequences, especially for the country itself.

They focus solely on their own wealth, ignoring the needs of their community, especially those living below the poverty line. In cases of corruption, it's best to first prove whether the individual has committed corruption. Corruption occurs when individuals prioritize their personal interests. above the interests of the people.

There are several interesting aspects of corruption : the abuse of authority by state officials, and the convergence of political power for the benefit of private business interests. This hinders Indonesia's rapid development. Many malicious threats are made by various parties for the sake of office. The perpetrators of corruption are driven solely by the idea of generating wealth for themselves, without considering the dwindling state finances. How many trillions of state funds have been wasted and lost at the hands of corrupt leaders, who have become a poison to the Indonesian nation (Lengkong, 2023).

Corruptors should be deterred by regulations that impose the harshest penalties, even the death penalty, for those who commit corruption. In reality, state losses in Indonesia are increasing due to the corrupt behavior of officials. Every year, there are always those who find loopholes to commit corruption. There are four components of an anti-corruption strategy., namely "frying big fish," fixing a corrupt system, involving a community to produce a successful campaign, and increasing the income of civil servants in the country. Cases related to criminal acts of corruption are mostly related to the procurement of goods and services. In Indonesia, the corruption that often occurs within the civil government is bureaucratic corruption that occurs within the civil government in Indonesia (Apriliani & Simangunsong, 2025).

Corruption is an unlawful act that harms state finances for personal gain. Therefore, it is every citizen's responsibility to prevent corruption (Asmara, 2021). Combating corruption involves more than simply arresting and imprisoning perpetrators ; building a culture of law enforcement is the responsibility of law enforcement officials, the government, and the public (Ostrohliad et al., 2021).

In line with the objectives of the law, the law enforcement process can be realized ; legal values and ideals can be realized concretely; and substantive justice can be achieved (Supit et al., 2023). Therefore, legal justice and legal certainty are necessary. Corruption is something that is detrimental to many parties, the same as other types of crime, such as theft, which has existed since the past and continues to this day. The main problem is prosperity and technological progress, corruption is increasing (Huda, 2023).

In combating corruption, it should be based on human capabilities and resources. Available human resources and capacity cannot be ignored, as they

can compromise capacity and complicate strategies. In this regard, the quality and capacity of human resources need to be strengthened, particularly in the area of law enforcement for corruption. Corruption in Indonesia is prevalent in social life. From year to year, this is constantly increasing, which has a negative impact on the country. Due to poor management and the increasing emergence of economic disasters, the incidence of corruption has increased.

Corruption never brings positive consequences because corruption is a specific crime that is considered very detrimental to the state's finances and economy. Corruption is a serious problem in various countries, including Indonesia. One of the most common acts of corruption in Indonesia is the misappropriation of General Assistance Funds (Bansos). Social assistance is provided to individuals/families with the recipient's name, address, and amount clearly stated when preparing the regional original revenue budget. Social assistance is also intended to support political parties (Mandagie & Damayanti, 2023). The increase in corruption in the distribution of public assistance funds is caused by weak mechanisms for providing public assistance funds and very minimal spending controls, which increase the opportunity for misuse of state funds.

Corruption is an act of direct or indirect self-enrichment that harms state finances and the domestic economy. This includes acts of corruption, including bribery, embezzlement, and the abuse of office or authority for personal gain (Wantu et al., 2020).

Corruption is an antisocial act which is an extraordinary crime (Extraordinary Crime), so there must be special regulations or laws that regulate criminal acts of corruption. Criminal acts of corruption are regulated more specifically in Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. In this Criminal Act of Corruption, the legal principle is used, namely "Lex specialis derogat legi generali", namely the principle of legal interpretation which states that special laws (lex specialis) override general laws (lex generalis).

The establishment of a special court for corruption crimes as explained in Law Number 46 of 2009 P origin 2, the corruption crime court is a special court within the General Court. The Corruption Crime Court is a court authorized to examine, try, and decide corruption cases.

These judicial mafia practices have consistently damaged the criminal justice system in Indonesia, starting from the investigation, prosecution, execution and correctional processes of convicts. In the government's efforts to combat corruption, many people are still skeptical or cynical about the government's efforts. This shows that the public is always the victim of injustice in carrying

out legal action against corruption cases. The public wants perpetrators of corruption to receive the harshest possible punishment, even the death penalty, so that perpetrators of corruption are afraid of being given the harshest possible punishment (Cifuentes-Faura, 2024).

Eradication Commission (KPK) is wary of officials who spend large sums of money on disaster management during certain periods and misuse social assistance funds. To prevent corruption during certain periods, the KPK issued three circulars. These three circulars regulate the use of budgets for government agencies receiving public donations and procuring goods and services, and the use of integrated social welfare data in providing social assistance to the community. With increasing poverty, in The crisis in Indonesia, coupled with the ongoing pandemic and corrupt practices by state officials, has further undermined the stability and security of Indonesian society and morals.

assistance funds should be distributed to those entitled to receive them, but in practice, they are often misused by corrupt individuals. These corrupt individuals include council members, regional leaders, regional heads, and local government officials (Bambang Hermanto & Slamet Riyadi, 2022). This is an irony. Development in all sectors is hampered by selfish actions. Money that should be used for public interests, such as infrastructure development and community economic development, is being misused due to budget corruption by state authorities. However, other forms of corruption also involve money laundering. To prevent and address this corruption, the government needs to improve the distribution system, accountability patterns, and strict oversight systems to ensure that social assistance funds do not reach their intended destination (Suramin, 2021).

The impact of corruption that occurred during a certain period that hit Indonesia had a big impact on the country's economy : many companies went bankrupt, employees were dismissed without receiving severance pay, as well as the obstruction of export and import activities and the increase in poverty rates in Indonesia. society. The Indonesian government provides economic assistance to underprivileged communities in need. State authorities, empowered to distribute aid to improve public welfare during this pandemic, have instead abused their power by increasing their personal wealth through corrupt practices involving social assistance funds. This abuse of power and position is detrimental to the state and also to communities in need of social assistance (Hoffman, 2021). Therefore, the Corruption Eradication Commission and other law enforcement agencies must work diligently and collaboratively to enforce the law.

For perpetrators of corruption, certain circumstances constitute an

aggravation of the criminal penalty for corruption committed against funds used to address emergencies. For example, in situations of national disaster, widespread social unrest, economic and monetary crises, and funds for addressing corruption (M. Ali et al., 2023).

The verdict given by the judge against the defendant Ahmad Sidik Mauladi Iskandardinata sets a bad precedent in law enforcement in Indonesia, particularly in the eradication of corruption. To reduce the occurrence of corruption, there needs to be seriousness from law enforcement, especially judges, to properly impose the heaviest possible punishment, namely the death penalty, to provide a deterrent effect to perpetrators of corruption.

The public sees and hears stories about corruption almost daily through mass media coverage. Corruption is a serious disease that is incredibly difficult to cure. Perpetrators of corruption come and go. Even before a corruption case is finalized and a verdict is reached, the perpetrators return as perpetrators of another alleged corruption case. In fact, many of the country's officials are caught red-handed in sting operations by the Corruption Eradication Commission (KPK).

The perpetrators of this corruption have changed over time, as law enforcement officials responsible for eradicating corruption have changed. Anti-corruption agencies have been established, laws and regulations have been enacted, but corruption persists. It seems as if no official or leader in this country is capable of stopping it. The public has become apathetic. Are the law enforcement agencies in this country capable of eradicating corruption ?

In the general provisions of Book I of the Criminal Code, it can be seen that the imposition of the death penalty is one of the punishments that is still applied in Indonesia and is still maintained to this day. implementation Indonesian criminal justice system (Mas et al., 2017).

Anti- Corruption Law has never been implemented against corruptors. In fact, the most common executions are for terrorism and narcotics offenses, even though, when viewed from the impact of these three types of crimes, they all fall into the category of extraordinary crimes.

The death penalty is an alternative to being imposed as a means of protecting society. The death penalty is established as a means of combating crime, which is essentially a legal policy choice. However, after the policy is adopted or decided upon and formulated in a law, it becomes a legal option.

Indonesia is currently experiencing economic and socio-political turmoil, which can be described as a state of emergency. The definition of a "state of emergency" is unclear. This allows law enforcement to interpret the situation based on logical and rational grounds. For example, there is a strong

basis for the notion that the state of emergency is caused by the social and political turmoil in Indonesia during the COVID-19 pandemic.

In a state of law, three basic principles always apply, namely the supremacy of law, equality before the law and law enforcement in a way that does not conflict with the law (Triatmanto & Bawono, 2023). In a state of law, the priority is equal protection or equality before the law. Differences in legal treatment are only allowed if there are special reasons, for example, children who are under 17 years old have different rights from children who are over 17 years old. However, differences in treatment without logical reasons still occur in many countries, including in developed legal countries (Gustavson & Sundström, 2018).

In this case of corruption, the death penalty can actually be imposed on the perpetrator under certain circumstances. This is because the imposition of such a sentence is in accordance with the provisions of the Corruption Crimes Law. The current issue remains whether the Corruption Law is implemented in the punishment enforcement process. Indonesia's principle of being a nation based on the rule of law will be well realized if the law is not subject to power. Perpetrators of corruption are usually those in positions of power. Until now, perpetrators of corruption have always been punished with light sentences.

Many suspect that the death penalty is merely a bluff intended to create a deterrent effect and is not actually carried out. In reality, many death row inmates in Indonesia are not actually executed. Some have their sentences commuted to life imprisonment, others receive presidential pardons, and others are released after serving decades. (Ash-shidiqqi & Wibisono, 2018).

In court decisions regarding corruption crimes, judges always only sentence defendants to light sentences. The absence of the death penalty in judges' sentences, even though the perpetrators of corruption have committed mistakes that must be accounted for, makes Indonesia the most pleasant place for corruptors to commit crimes to take public money illegally. Meanwhile, the threat of the death penalty as regulated in the Corruption Crime Law has been ignored. Until now, no perpetrators of corruption have ever been charged with the threat of death, which then becomes a basis for judges to impose the death penalty on corruptors (Kaplan, 2021).

The existence of injustice that appears in society, such as poverty, is one of the main causes, more due to the injustice and legal certainty of the rulers and those who have abundant money over them. The absence of demands for the death penalty by prosecutors for defendants of corruption causes judges to increasingly impose the death penalty on corruptors. This increasingly shows that justice is increasingly far from the people. The people should be able to

enjoy the money embezzled by corruptors because the money comes from the people and will be returned to the people in the context of poverty alleviation, education and health in the community. If the rulers of this country do not side with the people, of course the threat of the death penalty for corruptors will never be implemented. In fact, the death penalty could be an effective way to reduce the occurrence of corruption in Indonesia.

The Supreme Court of the Republic of Indonesia has issued Supreme Court Regulation (Perma) Number 1 of 2020 concerning Guidelines for Sentencing under Articles 2 and 3 of the Corruption Eradication Law, which has been widely appreciated by various parties, particularly the House of Representatives (DPR), the Corruption Eradication Commission (KPK), and various other parties. In the Supreme Court Regulation, the Supreme Court divides corruption into five categories : the most serious, serious, medium, light, and lightest. For corruption that falls into the most serious category, the judge can impose sentences of up to life imprisonment and even the death penalty (Arifin & SH, 2024).

In this Supreme Court Regulation, judging from the criminal penalties, the Supreme Court appears to be imposing the death penalty. In imposing the death penalty on corruption perpetrators, there are conditions that must be met by corruptors, as stipulated in Supreme Court Regulation Number 1/2020:

1. The crime was committed against funds used to deal with emergencies, national natural disasters, dealing with the consequences of widespread social unrest, dealing with economic and monetary crises, and repeating corruption crimes.
2. The judge did not find any mitigating factors in the defendant's case.
3. Defendant in corruption of IDR 100 billion or more.
4. The defendant has the most significant role in the occurrence of the crime, whether committed individually or together.
5. The defendant had a role as an advocate, the instigator or perpetrator of the crime of corruption.
6. The defendant committed his act using a modus operandi or sophisticated means/technology.
7. The defendant committed corruption during a national scale disaster or economic crisis.
8. The corruption that was committed resulted in national impacts.
9. The corruption that occurred resulted in the results of the work not being able to be utilized at all.
10. The corruption committed by the defendant resulted in suffering for vulnerable groups in society, including the elderly, children, the poor,

pregnant women and people with disabilities.

11. The defendant's wealth was obtained from 50 percent or more of the proceeds of corruption.
12. Less than 10 percent of the embezzled money is returned.

Criminal law is essentially a tool to achieve goals and formulate these goals in the concept or material of a law that the drafters want to enforce by including criminal penalties. The purpose of criminal punishment is to protect society and protect or develop the perpetrators. From this statement, there is a shift in the purpose of criminal punishment, which was originally only to cause(Abdaud et al., 2022) suffering to the perpetrator, but also to provide protection and development to the perpetrator. As a result of the shift in the purpose of criminal punishment, it is considered to injure the sense of justice for society and the crime of corruption is increasingly rampant, so it is necessary to apply the death penalty as the most severe sanction in criminal law in the legislation, because currently the Corruption Law, which currently threatens less severe penalties, actually provides opportunities for more corruption to occur .

Until now , only one article regulates the threat of the death penalty in the Corruption Law and this does not instill fear in someone to commit a criminal act of corruption even though he is threatened with the death penalty. Therefore, it is necessary to add the threat of the death penalty to perpetrators of corruption, as it is known that corruption is an extraordinary crime that also has a very large impact on the country's economy.

The death penalty for corruptors continues to spark controversy. Ahmad Santoso (a member of the Legal Mafia Eradication Task Force) expressed his support for the death penalty, with several conditions. Among the reasons why corruptors should be sentenced to death are that corruption is an extraordinary crime. Corruption has also driven social impoverishment, made the Indonesian nation vulnerable and weak, and eroded capacity, resulting in greed and corruption that exploits suffering.

2. Criminal Law Policy Against Criminal Offenders During Certain Periods

One of the criminal law policies is the policy of drafting laws (formulation policy) or also called criminal law policy in the narrow sense as explained by Sudarto which is the whole of the principles that are a reaction to violations of legal norms in the form of criminal acts, including (WEDHA & NURCAHYO, 2021).

a. In a broad sense, it means the working methods of the police, prosecutors and courts which constitute the entire function of law enforcement apparatus;

b. In the broadest sense, the whole of policies based on legislation and official bodies or institutions with the aim of upholding vital norms in society as quoted from Jorgen J opsen's opinion.

Law No. 31 of 1999 mandates the death penalty for corruption offenders as part of its fight against corruption. Although it has been more than eleven years since its enactment, no corruptor has been sentenced to death. This contrasts with the death penalty for drug offenders, who have been sentenced to death (Putra & Ahyani, 2022).

The impact of corruption carried out at a certain time is multidimensional, affecting many aspects, including These include health, economic, social, and political aspects of the Indonesian nation. Indonesia's current state, which is experiencing economic, social, and political turmoil, could very well be described as a country in a particular state (Iskandar et al., 2021).

Muhammad Isnur, Head of Advocacy at the Indonesian National Student Association (YLNHI), stated that corruption during certain periods impacts the community's economy, leading people to commit crimes. Due to the economic impact of the COVID-19 pandemic, crime has increased, exploiting the Large-Scale Social Restrictions (PSBB), allowing criminals greater freedom to roam.

In terms of the authority to interpret the provisions of the meaning of Article 2 paragraph (2) of the Corruption Crime Law, judges are given the authority to interpret the Article which has been legally legitimized as contained in Article 5 paragraph (1) of Law Number 48 of 2009 concerning Power. The Judiciary states that: "Judges are obliged to explore, follow and understand the legal values and sense of justice that exist in society." Article 5 paragraph (1) indicates that a judge as a law enforcement officer can make legal discoveries if there is an ambiguity or if a legal norm that applies is still too abstract. Sudikno Mertokusumo is of the opinion that legal discovery is a law that is formed by other law enforcement officers, especially judges who are given the task of implementing general rules in concrete events or in other words legal discovery can be interpreted as a process of concretizing general legal regulations (das sollen) by considering certain concrete events (das sein)

There are several important things that have been established by the legislators in terms of policies for dealing with criminal acts of corruption which can be used as a trap to create a sense of deterrence for perpetrators of criminal acts of corruption with the threat of heavy sanctions, namely One of which is the death penalty (Lampatta & Sulaiman, 2020). Combating corruption has been the background to the idea of the death penalty policy. With this formulated policy, where judges still cannot apply the death penalty to perpetrators of corruption, even though the state has experienced large financial losses. and not

a few opportunities to achieve prosperity for the community will be lost due to this criminal act of corruption as per the principle of reverse burden of proof. Current criminal acts of corruption used as a benchmark for the quality and quantity of death penalty executions, and exacerbated by the issue of the existence of the death penalty in the existing system. This is a weakness in the Corruption Crimes Law (Sari & Pratama, 2021).

The policy of penal measures, which involves imposing sanctions on anyone who commits corruption, is a response to the actions taken. However, the process of combating corruption tends to employ reactive penal measures. Efforts to combat corruption focus on prevention and eradication, as penal measures are inherently part of criminal law enforcement. In combating corruption during the COVID-19 pandemic, two strategies are employed: preventive and repressive:

1. Preventive efforts are a form of prevention of criminal acts of corruption which are aimed at minimizing the causes of corruption.
2. Repressive strategy efforts are any actions that are directed, identified and processed quickly and precisely so that the perpetrator can be given sanctions in accordance with the laws and regulations.

Crime prevention efforts to prevent criminal acts by correcting certain conditions constitute non-penal policies, and include the criminalization of certain acts that are social phenomena in society. In combating corruption, non-penal policies are needed that can accommodate a broad range of knowledge that limits rational principles.

In addressing non-penal crimes, the focus is on prevention, but the primary focus is on addressing the conducive factors that lead to crime. Firm action is needed regarding the increasing number of corruption cases being handled. In this regard, both preventive and repressive measures are essential, as both can result in state administrators free from corruption.

In the process of organizing and developing society, corruption that has a very broad impact is categorized as an extraordinary crime, which means that corruption has an impact not only nationally, but also internationally. To prevent corruption, a comprehensive approach is needed to prevent corruption from being eradicated effectively. In this natural disaster outbreak, policies in dealing with criminal acts are essentially an integral part of protecting society (Putu Utari Praba, 2020).

The death penalty policy will continue to be used to address corruption, so amendments or reformulation of the death penalty provisions in legislation are necessary. The death penalty policy for corruption is related to several issues, including:

a. The position/status/existence of the death penalty in the current criminal law system.
b. Conditions for imposing the death penalty on corruptors;
c. Types of alternatives to the death penalty or forms of commutation of the death penalty.

One of the principal punishments in Indonesian positive law is the death penalty. In policy formulation, the death penalty has never been formulated as a single punishment (which contains an imperative/absolute nature), but has always been formulated as an alternative to other types of principal punishment and is only threatened for certain crimes. The death penalty is, however, essentially a "principal punishment that is special in nature and always threatened as an alternative." With an alternative formulation, the death penalty is seen as a last resort in protecting society.

The nature of the death penalty as a principal punishment which is special in nature as a last resort which is alternative in nature, therefore the death penalty legal policy for corruptors should be formulated with the following guidelines (Suramin, 2021):

a. The death penalty is threatened as an aggravating punishment for certain corruption crimes which are considered to be very reprehensible and very detrimental and damaging to the lives of the wider community.
b. The criteria for being very reprehensible and very detrimental can be based on:
   1) Objective criteria include:
      a) The quality of the weight of the crime (maximum penalty threatened);
      b) The manner and conditions in which the act was committed or whether there are factors aggravating the crime'
      c) The seriousness of the consequences (actual and potential)
   2) Subject/actor status criteria: for example, officials; people who act as officials or who pretend (claim) to be officials; officers/employees who hold positions; holders of state functions or public services ; state personnel who take advantage of their agency/position ; officials who trade in the influence of their position.
c. The factors that aggravate the sentence or the criteria for the death penalty are formulated explicitly in the formulation as general guidelines for imposing the death penalty.

The policy of formulating the death penalty in the Corruption Eradication Law during natural disasters based on the perspective of the Indonesian Criminal Law Reform, one of the policies is the policy of drafting laws or also called the formulation policy. As the legal problem experienced by the inactive

Minister of Social Affairs of the Republic of Indonesia Juliari Peter Batubara who received corruption money worth Rp 17 billion from two implementers of the social assistance package in the form of COVID-19 handling in the form of basic food packages at the Ministry of Social Affairs of the Republic of Indonesia in 2020 had a value of Rp 59 trillion with a total of 272 contracts and was implemented in two periods. The perpetrators are suspected of receiving a fee for each social assistance package of Rp 10,000 per basic food package from the value of Rp 30,000 per social assistance package (Bambang Hermanto & Slamet Riyadi, 2022).

This criminal act of corruption differs from general criminal law, such as the existence of deviations from procedural law and when viewed from the material regulated. There are regulations regarding the Law This corruption, both directly and indirectly, aims to minimize the occurrence of leaks and irregularities in the country's finances and economy.

IV. Conclusion

The provisions regarding the death penalty are regulated in Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, namely regulated in Article 2 paragraph (2) of the Corruption Law which states "In the event that the criminal act as referred to in Article 2 paragraph (1) is committed under certain circumstances, the death penalty may be imposed." What is meant by "certain circumstances" is if a state or non-government official commits corruption when the country is in a state of danger. The state of danger referred to, for example, occurs when a national natural disaster occurs as a repetition of the criminal act of corruption, or when the country is in a state of economic and monetary crisis. The death penalty policy in the Criminal Code Corruption in this particular period is still open to multiple interpretations, so there needs to be normative updates and interpretations and law enforcement to implement Article 2 paragraph (2) of the Corruption Law. Several policies that have been issued by the Indonesian government regarding public health emergencies and national disasters contain the meaning that the Indonesian government is paying serious attention to national disasters because they have an impact on disrupting state administration activities, causing the state to be in an uncertain state as regulated in the explanation of Article 2 paragraph (2) of the Corruption Law.

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