A NEW PARADIGM IN THE APPLICATION OF CRIMINAL SANCTIONS AGAINST CORRUPTION (LEGAL AND POLITICAL STUDIES TO FIND EFFECTIVE CRIMINAL SANCTIONS FOR CORRUPTION ERADICATION IN INDONESIA, ESPECIALLY ABOUT THE APPLICATION OF DEATH PENALTY)

Ambar Soeseno
Basuki Rekso Wibowo
Atma Suganda
Maryano

ABSTRACT

Purpose: Corruption remains pervasive in Indonesia, damaging the nation's finances and economy while infringing on the economic and social rights of the community. This study aims to explore efficient criminal sanctions to eradicate corruption in Indonesia, particularly focusing on the application of the death penalty.

Theoretical Framework: This study employs normative legal research and secondary information based on literature to analyze the application of criminal sanctions for acts of corruption.

Method: The research utilizes a data analysis technique involving problem identification, data gathering, data reduction, conclusion formulation, and verification.

Result and Discussion: The study concludes that emphasizing the law's provisions is crucial for applying the death penalty to corruption cases. This has led to the Constitutional Court amending Articles 603 and 604 of the Criminal Code to include the threat of the death penalty. However, there is a debate among law enforcement officials regarding the violation of human rights (HAM) that could occur with the implementation of the death penalty. Therefore, revisions to the Criminal Code's articles are proposed to facilitate the death penalty's implementation, considering the quality and quantity of corrupt individuals.

Conclusion: The anticipated outcome is that authorities will use the death penalty as a symbol of their commitment to combatting worsening corruption annually in Indonesia.

Keywords: Corruption, Crime, Death Penalty, Human Rights.

RESUMO

Objetivo: A corrupção continua disseminada na Indonésia, prejudicando as finanças e a economia do país e infringindo os direitos econômicos e sociais da comunidade. Este estudo tem como objetivo explorar sanções penais eficientes para erradicar a corrupção na Indonésia, com foco especial na aplicação da pena de morte.

Estrutura Teórica: Este estudo emprega pesquisa jurídica normativa e informações secundárias baseadas na literatura para analisar a aplicação de sanções penais para atos de corrupção.

1 Faculty of Law, Universitas Jayabaya Jakarta, Indonesia. E-mail: ambarseno3939@gmail.com
2 Faculty of Law, Universitas Jayabaya Jakarta, Indonesia. E-mail: basukireksowibowo@gmail.com
3 Faculty of Law, Universitas Jayabaya Jakarta, Indonesia. E-mail: atasuganda7@gmail.com
4 Faculty of Law, Universitas Jayabaya Jakarta, Indonesia. E-mail: maryano.myn@gmail.com
Método: A pesquisa utiliza uma técnica de análise de dados envolvendo identificação de problemas, coleta de dados, redução de dados, formulação de conclusão e verificação.

Resultado e Discussão: O estudo conclui que enfatizar as disposições da lei é crucial para a aplicação da pena de morte a casos de corrupção. Isto levou o Tribunal Constitucional a alterar os artigos 603.º e 604.º do Código Penal para incluir a ameaça da pena de morte. No entanto, há um debate entre as autoridades policiais sobre a violação dos direitos humanos (HAM) que pode ocorrer com a aplicação da pena de morte. Portanto, revisões nos artigos do Código Criminal são propostas para facilitar a implementação da pena de morte, considerando-se a qualidade e quantidade de indivíduos corruptos.

Conclusão: O resultado esperado é que as autoridades usem a pena de morte como um símbolo de seu compromisso de combater o agravamento da corrupção anualmente na Indonésia.

Palavras-chave: Corrupção, Crime, Pena de morte, Direitos Humanos.

UN NUEVO PARADIGMA EN LA APLICACIÓN DE SANCIONES PENALES CONTRA LA CORRUPCIÓN (ESTUDIOS JURÍDICOS Y POLÍTICOS PARA ENCONTRAR SANCIONES PENALES EFECTIVAS PARA LA ERRADICACIÓN DE LA CORRUPCIÓN EN INDONESIA, ESPECIALMENTE SOBRE LA APLICACIÓN DE LA PENA DE MUERTE)

RESUMEN

Propósito: La corrupción sigue siendo omnipresente en Indonesia, dañando las finanzas y la economía de la nación mientras infringe los derechos económicos y sociales de la comunidad. Este estudio tiene como objetivo explorar sanciones penales eficientes para erradicar la corrupción en Indonesia, centrándose particularmente en la aplicación de la pena de muerte.

Marco teórico: Este estudio emplea investigación jurídica normativa e información secundaria basada en la literatura para analizar la aplicación de sanciones penales por actos de corrupción.

Método: La investigación utiliza una técnica de análisis de datos que implica la identificación de problemas, recopilación de datos, reducción de datos, formulación de conclusiones y verificación.

Resultado y discusión: El estudio concluye que enfatizar las disposiciones de la ley es crucial para aplicar la pena de muerte a los casos de corrupción. Esto ha llevado al Tribunal Constitucional a modificar los artículos 603 y 604 del Código Penal para incluir la amenaza de la pena de muerte. Sin embargo, hay un debate entre los funcionarios encargados de hacer cumplir la ley sobre la violación de los derechos humanos (HAM) que podría ocurrir con la aplicación de la pena de muerte. Por lo tanto, se proponen revisiones de los artículos del Código Penal para facilitar la aplicación de la pena de muerte, teniendo en cuenta la calidad y cantidad de personas corruptas.

Conclusión: El resultado previsto es que las autoridades utilizarán la pena de muerte como símbolo de su compromiso para combatir el agravamiento de la corrupción anualmente en Indonesia.

Palabras clave: Corrupción, Crimen, Pena de Muerte, Derechos Humanos.

1 INTRODUCTION

Corruption is commonly regarded as an endemic sickness in Indonesia; some even contend that it has pervaded society as a whole. Today's systemic and pervasive corruption in Indonesia undermines the economic and social rights of the larger community in addition to...
harming the state's finances and the nation's economy. In Indonesia, corruption has spread to all spheres of society, including the national and local levels (Saputra, 2018). In Indonesia, corruption-related crimes are still developing at a fast rate, and their eradication is proceeding very slowly. This is due to the fact that it appears that the government no longer has the ability to combat corrupt individuals. The issues that arise are too difficult for the government to handle. Despite the fact that it is well acknowledged that corruption is very bad for the country and state Bunga et al. (2019), the legislation appears to be ineffective in addressing issues. All of the country's issues, including poverty, are caused by corruption. By maximizing efforts to end corruption, practices, habits, and widespread corruption must be swiftly addressed. Through both preventative measures and legal action, the law enforcement process is strict, constant, and ongoing. In order to successfully remove corruption, law enforcement authorities like the police, prosecutors, and Corruption Eradication Commission must work together in harmony. They must also avoid weakening one another, which will actually make it more difficult to eliminate corruption overall. It is envisaged that coordinated measures to combat corruption will be able to reduce the prevalence of corrupt behaviors, hence enhancing the welfare of society (Waluyo, 2016).

It is specifically stated that Indonesia is a state based on law in the modified articles of the 1945 Constitution. However, the implementation of Indonesia's rule of law principles is based on components of a rule of law in general, including efforts to protect human rights, the division or separation of powers, the implementation of people's sovereignty, administration of government based on applicable laws and regulations, and the existence of state administrative justice (Siallagan, 2016). People draw the conclusion that there is only one criminally responsible party for each offense after reading the phrasing of each criminal law provision. In actuality, it frequently occurs that multiple people are complicit in a criminal conduct. One or more additional participants may be present in addition to the offender (Bassang, 2015). According to Satochid, the relationships between each participant (person involved) in the resolution of the crime can take the following forms: 1) several people jointly commit an offense; 2) possibly someone has the will and plans the offense, but the offense is not carried out by himself, he even uses other people to carry out the offense; and 3) it is also possible for one person to commit the offense while being assisted by another person in carrying out the offense. Articles 55 and 56 of the Criminal Code govern investment in accordance with its provisions. These articles divide involvement into two main categories: makers and helpers (Sitompul, 2019).
The policies that must be implemented in the context of combating and eliminating corruption must not be pragmatic, selective, or repressive in nature, but rather must be focused on efforts to combat and improve the general causes and conditions that serve as criminogenic factors for corruption (Sekolah, 2017). Reports about the conversation in November 2021 about the death penalty for corrupt officials have sparked new debates in official media outlets. Additionally, pro-contra reports were suppressed by Indonesian media outlets (Aladdin & Hanafi, 2023). One of the nations that still upholds and acknowledges the legitimacy of the death penalty as a means of punishing criminals is Indonesia. In addition to being the worst punishment, the death penalty is also one that is often quite terrifying, especially for prisoners who are waiting to be executed. Always, the general public is the target of the death penalty's imposition and execution in order to instill a sense of fear in individuals who might otherwise do terrible acts and face the death penalty. The crime of corruption, which is listed in Article 2 paragraph (2) of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption offenses, is one of the offenses that can result in the death penalty (Yuhermansyah & Fariza, 2017).

Due to these issues, a thorough analysis of the new paradigm in the use of criminal sanctions against corruption is required (along with legal and political studies in an effort to find effective criminal sanctions for eradicating corruption in Indonesia, particularly in relation to the use of the death penalty). In order to establish efficient criminal sanctions for eliminating corruption in Indonesia, particularly the death penalty, legal and political studies are being conducted with the goal of analyzing the application of criminal sanctions to acts of corruption. Similar research was carried out by Grigorius & Kholiq (2021), and the results showed that "the imposition of death penalty for the Minister of Social Affairs, Juliari Batubara, is still difficult to implement because there are several fundamental problems for imposing capital punishment" After then, Toule M. (2013) performed study, and according to the findings, "the policy on the formulation of death penalty sanctions is not followed by the application policy." Judges of corruption offenses are reluctant to impose the death penalty on offenders even though it is obvious that the state has suffered losses, just like the principle of inverted proof is reluctant to be applied in trials of criminal acts of corruption. The paradigm employed in this study distinguishes it from earlier studies. The two earlier studies didn't address political studies at all; they solely looked at legal studies. Political and legal studies are examined in this study. The research has the potential to be a study for law enforcement officials applying the death penalty to corrupt individuals.
2 LITERATURE REVIEW

According to theory, supply and demand forces affect corruption. From the demand side, this is achievable due to (1) rules and permissions that permit corruption, (2) specific elements of the taxation system, and (3) the provision of products and services below market pricing. From the supply side, however, this is made possible by a number of factors, including (1) bureaucratic traditions that have a propensity for corruption, (2) low pay among the bureaucracy, (3) insufficient control over institutions, and (4) openness of rules and laws (Siahaan et al., 2019).

Criminal corruption has the following effects: it slows down economic and social progress; it lowers state tax receipts; it lowers investment value; and it lowers spending on healthcare and education. The corporation and the state sustained significant losses as a result of this influence. The following are some of the ways the government works to keep corrupt crimes from being eradicated: Preventive measures, specifically the efforts put forward by the government in the form of oversight of the state apparatus with the goal of achieving an administration of the state that is honest and free from corruption, collusion, and nepotism. Efforts to repress, restrain, hold, or oppress are referred to as repressive activities. The effectiveness of this effort will be determined by how well it is implemented, which will subsequently enable it to deter criminals from committing crimes and advance the objectives of the sentencing theory (Lubis, 2018).

It will take the cooperation and efforts of many parties to eradicate corruption, allowing efforts to attain good government to proceed more quickly. Policy makers should concentrate their efforts on achieving the following goals: 1) The holders of key positions in executive agencies and public services must strengthen public institutions; 2) Politicians and civil servants must collectively be responsible for the implementation of the government's duties and commitments; and 3) Politicians and bureaucrats in general must be more responsive to the needs of privatized sectors. Law No. 20 of 2001 concerning modifications to Law No. 31 of 1999 concerning the eradication of criminal acts of corruption regulates criminal acts of corruption. The law was created to better ensure legal certainty, avoid varying legal interpretations, and offer protection for people's social and economic rights as well as fair treatment in outlawing corrupt practices.
3 RESEARCH METHOD

This study is normative legal research or secondary information based on literature. Secondary data is produced from primary legal sources, such as books, judgements, and papers. Law No. 20 of 2001 concerning modifications to Law No. 31 of 1999 concerning the Eradication of Corruption Crimes, as well as Law No. 30 of 2002 creating the Commission for the Eradication of Corruption Crimes, are examples of secondary legal sources. Because primary and secondary data were used to gather the information for this study, informants and respondents were not used. The researcher himself is the instrument in this study, or rather, he or she is a human instrument. Primary and secondary sources are gathered as part of data collection processes. The steps involved in the data analysis technique are problem identification, data gathering, data reduction, conclusion formulation, and verification. Utilizing reference resources, the data's veracity is evaluated. Reference materials are used to verify the accuracy of the data that researchers have discovered (Mekarisce, 2020).

4 RESULT

As stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, legal politics is considered as decisions concerning laws and regulations that can be implemented as well as decisions about laws and regulations that should be repealed or deemed invalid. The legal political orientation for combating corruption should be continually considered and assessed to determine whether it results in policies and legal products that uphold national principles or become a hindrance to those goals. It will appear that the statement or legal axiom "law is a product of politics" means that politics controls or is a subset of law, but it can also mean that politics itself must be seen as a form or variable that is affected or influenced by the law itself. Since scientific truth is essentially neither absolute nor absolute because it depends on the underlying assumptions, concepts, and scientific theories that are applied, there is actually nothing wrong with whether the law determines politics or politics determines the law.

Therefore, it may be inferred that politics and law are inseparable and are two sides of the same coin. (1) Everyone who unlawfully commits an act of enriching himself or another person or a corporation that can harm state finances or the state economy shall be punished with life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years, and a fine of at least IDR 200,000,000.00 (two hundred million rupiah). This is regulated in Article 2 of the Corruption Crime Eradication Law. (2) The death sentence may be
applied if the corrupt act mentioned in paragraph (1) is performed under a specific set of circumstances.

5 DISCUSSION

Legal politics is a legacy policy that will be or has been implemented at the national level; in this case, it is Indonesian national legal politics, which entails: first, legal development, with the main focus being on creating and updating legal materials so that they are in accordance with needs; second, the implementation of existing legal provisions, including the affirmation of the functions of the institution and the development of law enforcement personnel. And according to this definition, legal politics involves the process of creating and enforcing a law, which might suggest the direction and type of the law that will be created and implemented under the notion of a state of the rule of law and the sovereignty of the people. Policies are created from legal politics at both the legislative and executive levels to carry out legal politics' and the law's own manifestations in ways that benefit the larger community. In this particular case, the question is whether the legal products that result from a legal political process are able to benefit the community greatly or, in other words, whether they can support the economic growth of a country or region, or whether they actually impede it, which would be detrimental to both. It is therefore necessary to conduct an assessment and evaluation of the degree to which legal politics in Indonesia, particularly the creation and enforcement of laws related to criminal acts of corruption, can become a supporting factor for the Indonesian economy, i.e., the ability of the law to provide benefits and welfare for the populace (Budi Kartika & Gunawan, 2020).

The idea of a rule of law is inextricably linked to the goal of law, which is to promote justice, legal clarity, and the advantages of the rule of law. law that must be upheld by state legal authorities. The Republic of Indonesia's Constitution explicitly specifies that Indonesia is a constitutional state in Article 1 paragraph (3). The supremacy of a state rests not in that state but in the law itself if the rule of law is connected to the notion of the rule of law. The state will be in a position to surrender to the law thanks to the rule of law. Because the rule of law governs the principles and norms of public order as well as the connection between society and the state, state sovereignty is subject to and serves the rule of law. As a result, the political authority held by state authorities must also be subject to the rule of law.

There are two crucial components of a rule of law in a nation that upholds it. To achieve justice and legal certainty, there is first an independent judicial power that has the authority to administer the law. Second, there exist law enforcement organizations (police, prosecutors, and
other law enforcement personnel) that are competent to exercise their powers and perform their tasks in a fair and professional manner. As a result, the legal system and law enforcement work together as a unit to uphold the rule of law. Like money, politics and law are intertwined and cannot be separated in order to produce excellent political and legal outcomes. Law enforcement and what is referred to as the birth of a country's legal products are intertwined because legal products are a manifestation of a political process, and vice versa: the existence of state laws indicates the existence of legal politics in a particular country, and vice versa. Legal politics shows up in the subtleties of living with other community members. On the other hand, legal politics and the actual use of power are tightly intertwined. the state, the country, and the people. All effective laws and state legislation fall under the umbrella of legal politics.

Capital punishment is a criminal punishment if it satisfies the aggravation conditions, which are specific circumstances, as stated in Article 2 paragraph (2), which allows for the imposition of the death penalty on corrupt individuals in particular circumstances. What is meant by "certain circumstances" in Article 2 Paragraph (2) is intended as a burden for the corrupt individuals if the crime is committed while the nation is in danger in line with relevant legislation, when a disaster occurs. national scope, as a result of continued corrupt behavior, or when the nation is under an economic and financial crisis.

The main reason it is so difficult to prosecute corrupt officials in Indonesia is because of the country's lax law enforcement. This is evident from the data in the 2017 Supreme Court report on the sanctions against corrupt people. The Supreme Court reports that 442 corruption cases have been resolved. In 269 cases, or 60.68% of the defendants, the sentences ranged from one to two years, and in 400 cases, or 90% of the defendants, the sentences were specific. Then, as many as 28 instances, or 6.33 percent of the defendants, received sentences of less than a year, while as many as 42 cases, or 9.73 percent of the defendants, were found not guilty. According to this data, there aren't many repercussions for corruption. The Supreme Court's report on terrorism and narcotics offences, which are punishable by a minimum of ten years in jail or even the death penalty, is different from this. In essence, current corruption seems to make it easier for the offenders. Consequently, in order to eliminate corruption, a complete legal strategy is required. For instance, by enhancing the area of formal and material law pertaining to the punishment of corrupt individuals (Ilamawan, 2022).

In essence, Article 2 paragraph (2) of Law No. 31 of 1999, as revised by Law No. 20 of 2001, covering the Eradication of Corruption Crimes, regulates the death sentence for corruptors in Indonesia. It's merely that no corruptor has received a death sentence from a court up until this point. Johan Budi, a spokesman for the Corruption Eradication Commission (KPK),
claimed that Law No. 31/1999 for the Eradication of Corruption Crimes (Tipikor) already contained the death penalty.

In Indonesia, the use of the death sentence is legitimate from a formal legal standpoint. Several provisions in the Criminal Code (KUHP), which include the death penalty, can be used to prove this. In addition to the Criminal Code, at least six other statutes and regulations, including the Narcotics Law, the Anti-Corruption Law, the Anti-Terrorism Law, the Human Rights Court Law, the Intelligence Law, and the State Secrets Law, also carry the death sentence. Philosophically, the idea of a Pancasila legal state both acknowledges and allows for the administration of the death penalty. This demonstrates that Indonesian laws and regulations still include the death sentence. Furthermore, since the reform era, Indonesia has seen an increase in the number of executions. 11 As a nation that promotes human rights principles and while continuing to have the death sentence as part of its positive legal system, Indonesia enforces the death penalty in a targeted, methodical, and selective manner.

5.1 CLAUSES IN LAWS MUST BE CLEAR AND EMPHASIZED

If the death sentence is approved, according to Johan, the emphasis should be increased on the Corruption Law amendment. By introducing a specific clause, the demand for the death punishment for corrupters can be highlighted in the Corruption Law modification. Additionally, the leaders of the legislative and executive branches must show dedication. to be specifically mentioned while discussing the death penalty. so that the threat of the death penalty is added to Articles 603 and 604 of the Criminal Code by the Constitutional Court. Accordingly, Article 603 states that anyone who violates the law by enriching themselves, another person, or a corporation, abusing their power, opportunity, or means due to their position, or acting in a way that harms the state's finances or the nation's economy, will be punished with the death penalty, life in prison, a minimum of two years, a maximum of twenty years, and a fine of at least category II and at least twenty thousand dollars. Article 604 of the Criminal Code also includes the addition of the death sentence. The article is now phrased as follows: "Anyone who, with the intent to harm the state's finances or the nation's economy, abuses the authority, opportunity, or facilities available to him because of his position, shall be punished with the death penalty, life in prison, imprisonment for a minimum of 2 (two) years and a maximum of 20 (twenty) years, imprisonment for a minimum of 2 (two) years and a maximum of 20 (twenty) years, and a minimum fine."
The petitioners also made the claim that since corruption is an extraordinary crime, extraordinary procedures and extraordinary legal tools are required to provide remedies. According to data from Indonesia Corruption Watch (ICW), there has been a rise in corruption cases over the past three years. If there were 444 corruption cases in 2020, there would be 533 corruption cases the following year. Meanwhile, there will be a sharp increase in the number of corruption cases handled by law enforcement in 2022—1,031 cases. It is normal to threaten criminal actions of corruption as one of the stages in efforts to eliminate corrupt authorities, according to the applicant, given the rising number of corruption cases in Indonesia. Andi claims that the greatest criminal threat will serve to frighten individuals into becoming less corrupt, return them to their original condition (resitutio in integrum), and safeguard society against crime. This fits nicely with the sentencing theory's relative framework.

5.2 HUMAN RIGHTS PERSPECTIVE

The emergence of litigation challenging the use of the death sentence in Indonesia is based on the following ideas from a human rights perspective: First, because it places a person's life or death decision in the hands of judges, who are not perfect, the current death sentence cannot satisfy the demands of contemporary society's sense of justice. Second, preventing or deterring criminal behavior is not always possible with the death penalty. Thirdly, the death penalty contradicts human rights principles and denies inmates the chance to better themselves from a humanitarian perspective. According to Article 3 of the Universal Declaration of Human Rights, which states that "Every person has the right to life, freedom, and safety as an individual," the imposition of the death penalty can be categorized as a type of cruel and inhumane punishment from this point of view.

While the victim's family may feel vindicated and other criminals may be deterred from committing crimes of a similar nature as a result of the death sentence, there is little doubt that the perpetrator will not be changed as there is no longer a hope for survival. However, even in the absence of the death sentence, a criminal may still experience retribution for his crimes through other forms of punishment, such as life in jail or incarceration. This leads to the conclusion that the death penalty is no longer an effective form of punishment because the contemporary criminal justice system still encourages efforts to cure and rehabilitate offenders. From here, in order to fully protect citizens' rights to life, human rights advocates work to have the death sentence removed from Indonesian laws and statutes.
Therefore, the applicants for judicial review on the criminal code's corruption provisions believe it is reasonable for the Indonesian criminal code to set the death penalty as the maximum punishment for corruptors. With this threat, it is believed that those who would like to engage in corrupt behavior that harms state finances will be deterred, helping to lower the number of corruption cases in Indonesia. The pupils had studied how corruption is dealt with in Taiwan, where doing anything corrupt carries the death penalty. According to the Trading Economics page given by the applicant, Taiwan's score for corruption has decreased for four years running (the higher the ranking, the more pervasive the corruption, and vice versa). The decline was fairly substantial. Taiwan was ranked 31st in 2018, 28th in 2019, and 31st in 2020. Taiwan was ranked 25th up to 2021. According to the petitioner, it is envisaged that the corruption rate will be further decreased if Indonesia uses the death sentence as the worst punishment (Kumalasanti, 2023).

According to Article 384 of the Chinese Criminal Code, which is written in full as follows, utilizing state funds for personal gain is a crime. "State employees who misuse the office where they work and divert public funds for their own benefit and illegal activities, or who divert state-owned funds in a significant enough amount without intending to return the money within three months, are considered guilty of the crime of corruption and are subject to a maximum sentence of five years in prison. In extreme circumstances, the perpetrator is likely to be given a prison term of greater than five years. "Those who misappropriate natural disaster aid funds, flood disasters, funds for the poor, which used for personal gain, then the offender is sentenced to death" (Makaruku, 2016). They are also sentenced to more than 10 years in prison, life imprisonment, or the death penalty.

There can be no doubt that the Chinese government is serious about combating corruption; this dedication goes beyond just rhetoric and slogans. This is because, under China's system for preventing corruption, officials who are found to have accepted bribes face legal penalties that can include the death penalty. In relation to the imposition of the death penalty for corrupt offenders in Indonesia and China, it can be seen that political action on doing so in Indonesia is still weak, whereas political action on doing so in China is very strong due to the government's strong commitment to doing away with corruption. Corrupt practices can be reduced with a strong commitment to avoiding and eliminating them (Munasto, 2022).

Because they take into account both the quality and number of individuals who have been corrupted to serve as indications in imposing capital punishment, the Chinese Criminal Code's article formulations are extremely suitable for imposing death sentences. We anticipate the death penalty to be used by law enforcement as a means of the government's commitment
to ending corruption, which keeps growing every year. The projected effects of the death penalty's implementation could lower Indonesia's rating as Asia's most corrupt nation.

There are various underlying reasons why it is challenging to impose the death penalty on corrupt individuals in Indonesia, including: 1) A weak and lax law on the eradication of corruption. Because they believed the words "may" and "certain circumstances" to be less definitive than "shall," the judges' panel appeared hesitant to impose the death punishment. because most law enforcement officials believe that applying the death penalty could violate human rights; 2) conflicting laws and regulations regarding the punishment of corruption offenders; and 3) a provision for granting remissions (deductions for detention) given by the President to all convicts every August 17 that results in a reduction in the prison term of corruptors. In order to make the penalty even less severe (Putri & Agustianto, 2021).

6 CONCLUSION

Based on the research findings, it can be deduced that the law's provisions must be highlighted in order for the Constitutional Court to amend Articles 603 and 604 of the Criminal Code to add the death penalty to the two articles in order for the application of the death penalty for corruption to take place. In addition, there are conflicting laws and rules governing how corrupt individuals should be punished because most law enforcement officials believe that the death penalty may violate human rights (HAM). The amount of corruption is used as a gauge when applying the death penalty. Because of this, we anticipate that authorities will use the death penalty as a sign of their commitment to ending the corruption that grows worse every year.

REFERENCES


A New Paradigm in the Application of Criminal Sanctions Against Corruption (Legal and Political Studies to Find Effective Criminal Sanctions for Corruption Eradication in Indonesia, Especially about the Application of Death Penalty)


A New Paradigm in the Application of Criminal Sanctions Against Corruption (Legal and Political Studies to Find Effective Criminal Sanctions for Corruption Eradication in Indonesia, Especially about the Application of Death Penalty)

