

Analysis of the Existence of the Corruption Eradication Commission in Handling Corruption in Indonesia

Danny Permana

Universitas Jenderal Achmad Yani, Cimahi, Indonesia, Email: danny.permana.01@lecture.unjani.ac.id

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Abstract

Corruption is a serious problem in Indonesia. Therefore, efforts need to be made to eradicate corruption properly. The Corruption Eradication Commission (KPK) plays a pivotal role in combating corruption. This study seeks to examine the methods employed by the KPK in its anti-corruption endeavors. It will utilize a descriptive qualitative methodology, drawing upon a range of prior research findings and literature reviews as its data sources. The results of this research then found that there are various obstacles in fighting corruption. Therefore, there is a need for cooperation between state institutions in eradicating corruption. This can be done through coordination or preparing work protocols. Then, to increase the credibility of state institutions in eradicating corruption, this can be done by increasing transparency and budget management, strengthening accountability and independence, and increasing public participation in eradicating corruption.

Keywords: Corruption Eradication Commission (KPK), Corruption, Institutions.

Introduction

News about corruption will be very interesting, the problem of rampant corruption cannot just be ignored. Furthermore, in contemporary times, instances of corruption are often perpetrated predominantly by individuals within organizations entrusted with safeguarding the nation. Corruption represents a transgression that negatively impacts the social and economic well-being of society. This offense is categorized as an exceptional crime. Ordinary methods are unable to combat it, but they can be eradicated through extraordinary processes or extraordinary enforcement (Ferry et al., 2020). The function of the government is to make the country successful and to uphold the welfare of all its people, especially the problems faced by Indonesia, the government must be able to eradicate them and have solutions that can resolve and overcome the problems that occur. Corruption is also a problem that includes the government's mandatory tasks to be completed and overcome so that the habit of enriching oneself, especially if it can be detrimental to the people and the state involved by members of state agencies, can be eradicated (Yuda, 2021).

Corruption is a serious problem in many countries, including Indonesia. Corruption results in huge losses for the state and society and hinders development. State institutions play a crucial role in the eradication of corruption. Numerous government bodies hold significant responsibilities in combating corruption within Indonesia, with the Corruption Eradication Commission (KPK) being one such institution. These state entities are established explicitly to combat and address issues related to corruption (Malanski & Póvoa, 2021). The Corruption Eradication Commission (KPK) possesses the power to conduct inquiries, investigations, and legal actions in corruption cases. Additionally, the Corruption Eradication Committee is vested with the authority to proactively deter corruption by overseeing state assets and executing anti-corruption initiatives (Abbas, 2021).

Even though the Corruption Eradication Commission has an important role in eradicating corruption, the performance of this institution is still far from satisfactory (Kristian, 2021). There are many obstacles encountered by state institutions in eliminating corruption, such as lack of political support, weak coordination between institutions, and lack of resources.

One of the main goals of reform is to eradicate corruption, collusion, and nepotism, or KKN. It can be said that all Indonesian people at that time agreed on the same idea, namely that Indonesia was free from KKN (Sanuri, 2022). To support the Corruption Eradication Action Program, several important parts of law enforcement have been reviewed and completed. In 1999, Law No. 31 of 1999 which discusses the Eradication of Corruption Crimes was passed. Not long after, the Corruption Eradication Authority was created based on Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK). This institution was formed to "cover" the "deficiencies" of existing institutions (police, prosecutor's office) regarding the eradication of corruption (Olujobi & Yebisi, 2023).

Law as regulations or rules whose legal content has a universal or general nature and is also rigid or normative cannot be realized without the existence of institutions that formulate, implement, and control them, namely the legislative, executive, and judicial institutions. In Indonesia, the establishment of the KPK took place in 2003, and its formation was in accordance with Law Number 30 of 2002 of the Republic of Indonesia, which pertains to the Corruption Eradication Commission. The government deemed it essential to create this new institution with the aim of enhancing the quality of public services for the entire populace (Haggart & Keller, 2021).

Based on the explanation above, this research will then examine how the existence of the Corruption Eradication Commission can help solve the problem of corruption in Indonesia.

Literature Review

Corruption Eradication Commission (KPK)

The Corruption Eradication Commission (KPK) is a government institution that, in the execution of its responsibilities and powers, operates autonomously and without susceptibility to external pressures. According to Article 3 of Law No. 30 of 2002, which governs the Corruption Eradication Commission, "any power" refers to any influence, whether it originates from the executive, judiciary, legislative branches, entities connected to corruption cases, circumstances, or any other grounds that could potentially impact the duties and authority of the Corruption Eradication Commission or its individual members (Tauda et al., 2023).

The execution of its responsibilities and authority by the Corruption Eradication Commission is guided by a set of fundamental principles, which are delineated in Article 5, as follows:

1. Principle of legal certainty
This principle places a premium on adhering to the foundations of legal regulations, appropriateness, and fairness in all governmental policies. It is often referred to as the "pacta sunt servanda" principle, which pertains to the consequences of agreements. This principle underscores the necessity for judges or third parties to honor the essence of contracts formed by parties, in accordance with the law, without any interference in the substance of the agreements made by those parties (Situmorang, 2020).
2. Principle of openness
This principle is rooted in ensuring the public's entitlement to access accurate, transparent, and impartial information concerning the exercise of state authority. It also emphasizes the safeguarding of individual rights, collective rights, and state confidentiality (Handitya, 2019).

3. Principle of accountability
This principle stipulates that all actions and ultimate outcomes of state administrative actions must be answerable to the public or the people, who hold the highest sovereignty of the state, in accordance with statutory regulations (Chen & Liu, 2023).
4. Principle of public interest
The purpose of this principle is to prioritize the interests of public welfare in an aspirational manner (Sharifi & Alizadeh, 2023).
5. Principle of proportionality.
This principle is a principle that balances the rights and obligations of the duties, authority, responsibilities, and obligations of the Corruption Eradication Commission (Iqbal et al., 2019).

To carry out its duties, the Corruption Eradication Committee is equipped with broad authority, including:

1. Coordinate the investigation, investigation, and prosecution of criminal acts of corruption;
2. Establish a reporting system in activities to eradicate criminal acts of corruption;
3. Request information about activities to eradicate criminal acts of corruption from the relevant agencies;
4. Carry out opinions or meetings with agencies authorized to eradicate criminal acts of corruption,
5. Request reports from relevant agencies regarding the prevention of criminal acts of corruption (Sitompul & Hasibuan, 2021).

Corruption

Corruption has become widespread in this nation, and acts of corruption not only detrimentally affect the country but can also impede the well-being of society. Wijayanti has described corruption or "rasuah" (derived from the Latin term "corruption," meaning to rot, damage, distort, or bribe) as the misconduct of public officials, including both political and civil servants, as well as other individuals involved in such acts, who unjustly and unlawfully exploit the public trust bestowed upon public officials for personal gain (Usman et al., 2022). According to Wibowo's explanation, corruption entails the misuse of authority by individuals, particularly officials or civil servants, to benefit themselves, their families, associates, or affiliated groups. Drawing from the descriptions provided by these two experts, it can be inferred that corruption is a highly detrimental act to the state, contributing to impoverishment and hindering the overall welfare of the population (Safitri et al., 2022).

The definition of corruption according to ordinary people in particular is the act of taking state money to obtain benefits for oneself. Corruption has been a persistent issue across various social strata for an extended period. It begins with minor transgressions such as tardiness, dishonesty, and accepting gifts. These initial small actions, when repeated and ingrained as habits, can lead to adverse consequences. Corruption also encompasses several different types (Hashim et al., 2020). According to Beveniste, corruption is defined in 4 types, namely as follows:

1. Discretionary corruption refers to corrupt practices that occur due to the latitude in policy decisions, even if they may seem legally permissible; nevertheless, they are not condoned by the organization's members. For instance, in a foreign worker licensing service, expediting the process for "brokers" who are willing to pay more than regular

applicants is an example. This preference is based on the brokers' ability to generate additional income (Rustiarini et al., 2019).

2. Illegal corruption is a category of behavior aimed at subverting the language or intent of laws, legal norms, and regulations. For instance, consider auction regulations that stipulate that certain types of goods must undergo an auction or bidding process. Due to time constraints, such as a delayed budget release, conducting the full process was not feasible. In such cases, project leaders seek legal justifications to bolster the implementation and protect themselves from potential scrutiny. They search for specific articles within regulations that can be used as a legal basis to fortify the legitimacy of the bidding process. The legality or illegality of executing a project like this hinges on how the involved parties interpret the applicable regulations. In some instances, the legality or illegality may revolve around the skillful manipulation of language rather than the actual substance of the actions (Spink et al., 2019).
3. Mercenary corruption is a form of corrupt behavior driven by personal gain, achieved by exploiting one's authority and power. For instance, in a bidding competition, a procurement committee holds the authority to approve participants. In this scenario, the committee discreetly or openly suggests that in order to secure a winning bid, participants should be prepared to offer a certain amount of "bribe" or "grease money" (Stanislav & Alina, 2019).
4. Corruption ideology is a category of illegal or discretionary corruption driven by the pursuit of collective objectives. For instance, the Watergate scandal serves as an illustration of ideological corruption, wherein several individuals prioritized their allegiance to President Nixon over adherence to the law or legal principles. Another example is the sale of state-owned enterprise (BUMN) assets to bolster the chances of winning a general election, where group interests take precedence over ethical and legal considerations (Sallaberry et al., 2020).

Alatas provides an explanation of various types of corruption as follows:

1. Transactive Corruption: This type of corruption occurs through an agreement between a giver and a receiver, with both parties benefiting.
2. Extortive Corruption: Extortive corruption involves pressure and coercion to prevent harm to those involved or individuals close to the corrupt actor.
3. Investive Corruption: Investive corruption begins with an initial offer, which is an investment made in anticipation of future gains.
4. Nepotistic Corruption: Nepotistic corruption takes place due to favoritism in appointments to public positions and the awarding of projects to close family members.
5. Autogenic Corruption: Autogenic corruption occurs when an official benefits from insider knowledge about confidential public policies.
6. Supportive Corruption: Supportive corruption involves protecting or bolstering corrupt practices through power plays, intrigue, and even violence.
7. Defensive Corruption: Defensive corruption is carried out to protect oneself from extortion or other threats.

Method

This study will employ a descriptive qualitative methodology. The data utilized in this research will be derived from the findings of literature reviews encompassing various prior studies and relevant research. Subsequently, after collecting the research data, the subsequent step involves data processing to yield the research's outcomes.

Result and Discussion

Analysis of the Duties and Authorities of the KPK State Institution in Eradicating Corruption

Law no. 30 of 2002 which regulates the Corruption Eradication Commission, states that the Corruption Eradication Commission has the authority to carry out investigations into corruption. Some regulations provide a legal basis for the Corruption Eradication Committee (KPK) in carrying out investigations into corruption violations, namely Articles 25 to 32 of Law no. 31 of 1999 which regulates the Eradication of Corruption Crimes, as well as Article 38 of Law no. 30 of 2002 concerning the Corruption Eradication Commission.

The KPK has the responsibilities stated in Article 6 of Law No. 30 of 2002, namely coordination with the institutions in charge of monitoring the administration of the state government. As well as supervising investigations of the institutions in charge and investigating and prosecuting corruption issues.

Following the provisions of Article 8 (3) which explains the authority of the Corruption Eradication Committee (KPK) to transfer investigations, inquiries, or criminal charges from the police or prosecutor's office, the police and prosecutor's office must also provide suspects. All required documents and evidence must be submitted no later than 14 (fourteen) working days after receiving a request from the Corruption Eradication Commission. However, this does not mean a physical transfer, but a transfer of power. Thus, if the police or prosecutor has arrested a suspect, the police or prosecutor can still detain the suspect or the anti-corruption agency can request assistance from state correctional institutions to accommodate the suspect.

Challenges faced in Eradicating Corruption in Indonesia

Eradicating corruption in Indonesia still faces various obstacles, especially related to limited human and technical resources, political intervention, and weak coordination between institutions. The following are some of the obstacles that the KPK will overcome in fighting the problem of corruption in Indonesia:

1. Structural obstacles, obstacles caused by state and constitutional practices that prevent the handling of criminal acts of corruption from being carried out (Mukhitov et al., 2022), include:
 - a. Institutional selfishness that leads to allocating the maximum possible money to sectors and institutions without considering national needs as a whole and trying to hide anomalies in these sectors and institutions;
 - b. The control function is still not running smoothly;
 - c. Poor coordination between surveillance devices and law enforcement agencies;
 - d. A well-correlated internal management system accompanied by various deviations in efficiency in controlling state assets is less than optimal and also weak public assistance.
2. Cultural barriers, are obstacles caused by continuous negative behavior developing in society (Correa et al., 2020), including:
 - a. The existence of an "attitude of doubt" and tolerance among government officials could hinder the handling of corruption;
 - b. The lack of transparency of agency leaders will give the impression of being open and protective of corruptors, minimal administrative, legislative, and judicial intervention in dealing with corruption, weak commitment to eradicating corruption strongly and completely, and a permissive attitude towards corruption. Most people struggle to eradicate corruption.

3. Instrumental obstacles are obstacles due to the absence of unsupportive laws and regulations, so that corruption violations continue to run rampant (Amini Sedeh et al., 2022), including:
 - a. The existence of overlapping laws and regulations has resulted in corrupt practices in the form of increasing funding of government institutions;
 - b. The absence of a “unique identification number” or unique characteristic that applies to all public needs (driver's license, taxes, banking, etc.), which reduces the potential for misuse by every citizen;
 - c. The police are weak in eradicating corruption; and the difficulty of proving corruption.
4. Barriers to governance, namely obstacles that arise due to not respecting or not adhering to the basics of positive governance (high commitment carried out in a balanced, transparent, and responsible manner) which causes corruption to not work well (Suramin, 2021), including:
 - a. Lack of management (board) commitment to verify monitoring results;
 - b. Poor coordination either between monitoring devices or between management devices and law enforcement agencies;
 - c. Lack of information technology in capable government administration;
 - d. No independent monitoring body;
 - e. Low professionalism of most surveillance tools;
 - f. Inadequate support for anti-corruption control systems and procedures, as well as inadequate human resource systems, including employment systems, low official "formal wages", performance evaluations, and compensation and penalties.

In handling corruption cases, the KPK's performance was criticized because the number of cases investigated by the KPK was far from the target and also the state money saved by the KPK decreased drastically compared to previous years. However, the Corruption Eradication Commission (KPK) denied this criticism because according to them, they had divided their focus on prevention efforts, not on prosecuting corruption cases.

In September 2019, the DPR passed a controversial revision of the Corruption Eradication Committee Law which was deemed to weaken the performance of this anti-corruption agency. Some of the changes proposed in the revision of the Corruption Eradication Committee Law include:

1. Establishment of a Supervisory Board that will supervise the KPK. The Supervisory Board consists of five members appointed by the President and is considered able to intervene in the work of the KPK.
2. Limiting the authority of wiretapping and preventing the Corruption Eradication Committee (KPK) from carrying out inquiries and investigations. This revision is considered to limit the KPK's ability to collect evidence and investigate corruption cases.
3. Elimination of the status of KPK employees as civil servant investigators. Independence will be affected and the freedom of the Corruption Eradication Commission in carrying out its duties and authority in this matter.
4. Reducing penalties for corruptors and eliminating the threat of life imprisonment.

The revision of the Corruption Eradication Committee Law has drawn protests and criticism from the public and anti-corruption activists. They argue that the revision of the Corruption Eradication Committee Law weakens the Corruption Eradication Commission's performance and provides opportunities for corruptors to freely act. Despite this, the revision of the Corruption Eradication Commission Law was still ratified by the DPR and promulgated

by the President. Now, the KPK institution must continue to strive to carry out its duties well and maintain its integrity even in more difficult situations.

The Strength Between State Institutions and the Corruption Eradication Commission in Eradicating Corruption in Indonesia

The strength of state institutions to eradicate corruption in Indonesia is very important to achieve optimal results. Actions to prevent and take action against corruption require collaboration and coordination between the various institutions involved, such as the Corruption Eradication Committee, the police, the prosecutor's office, and the courts. This coordination also requires strong political support and high commitment from these institutions. This strength also requires strong political support and high commitment from these institutions. In practice, the power between state institutions in eradicating corruption can be exercised in various ways, such as:

1. Coordinate and cooperate in the investigation and prosecution of corruption cases.
2. Increase openness and transparency in the exchange of information between state institutions related to eradicating corruption.
3. Organize training and education to improve the quality and work capacity of related institutions.
4. Develop clear and standardized work guidelines or protocols between related institutions.

In building strength between state institutions in eradicating corruption, strong commitment and adequate political support are needed. Apart from that, efforts to avoid political interference in handling corruption cases also need to be considered.

Weaknesses of the Corruption Eradication Commission in Eradicating Corruption in Indonesia

Even though the Corruption Eradication Commission is an institution established to eradicate corruption, it also has several weaknesses in eradicating corruption in Indonesia, including:

1. Limited budget and staff: The KPK often experiences problems related to limited budget and staff. Eradicating corruption requires quite a lot of funds and qualified and competent personnel. Because of this, it is difficult for the KPK to process all existing corruption cases.
2. Political pressure and interest groups: The Corruption Eradication Committee (KPK) often receives political pressure from parties with an interest in certain corruption cases. This political pressure can affect the KPK's ability to resolve corruption cases objectively and independently.
3. Legal Constraints: The Corruption Eradication Commission faces several legal obstacles, especially related to slow judicial processes, complicated bureaucracy, and ineffective punishment for corruption. This makes it difficult for the KPK to ensure that corruptors are truly punished and will not continue to be corrupt in the future.
4. Acceptance Limitations: The Corruption Eradication Committee has limited authority to take over corruption cases that directly involve certain officials, especially at high political levels. The Corruption Eradication Commission does not have the authority to investigate corruption cases directly involving members of the DPR, DPD, and MPR, making it difficult to investigate corruption cases involving political elites.

5. Lack of public support: The KPK often faces a lack of public support when handling corruption cases. Some people still view corruption as normal and inevitable in the world of politics and business in Indonesia.

To overcome these weaknesses, the Corruption Eradication Commission must work together with various parties, including the government, society, and mainstream media to increase efforts to eradicate corruption in Indonesia. The Corruption Eradication Commission also needs to strengthen its capacity and efficiency to handle corruption cases more effectively and efficiently.

Efforts to Strengthen the Credibility of the Corruption Eradication Commission in Eradicating Corruption in Indonesia

Efforts to strengthen the credibility of the Corruption Eradication Commission to fight corruption in Indonesia include various things, such as increasing transparency, accountability, and independence of related institutions. Several efforts can be made to increase the credibility of state institutions in eradicating corruption:

1. Increased transparency in budget management and public policy. This can be done through providing information that is easily accessible to the public about budget management and public policy, as well as open and accountable financial reporting.
2. Strengthening the accountability and independence of state institutions related to eradicating corruption, such as the Corruption Eradication Committee, the police, the prosecutor's office, and the courts. This can be done through improving the quality and integrity of employees, as well as strengthening effective internal and external monitoring mechanisms.
3. Increasing public participation in eradicating corruption, for example through whistleblower programs, online complaints, and active public participation in monitoring the use of public budgets.
4. Avoid political intervention in the process of handling corruption cases and ensure a fair and transparent legal process.
5. Increase cooperation between state institutions in eradicating corruption, including effective coordination and exchange of information.

These efforts can help strengthen the credibility of state institutions in eradicating corruption and build public trust in the government and state institutions in Indonesia.

The Impact of Corruption Eradication Efforts by State Institutions on Increasing Integrity and Public Trust in Government and State Institutions in Indonesia

Efforts to eradicate acts of corruption by state institutions have a significant impact on increasing the integrity and public trust in government and state institutions in Indonesia. Corruption is a serious problem that hinders the country's progress and stability, and by reducing the level of corruption, public trust in state institutions can be increased.

One of the positive impacts of efforts to eradicate corruption is increasing public trust in state institutions. With tough action against corruption, the Indonesian people can see that the government and state institutions have a strong commitment to fighting corruption and building honest and transparent governance. This can increase public trust in the government and state institutions.

Apart from that, eradicating corruption can also help improve the integrity and professionalism of state institutions. By eliminating corrupt practices, state institutions can focus more on carrying out their duties as well as possible, so that the public can feel the benefits of better performance of state institutions.

However, efforts to eradicate corruption do not always run smoothly. Some of the obstacles that are often faced are the lack of political support and the weakness of the legal system which is vulnerable to political intervention. So, maximum commitment is needed from the government and state institutions, as well as good cooperation between various related institutions to fight corruption.

The success of eradicating corruption by the Corruption Eradication Commission (KPK) has had a positive impact on Indonesia. Some of these positive impacts include:

1. Increased public trust in state institutions: The Corruption Eradication Commission has succeeded in restoring public trust in law enforcement institutions, especially in the field of eradicating corruption. It can be seen from the survey results that the public increasingly trusts and supports the Corruption Eradication Commission's efforts to eradicate corruption.
2. Reducing the level of corruption: With the success of the KPK in eradicating corruption, it will reduce the level of corruption in Indonesia. This situation can have a good impact on the economy and investment in Indonesia because investment tends to be more attractive to countries that are free from corruption.
3. Increased effectiveness of government institutions: The Corruption Eradication Commission has had a positive impact on the performance of government institutions in Indonesia. The performance of these institutions is better and more accountable because the Corruption Eradication Committee monitors and evaluates their performance.
4. Increased legal awareness in society: Through the efforts to eradicate corruption carried out by the Corruption Eradication Commission, the people have become more aware of the importance of the laws and regulations that apply in Indonesia. This will have the potential to improve people's behavior so that people become more law-abiding and improve the anti-corruption culture in Indonesia.

However, on the other hand, the KPK's success in eradicating corruption also has negative impacts, such as efforts to weaken the KPK and reduce the KPK's authority in eradicating corruption. This could affect the effectiveness and credibility of the KPK as a corruption eradication agency.

Conclusion

The Corruption Eradication Committee (KPK) is an institution specifically tasked with eradicating corruption. However, in reality, eradicating corruption is not as easy as imagined. Many efforts have been made, but there are several challenges in fighting corruption. Several types of challenges include structural barriers, cultural barriers, instrumental barriers, and governance barriers. In practice, the power between state institutions in eradicating corruption can be exercised in various ways, such as mutual coordination and cooperation, increasing openness and transparency, providing training and education, and developing clear work guidelines or protocols. Several efforts can be made to increase the credibility of state institutions in eradicating corruption, including increasing transparency in budget management and public policies. Strengthening the accountability and independence of state institutions related to eradicating corruption, increasing public participation in eradicating corruption,

avoiding political intervention in the process of handling corruption cases, and increasing cooperation between state institutions in eradicating corruption.

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