

**CHALLENGES AND PROSPECTS: POLICY FORMULATION  
OF THE DEATH PENALTY FOR LAW ENFORCEMENT  
AGAINST CORRUPTORS IN INDONESIA**

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**Abstract**

*The policy of formulating the death penalty for perpetrators of criminal acts of corruption in Indonesia has given rise to complex debate in society. The novelty of this research was to explore the policy of formulating the death penalty for perpetrators of criminal acts of corruption in Indonesia. The aim of this research was to provide a deeper understanding of the legal issues related to the policy of formulating the death penalty for perpetrators of criminal acts of corruption in Indonesia with a focus on analyzing its effectiveness, impact on human rights, and moral and ethical implications. The research method used was a normative juridical approach using the analysis of law enforcement system and criminal theory. Data was collected through literature studies covering laws, regulations and related legal literature. The research results showed that the policy of formulating the death penalty created a complex debate in society. Law enforcement system theory provided insight into the integration of these policies with the law enforcement system, while punishment theory opened up ethical and philosophical insights. There were significant differences of opinion among the public regarding the effectiveness, morality and impact on human rights of this policy.*

*Keywords: Death Penalty Policy, Corruption Crimes, Law Enforcement System, Sentencing Theory*

**Abstrak**

Kebijakan formulasi hukuman mati terhadap pelaku tindak pidana korupsi di Indonesia menimbulkan perdebatan yang kompleks di tengah masyarakat. Kebaharuan pada penelitian ini mendalami kebijakan formulasi hukuman mati terhadap pelaku tindak pidana korupsi di Indonesia. Tujuan penelitian ini untuk

memberikan pemahaman yang lebih mendalam terhadap isu-isu hukum yang terkait dengan kebijakan formulasi hukuman mati untuk pelaku tindak pidana korupsi di Indonesia dengan fokus pada analisis efektivitas, dampak terhadap hak asasi manusia, dan implikasi moral dan etika. Metode penelitian yang digunakan adalah pendekatan yuridis normatif dengan menggunakan pisau analisis teori sistem penegakan hukum dan teori pemidanaan. Data dikumpulkan melalui studi kepustakaan yang mencakup undang-undang, regulasi, dan literatur hukum terkait. Hasil penelitian menunjukkan bahwa kebijakan formulasi hukuman mati menciptakan perdebatan yang kompleks dalam masyarakat. Teori sistem penegakan hukum memberikan wawasan tentang integrasi kebijakan ini dengan sistem penegakan hukum, sementara teori pemidanaan membuka wawasan etis dan filosofis. Terdapat perbedaan pendapat yang signifikan di antara masyarakat mengenai efektivitas, moralitas, dan dampak terhadap hak asasi manusia dari kebijakan ini.

*Keywords: Kebijakan Hukuman Mati, Tindak Pidana Korupsi, Sistem Penegakan Hukum, Teori Pemidanaan.*

## **A. Introduction**

Corruption is a serious problem throughout the world and has a significant impact on economic development, political stability and social justice. In Indonesia, corruption has become a central issue that undermines the foundations of the country, affecting various sectors, including government, business and civil society<sup>1</sup>. As the complexity and number of corruption cases increases, questions regarding the effectiveness and fairness of the law enforcement system become increasingly pressing. Handling corruption in Indonesia has tended to face challenges in reducing crime rates and ensuring that perpetrators of criminal acts receive appropriate punishment. A fundamental question arises: whether existing penalties are effective enough to address the rise in corruption cases, or whether a more stringent approach is needed<sup>2</sup>.

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<sup>1</sup> <https://nasional.kompas.com/read/2024/05/19/17020321/icw-catat-731-kasus-korupsi-pada-2023-jumlahnya-meningkat-siginifikan#:~:text=Editor&text=JAKARTA%2C%20KOMPAS.com%20Indonesia,signifikan%20dibandingkan%20tahun%2Dtahun%20sebelumnya>.

<sup>2</sup> Wardani, K. A., & Wahyuningsih, S. E. (2017). Kebijakan Formulasi Hukum Pidana Mati Terhadap Pelaku Tindak Pidana Korupsi di Indonesia. *Jurnal Hukum Khaira Ummah*, 12(4), 951-958.

In recent years, discussions regarding the application of the death penalty for perpetrators of criminal acts of corruption have become increasingly intense. Some support this approach on the grounds that harsher penalties could serve as a deterrent to would-be corruptors, while others question the sustainability as well as the moral justice of such measures. The policy of formulating the death penalty for corruptors is a controversial issue and requires careful analysis of its impact on the criminal justice system in Indonesia. This background must also include a paradigm shift in corruption law enforcement, in line with government and civil society efforts to create an environment that is intolerant of corruption. Increasing transparency, accountability and public participation are important points in maintaining the integrity and effectiveness of the criminal justice system.

Increasing transparency, accountability and public participation are important points in maintaining the integrity and effectiveness of the criminal justice system. In this context, research regarding the policy of formulating the death penalty law for perpetrators of criminal acts of corruption in Indonesia is becoming increasingly important. Efforts to formulate punishments that are fair, effective and in accordance with the Indonesian legal and cultural context require an in-depth understanding of the background of the problems and dynamics of the development of criminal law in Indonesia<sup>3</sup>.

The need to consider human rights issues that arise along with considering the application of the death penalty in the context of criminal acts of corruption. The ethical and moral issues involved in death penalty policies present a complex dilemma, especially when they involve economic crimes such as corruption. The question of whether the death penalty can really be an effective solution or

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<sup>3</sup> Sukinto, I. Y. W., & SH, M. (2022). *Tindak pidana penyelundupan di Indonesia: Kebijakan formulasi sanksi pidana*. Sinar Grafika.

whether it only implies a drastic step that will not necessarily bring substantive changes in overcoming corruption is an essential debate<sup>4</sup>.

There is an overview of political and social dynamics in Indonesia, because the death penalty policy cannot be separated from the context of society and government. In carrying out criminal law reforms related to corruption, Indonesia needs to consider the views of the community, legal needs, as well as international involvement and support. Changes in criminal law also require a deep understanding of the political forces and obstacles that may be faced in implementing new legal policies<sup>5</sup>.

This research also looks at the experiences of other countries that implement or have tried to implement the death penalty for criminal acts of corruption. Studying various approaches and results from implementing similar policies at the international level can provide valuable insights in designing and evaluating similar policies in Indonesia. An in-depth understanding of the impact and effectiveness of the death penalty in combating corruption in various legal and cultural contexts will complement this research perspective. Disagreement and support for the application of the death penalty for criminal acts of corruption shows the complexity of the background to this research. While some argue that this step is necessary to provide a deterrent effect and protect the interests of society, others argue that the focus should be more on improving the justice system, eradicating structural corruption, and protecting human rights.

By considering all these factors, this research aims to make a real contribution to our understanding of the policy of formulating the death penalty law for perpetrators of criminal acts of corruption in Indonesia. In addition, it is

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<sup>4</sup> Lubis, A. H., & Margaini, A. (2022). Relevansi Pidana Mati Terhadap Tindak Pidana Narkotika Dalam Prespektif Pembaharuan Hukum Pidana. *Sanskara Hukum dan HAM*, 1(02), 13-24.

<sup>5</sup> Munasto, D. (2022). Kebijakan Hukuman Mati Bagi Pelaku Tindak Pidana Korupsi Dikaji Dalam Perspektif Sosiologi Hukum. *Widya Pranata Hukum: Jurnal Kajian dan Penelitian Hukum*, 4(1), 24-38.

expected that this research can be a useful guide in formulating appropriate and effective legal policies to overcome the challenges of corruption that continue to grow in this country. The high number of corruption cases in Indonesia has raised serious concerns about the effectiveness of law enforcement.

Even though Law Number 20 of 2001 has threatened perpetrators of criminal acts of corruption with the death penalty, the current situation shows that there are pros and cons in society regarding the sustainability and effectiveness of this punishment. Several community groups reject the death penalty by doubting the sustainability and effectiveness of this law in creating a deterrent effect and eradicating perpetrators of criminal acts of corruption in Indonesia. In addition, involving comparisons with several countries such as China, Iran, the United States, and others highlights the differences in approaches of the death penalty implementation against perpetrators of criminal acts of corruption. Although this policy is commonly implemented in several countries, its impact and effectiveness are still debated, especially in relation to issues of human rights and the dignity of convicts<sup>6</sup>.

In Indonesian context, certain exceptional approaches in the policy of formulating the death penalty law need to be considered to overcome the complexity and controversy related to the application of the death penalty for corruptors. Active community participation in the policy formulation process is important, considering the pros and cons regarding the morality and effectiveness of the death penalty. Thus, this research becomes a stage for formulating a better contextual policy for the death penalty law, taking into account moral and ethical values, and involving the community's perspective in efforts to eradicate criminal acts of corruption in Indonesia.

## **B. Research Method**

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<sup>6</sup> Ali, M., & Setiawan, M. A. (2021). Teori Hukum Pidana Minimalis dari Douglas Husak: Urgensi dan Relevansi. *Undang: Jurnal Hukum*, 4(1), 245-279.

This research is based on analysis of law enforcement system theory and punishment theory. The decision to choose this approach was based on the belief that an in-depth understanding of this theoretical framework would open wider insight regarding the policy of formulating the death penalty law for perpetrators of criminal acts of corruption in Indonesia. Law enforcement system theory provides a basis for understanding the structure and dynamics of law enforcement, while punishment theory directs the focus to philosophical and ethical aspects in the application of criminal punishment.

This research used normative juridical methods as the main approach. This method was chosen because it provides space to analyze legal norms related to the policy of formulating the death penalty in the context of criminal acts of corruption in Indonesia. The use of literature study as a data collection method emphasizes the importance of detailing the existing legal framework, related court decisions, and the legal views of experts in evaluating and compiling arguments regarding death penalty formulation policies<sup>7</sup>.

By applying this approach and method, this research can contribute to a deeper understanding of legal issues related to the policy of formulating the death penalty for perpetrators of criminal acts of corruption in Indonesia. The conclusion detailed the direction of this research, considering whether the results support or refute particular hypotheses and how these findings may contribute to future developments in thinking and policy.

This research based its decision to choose normative juridical methods and punishment theory as the basis for analysis on the belief that this approach provided a comprehensive perspective on the policy issue of formulating the death penalty for perpetrators of criminal acts of corruption in Indonesia. Law enforcement systems theory provided an understanding of how law enforcement agencies operate, how policies were implemented, and their impact on the level

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<sup>7</sup> Akmal, D. U., & Mada, S. M. (2021). Memaknai Hukuman Mati Bagi Koruptor Berdasarkan Filsafat Hukum. *Supremasi Hukum*, 17(02), 40-47.

of law enforcement effectiveness. Thus, this theory provides the insight needed to explore the extent to which death penalty formulation policies can be an effective instrument in tackling criminal acts of corruption.

The choice of normative juridical methods as the main approach to this research provides the freedom to identify, analyze and interpret existing legal norms related to the application of the death penalty. Literature study is the most relevant data collection method because it allows researchers to detail the existing legal basis, identify case precedents, and access expert legal views. This data collection is aimed at forming a strong basis for argumentation in formulating views regarding the death penalty policy for criminal acts of corruption in Indonesia<sup>8</sup>.

While the technical details of this research method are not included in this paragraph, however, it can be emphasized that the choice of method is expected to provide an in-depth understanding of the legal, ethical and effectiveness aspects of the policy being researched. Next, this research explored the extent to which the findings and analysis can open new insights or support previous research findings, by linking them back to the initial research questions. At the end, this research can contribute to the development of criminal law discourse related to corruption in Indonesia and provide direction for improving or adjusting policies in the future.

## **C. Research Findings and Discussion**

### **1. The Relevance and Urgency of Death Penalty Law Formulation Policy**

The relevance and urgency of the policy of formulating the death penalty law for perpetrators of criminal acts of corruption in Indonesia is a deep problem

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<sup>8</sup>Nursetiohadi, F. F. R. (2023). *Tinjauan Teori Retributif Penerapan Pemidanaan Pada Penegakkan Hukum Terhadap Pelaku Tindak Pidana Korupsi Dalam Kasus Penyalahgunaan Dana Bantuan Sosial Dimasa Pandemi Covid-19* (Doctoral Dissertation, Fakultas Hukum Universitas Pasundan).

and demands serious attention, especially considering the high number of rampant corruption cases in the country. These corruption cases not only cause financial losses for the state, but also damage the social structure and people's trust in institutions, and destroy the foundations of morality. In this context, the relevance of the policy of formulating the death penalty arises as a response to the escalation of corruption crimes which harm not only the government, but also all levels of society.

The urgency of the policy of formulating the death penalty is increasingly strengthened by the pros and cons spread in society regarding the application of the death penalty for perpetrators of corruption. Some parties consider it a firm and effective solution to provide a deterrent effect and restore public confidence in the justice system. However, in the meantime, there are critical voices speaking out against it, raising concerns over potential human rights violations and ethical questions surrounding the death penalty. Therefore, this complex debate underscores the urgency of reviewing the policy formulation of the death penalty as an instrument for overcoming corruption in Indonesia<sup>9</sup>.

In understanding the relevance and urgency of this policy, it is necessary to note that corruption cases do not only involve legal aspects, but also include social, moral and political dimensions. In-depth research into the implementation of the death penalty formulation policy can provide more comprehensive insight into its effectiveness in dealing with the growing complexity of corruption cases. By detailing the pro and con perspectives of society, as well as evaluating its impact on justice and human rights, it is urged that this research can provide a richer and more useful view in formulating the direction of criminal policy in the future.

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<sup>9</sup> Putra, A. W., & Sutanti, R. D. (2020). Kebijakan Formulasi Pidana Mati Bersyarat Dalam Perspektif Pembaharuan Hukum Pidana Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 2(3), 319-330.



The relevance and urgency of the policy of formulating the death penalty law for perpetrators of criminal acts of corruption in Indonesia becomes a more complex issue when it involves the legal aspects that regulate it. In the context of Indonesian positive law, Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes provides a legal basis regarding the threat of the death penalty for perpetrators of corruption. However, questions arise to what extent this policy is in accordance with the principles of human rights, justice and ethics in the Indonesian legal system<sup>10</sup>.

While the law provides the legal basis for the application of the death penalty, the relevance of this policy needs to be assessed within a broader legal framework, including the Indonesian constitution and international legal norms relating to human rights. Given the global controversy surrounding the death penalty, it is important to understand the extent to which this policy meets internationally recognized human rights standards. The urgency of the death penalty formulation policy can also be explained through an evaluation of existing criminal justice policies and their potential impact on society and state governance. In this case, the relevance of the death penalty formulation policy needs to be evaluated within a justice framework that includes a fair trial process, the accuracy of trials, and the protection of the human rights of defendants<sup>11</sup>.

## **2. Policy Issues in Formulating the Death Penalty for Corruptors**

The contribution of law enforcement system theory and punishment theory in the context of the policy of formulating the death penalty for perpetrators of criminal acts of corruption in Indonesia has deep implications for

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<sup>10</sup> Laman, I., Haryanto, W., & Harun, A. (2022). Urgensi Penjatuhan Pidana Mati Terhadap Pelaku Tindak Pidana Narkotika Dan Relevansinya Dalam Perspektif Hukum, Hak Asasi Manusia Dan Hukum Islam. *Maddika: Journal of Islamic Family Law*, 3(1), 1-18.

<sup>11</sup> Manan, A. (2020). Ancaman Pidana Mati Terhadap Pemberantasan Tindak Pidana Korupsi. *Jurnal Hukum*, 36(1), 12-24.

understanding legal, ethical issues and the effectiveness of these policies. Law enforcement system theory, as the first basis for analysis, provides a comprehensive view of the structure, dynamics and function of law enforcement agencies in dealing with criminal acts of corruption. This theory makes it possible to understand how these institutions interact, coordinate, and work together in the context of law enforcement. Considerations regarding the role of the Attorney General's Office, the Police and the Supreme Court in handling corruption cases can be analyzed through the lens of this theory<sup>12</sup>. Thus, the contribution of law enforcement system theory can identify the extent to which death penalty formulation policies accommodate the needs and dynamics of the Indonesian law enforcement system in prosecuting perpetrators of criminal acts of corruption.

Meanwhile, criminal theory contributes to understanding the philosophical and ethical aspects of applying criminal punishment, including the death penalty, to corruption cases. This theory brings an in-depth view of the purpose of punishment, namely whether the death penalty is considered an effective means of providing a deterrent effect, retaliating against crimes, or whether it is more of an effort for rehabilitation and social reconciliation. By considering the concept of justice, punishment theory can open insight into the fundamental question of whether the death penalty in Indonesia is considered an action that is in line with the moral and ethical principles adhered to by society.

The contributions of these two theories can penetrate into the legal and ethical framework that underlies death penalty formulation policies. Through this analysis, research can dissect the extent to which the policy is in line with or

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<sup>12</sup> Nursetiohadhi, F. F. R. (2023). TINJAUAN TEORI RETRIBUTIF PENERAPAN PEMIDANAAN PADA PENEGAKKAN HUKUM TERHADAP PELAKU TINDAK PIDANA KORUPSI DALAM KASUS PENYALAHGUNAAN DANA BANTUAN SOSIAL DIMASA PANDEMI COVID-19 (Doctoral Dissertation, FAKULTAS HUKUM UNIVERSITAS PASUNDAN).

may be contrary to the principles of Indonesian positive law, as mandated in Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, as well as with the principles of human rights contained in the constitution and international norms. Thus, the contribution of law enforcement system theory and punishment theory is not only to understand the dynamics and philosophy of law enforcement, but also to open insight into the legal and ethical foundations that must be considered in formulating and evaluating policies on the formulation of the death penalty for perpetrators of criminal acts of corruption in Indonesia<sup>13</sup>.

The contribution of law enforcement system theory and criminal theory to understanding the policy issue of formulating the death penalty against corruptors in Indonesia reaches a significant level in detailing the legal and ethical framework underlying the policy. Law enforcement system theory makes an important contribution by directing attention to the operational dynamics of law enforcement agencies in dealing with criminal acts of corruption. Analysis based on this theory shows the extent to which death penalty formulation policies can be integrated with the effectiveness of the existing law enforcement system<sup>14</sup>.

Through this theory, we can identify whether the death penalty is considered an appropriate and effective instrument in providing deterrence, redressing societal losses, and preventing future corrupt practices. An effective law enforcement system must be able to provide a sense of justice, legal certainty and comprehensive prevention of criminal acts. By analyzing the contribution of law enforcement system theory, we can explore the extent to which death penalty

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<sup>13</sup> Ristina, L. (2018). Peran Jaksa Dalam Penerapan Kebijakan Diversi Terhadap Anak Pelaku Tindak Pidana. *Jurnal Ius Constituendum*, 3(2), 166-178.

<sup>14</sup> Hikmah, H., & Sopoyono, E. (2019). Kebijakan Formulasi Sanksi Pidana Mati Terhadap Pelaku Tindak Pidana Korupsi Berbasis Nilai Keadilan. *Jurnal Pembangunan Hukum Indonesia*, 1(1), 78-92.

formulation policies can make a positive contribution to improving and strengthening the law enforcement system in Indonesia.

On the other hand, criminal theory highlights philosophical and ethical aspects in the context of applying criminal punishment, including the death penalty, in corruption cases. Engaging with this theory opens insight into fundamental questions about the purpose of punishment and the morality behind the use of the death penalty<sup>15</sup>. By involving this perspective, we can evaluate the extent to which the death penalty is considered a step-in accordance with the ethical and moral values held by Indonesian society. Punishment theory can also help detail the ethical implications of applying the death penalty to corruptors, especially when applied as a last resort to prevent criminal acts and protect society, as regulated in Law Number 1 of 2023. Critical questions about fairness, proportionality of punishment, and social impact must be accommodated in this context. By combining punishment theory, we can open deep insight into the ethical dimensions of death penalty formulation policies, helping society and policy makers to better understand and evaluate the impact and moral implications of these policies<sup>16</sup>.

Overall, the contributions of law enforcement system theory and criminal theory not only cover operational aspects of the criminal justice system, but also involve philosophical and ethical considerations that provide a complete and more holistic picture. Both provide a basis for opening insight into the legal and ethical framework that underlies the policy of formulating the death penalty for perpetrators of criminal acts of corruption in Indonesia.

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<sup>15</sup> Hamzah, A. (2005). Pemberantasan korupsi: melalui hukum pidana nasional dan internasional.

<sup>16</sup> Akmal, D. U., & Mada, S. M. (2021). Memaknai Hukuman Mati Bagi Koruptor Berdasarkan Filsafat Hukum. *Supremasi Hukum*, 17(02), 40-47.

### **3. The Effectiveness of the Death Penalty Law Formulation Policy in Overcoming Corruption Crimes**

The extent to which the policy of formulating the death penalty law can provide an effective solution in overcoming criminal acts of corruption in Indonesia is a complex issue and requires an in-depth evaluation of the aspects of effectiveness, morality and impact on human rights. Consideration of this policy must include a series of perspectives and implications that may arise in the context of handling criminal acts of corruption. In terms of effectiveness, the death penalty formulation policy should be able to provide a significant deterrent effect for perpetrators of criminal acts of corruption. Rewarding severe sanctions such as the death penalty can be a strong deterrence, minimizing incentives to commit criminal acts<sup>17</sup>.

However, evaluating this effectiveness needs to consider whether the death penalty is truly able to reduce the level of corruption or whether there are other alternatives that are more effective in achieving this goal. In this context, the debate continues to grow, especially regarding the sustainability and long-term results of the use of the death penalty in preventing corruption. From a morality perspective, the policy of formulating the death penalty raises fundamental questions about the ethical and moral values held by Indonesian society. Moral issues involve considering whether the death penalty is in accordance with society's views of morality and justice.

These debates often include questions about whether the state has the right to take an individual's life as punishment, as well as whether the death penalty is an action that is consistent with widely accepted ethical norms. From a human rights perspective, the application of the death penalty is critical because it concerns the basic right of every individual to live. Even though Article

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<sup>17</sup> Putra, A. W., & Sutanti, R. D. (2020). Kebijakan Formulasi Pidana Mati Bersyarat Dalam Perspektif Pembaharuan Hukum Pidana Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 2(3), 319-330.

99 of Law No. 1 of 2023 regulates the postponement of the execution of the death penalty against pregnant women, breastfeeding women, or mentally ill people, concerns still arise about potential violations of human rights. The right to life is a fundamental human right, and the use of the death penalty carries the risk of violating that right<sup>18</sup>.

Therefore, in responding to the question to what extent the policy of formulating the death penalty can provide an effective solution in overcoming criminal acts of corruption in Indonesia, it is necessary to carry out a comprehensive evaluation involving legal, moral and human rights perspectives. A deep understanding of the consequences, implications and impacts of these policies can guide policymakers and society in designing approaches that are in line with the principles of justice, ethics and human rights. Holistic and sustainable evaluation is the key to finding effective and equitable solutions in overcoming criminal acts of corruption in Indonesia<sup>19</sup>. So far, the debate surrounding the policy of formulating the death penalty in dealing with criminal acts of corruption in Indonesia also involves consideration of policy alternatives that may be more in line with moral values, human rights, and effectiveness in achieving law enforcement goals<sup>20</sup>.

Some parties argue that there are alternative sanctions that can achieve a deterrent effect without violating human rights principles or giving rise to moral uncertainty. Consideration of strengthening the criminal justice system, increasing transparency, and strengthening monitoring mechanisms for perpetrators of corruption also emerged as viable alternatives. The implementation of more proportionate and rehabilitative punishments, such as

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<sup>18</sup> Sitompul, H. (2019). Penyertaan dalam tindak pidana korupsi. *Jurnal Ilmiah Hukum dan Keadilan*, 6(2), 108-123.

<sup>19</sup> Hisyam Fahmi, 'Death Penalty for Corruptors in Indonesia', *International Journal of Social Science And Human Research*, vol. 04, no. 07 (2021), pp. 1822-8.

<sup>20</sup> Mulyadi, L. (2015). Asas Pembalikan Beban Pembuktian Terhadap Tindak Pidana Korupsi Dalam Sistem Hukum Pidana Indonesia dihubungkan dengan Konvensi Perserikatan Bangsa-Bangsa anti Korupsi 2003. *Jurnal Hukum dan Peradilan*, 4(1), 101-132.

long-term imprisonment or significant financial sanctions, may be considered a solution more in line with deep human rights and ethical values<sup>21</sup>.

In addition, it should also be noted that aspects of preventing corruption through education, promoting integrity, and structural reforms in government governance may have a more positive long-term impact. Strengthening anti-corruption institutions, increasing transparency, and public participation in supervision can be key elements in a holistic strategy to suppress criminal acts of corruption.

In responding to this complex debate, it is important to open up space for discussion and broad community involvement. Public involvement can provide diverse views and ensure that the policies adopted truly reflect the aspirations and values of society. In addition, open and inclusive discussions can help identify more comprehensive and sustainable solutions in efforts to tackle corruption<sup>22</sup>. In this context, constant evaluation of capital punishment formulation policies needs to be carried out on an ongoing basis, involving various stakeholders. Thus, understanding of the extent to which this policy can provide effective solutions in overcoming criminal acts of corruption in Indonesia can continue to develop, and alternative policies that are more in line with moral values, human rights and the effectiveness of law enforcement can be further explored.

#### **4. Public Views and Understanding of the Death Penalty Formulation Policy**

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<sup>21</sup> R. Arsad, 'Obstacles and Challenges in Law Enforcement Against Corruption in Public Services', *Russian Law Journal*, vol. XI, no. 3 (2023), pp. 3331-9, <https://russianlawjournal.org/index.php/journal/article/view/2937%0Ahttps://russianlawjournal.org/index.php/journal/article/download/2937/1759>.

<sup>22</sup> Toule, E. R. (2013). Eksistensi Ancaman Pidana Mati Dalam Undang-Undang Tindak Pidana Korupsi. *Jurnal Hukum PRIORIS*, 3(3), 103-110.

The public's views and understanding of the policy of formulating the death penalty for corruptors in Indonesia reflect the diversity of values, beliefs and perspectives held by various groups of society. In general, there are a number of diverse views regarding the effectiveness, morality and sustainability of the death penalty in dealing with criminal acts of corruption.

Some people may support this policy as a form of firm and effective sanction to tackle corruption crimes. They argue that the death penalty can have a strong deterrent effect and be a serious warning to potential perpetrators of corruption. This view often arises from dissatisfaction with the high level of corruption in Indonesia and a desire to see firmer handling of perpetrators of criminal acts of corruption.

On the other hand, some people strongly oppose the policy of formulating the death penalty for corruptors, with the main arguments related to human rights and ethical values. They view that the death penalty is contrary to human rights principles which protect the right to life, and is considered an inhumane and unethical act<sup>23</sup>.

The continuation of this debate reflects the division of opinion among society, which includes academics, human rights activists and social advocacy groups. Community participation is a key factor in formulating policies that are in accordance with the moral and ethical values of Indonesian society. Involving the public in the policy formulation process provides an opportunity to explore diverse views, respond to concerns, and build a more inclusive consensus. This participation can be carried out through public forums, consultations, or dialogue involving various stakeholders<sup>24</sup>.

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<sup>23</sup> Hikmah, H., & Sopoyono, E. (2019). Kebijakan Formulasi Sanksi Pidana Mati Terhadap Pelaku Tindak Pidana Korupsi Berbasis Nilai Keadilan. *Jurnal Pembangunan Hukum Indonesia*, 1(1), 78-92.

<sup>24</sup> Khaeron Sirin, 'Mungkinkah Koruptor Dihukum Mati? Analisis Perdebatan tentang Pelaksanaan Hukuman Mati di Indonesia', *Supremasi Hukum: Jurnal Kajian Ilmu Hukum*, vol. 4, no. 1 (2015), pp. 1-16.



The public can make a valuable contribution in identifying policy alternatives that are more in line with their moral and ethical values. An approach that involves the community can also promote awareness of the deep impact and implications of the death penalty formulation policy on corruptors. Public education, outreach campaigns, and open dialogue can shape people's perceptions and understanding, help them realize the complexity of this issue, and provide a stronger basis for meaningful participation.

In this context, public participation is an important means of building broad social consensus regarding death penalty formulation policies. By taking into account the moral and ethical values upheld by Indonesian society, corruption prevention policies can be designed more accurately and receive wider support. Overall, public participation opens up space for open and inclusive discussion, creating a more solid basis for the formation of policies that incorporate diverse perspectives and reflect the shared aspirations of society.

Community participation can also help form a more holistic understanding of the root causes of corruption and support more effective prevention efforts. By involving the community in the policy formulation process, policy makers can better understand the community's needs, hopes and concerns regarding anti-corruption measures.<sup>25</sup>

In addition, community participation allows for tighter supervision and monitoring of the implementation of the death penalty formulation policy. Communities can be effective control agents to ensure that these policies are not misused or have a negative impact on human rights. They can monitor whether the death penalty is applied fairly and in accordance with standards of justice.

The importance of community participation is also related to the formation of social norms that support ethical and moral values. Through open dialogue and discussion, society can collectively build awareness of the values

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<sup>25</sup> Hartanto, 'Korupsi Perbuatan Tak Bermoral Menjatuhkan Wibawa Bangsa Dan Merampas Kesejahteraan Rakyat', *Surakarta: Universitas Muhammadiyah Surakarta* (2018), pp. 287-96.

that are considered important in the context of the death penalty for corruptors. This can create social momentum to support policy changes that are more in line with developments in societal values and norms over time. As a key factor in formulating policies, community participation opens the door to inclusiveness and policy sustainability. Policymakers must be able to hear diverse voices and involve the community as partners in responding to complex issues such as the death penalty for corruptors. Through this approach, the resulting policies will reflect the real needs and aspirations of society, and in turn, are more likely to be widely accepted.

In facing challenging and complex issues such as the death penalty policy for corruptors, public participation is key to achieving the right balance between the needs of law enforcement, ethical values, and human rights. By actively involving the community in the policy formulation process, an environment that is more democratic, transparent and responsive to the dynamics of the values and aspirations of the Indonesian people can be created.

#### **D. Conclusion**

In reviewing the policy of formulating the death penalty for perpetrators of criminal acts of corruption in Indonesia, conclusions can be drawn from the framework of understanding that has been described. First, this policy encourages complex debate among Indonesian society, with polarizing views regarding its effectiveness, morality and impact on human rights. Although some see it as a firm step to suppress corruption, others believe that human rights and society's ethical values are at stake. Therefore, the first conclusion is that a deep and inclusive debate is needed to understand the implications and consequences of this policy, as well as looking for more appropriate alternatives. The second conclusion includes the important role of law enforcement system theory and criminal theory in helping to understand this policy issue comprehensively. Law enforcement system theory provides insight into how this policy can be

integrated with the effectiveness of the law enforcement system as a whole, while punishment theory opens up deep ethical and philosophical insights into the policy formulation of the death penalty. Thus, this conclusion emphasizes the need to combine legal and ethical perspectives in designing policies that reflect the principles of justice and sustainability. Finally, this conclusion highlights the urgency of community participation in formulating policies that are relevant and in accordance with the moral and ethical values of Indonesian society. By involving the community as the main stakeholder, policy makers can accommodate diverse views and ensure that the resulting policies reflect shared aspirations. This participation is the key to forming social norms and creating more inclusive and sustainable policies in tackling criminal acts of corruption. In closing, lessons learned from this debate can provide a basis for formulating anti-corruption policies that are holistic and durable, respect human rights, and are in line with the ethics and values of Indonesian society.

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