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Barriers and Challenges of Death Penalty Implementation against Corruption Crimes Perpetrators in Indonesia

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Abstrak: Since the enactment of the anti-corruption law, no perpetrators of corruption in Indonesia have been sentenced to death. The obstacle to implementing the death penalty for corruptors lies in the provisions set forth in Article 2 paragraph (2) of Law No. 31 of 1999 and its Jo. Law No. 20 of 2001 regarding the corruption eradication, which specifies that the death penalty can only be imposed under certain circumstances. The interpretation of "certain circumstances" such as corruption of funds for mitigation against states of danger, natural disasters, social unrest, mitigation of monetary crises, and mitigation of corruption crimes; is determined by other institutions/agencies, which opens up a broader interpretation and debate and is difficult to measure because it is not limitative. To address the issue of corruption crimes, the government must amend the conditions for imposing the death penalty by restricting the interpretation of "certain circumstances" that highlight the severity of state losses due to criminal crimes.

Keywords: Implementation; Death Penalty; Perpetrators of Corruption Crimes; Indonesia.

1. INTRODUCTION

The Indonesian government enforced numerous rigorous and measurable legal actions in response to widespread corruption. One of these actions involves applying the most severe punishment for corruption crimes, such as the death penalty, as stipulated by the law.

Indonesia, once governed by Dutch colonial power, maintains the use of capital punishment for specific offenses that have a profound effect on victims and society at large. At present, most nations around the world use legal frameworks, such as continental European law, Anglo-Saxon or common law, religious law, socialist law, or customary law, and still enforce capital punishment for specific criminal acts. Given its numerous regulations, the Islamic legal system is one of the few legal frameworks that administers the death penalty. Al-Khalaf asserts that the purpose of this punishment is to

safeguard both individuals and society from heinous crimes that pose a threat to humanity.[1]

The justification for the implementation of the death penalty in Indonesia is supported by numerous provisions of the Criminal Code (KUHP). Furthermore, the death penalty is sanctioned under legislation that is not limited to the Criminal Code, including laws related to terrorism, corruption, and money laundering. The significance of the death penalty in Indonesia's criminal law system has become increasingly apparent due to its widespread use. To retain the death penalty in Indonesia, former Vice President Jusuf Kalla's unwavering opposition to the Union's proposal to eliminate it in the revised Criminal Code is a vital policy stance.

Romli Atmasasmita, an expert in criminal law and a contributor to the drafting of Indonesia's Law on Corruption Eradication, has previously observed that corruption has infiltrated the government in Indonesia, much like a virus. Despite this pervasive problem, efforts to eradicate it have not significantly progressed. Corruption in Indonesia presents a substantial risk to national economic stability and security.[2] Kaligis asserts that corruption is typically regarded as extraordinary due to its systematic, organized, transnational, and multidimensional qualities, encompassing juridical, sociological, cultural, and economic aspects.[3]

According to data from the Political and Economic Risk Consultancy, Indonesia recorded the highest number of corruption cases among the 16 countries in the Asia-Pacific region in 2010.[4] The volume of corruption in Indonesia has consistently increased annually. In 2017, the Indonesian National Police dealt with 216 corruption cases, involving 436 individuals, resulting in losses of Rp 1.6 trillion and police seizures of Rp 975 million in bribe money.[5]

Based on the data presented, the prevalence of corruption in Indonesia remains relatively high, prompting calls for implementing the death penalty as a deterrent. Indonesian Law No. 31 of 1999, and Jo. Law No. 20 of 2001 concerning Corruption Eradication does not provide for absolute implementation of the death penalty. The imposition of the death penalty for corruption-related crimes is subject to the conditions outlined in Article 2, paragraph (2) of Law No. 31 of 1999 Jo. Law No. 20 of 2001 concerning Corruption Eradication. The fact that these conditions are not clearly defined or measurable presents a challenge in implementing the death penalty in Indonesia.

2. METHODS

This study used normative legal research to examine legal documents regarding the imposition of capital punishments on corrupt offenders in Indonesia, adopted a conceptual method to discuss the concepts of punishment and various forms of punishment for corruption in Indonesia, and used a statute approach, examining the norms outlined in Law No. 31 of 1999 and Jo. Law No. 20 of 2001 on Corruption

[1] Abd al-Wahab Al-Khalâf, *Ushûl Al-Fiqh* (Kuwait: Dâr al-Qalam, 1992).
[2] Romli Atmasasmita, *Sekitar Masalah Korupsi, Aspek Nasional Dan Aspek Internasional* (Bandung: Mandar Maju, 2004).
[3] Otto Cornelis Kaligis, "Korupsi Sebagai Tindakan Kriminal Yang Harus Diberantas : Karakter Dan Praktek Hukum Di Indonesia," *Jurnal Equality* 11, no. 2 (2006): 151–61.
[4] Tim Editor PERC, "Indonesia Negara Paling Korup!," Kompas, 2010.
[5] Indonesia Corruption Watch, *Tren Penindakan Kasus Korupsi Tahun 2017* (Jakarta: ICW Press, 2018).

Eradication. Specifically, this study focuses on the provisions that impose a death penalty on those who commit corruption-related crimes. This study was a prescriptive analysis that used secondary data collected through legal documentation techniques. The data were then analyzed using qualitative methods that relied on deductive logical thinking.

3. RESULTS AND DISCUSSION

3.1 Concept of Punishment

Punishment is a consequence of conduct that discourages individuals from engaging in actions prohibited by law. It works as a deterrent, causing individuals to cautiously consider the possible consequences of committing a crime. The imposition of punishment reinforces the authority of law or legislation to ensure compliance with all legal subjects, including humans and legal entities.

In criminal law, the word "punishment" originates from the German term "Straf," while the term "punished" is referred to as "gestraft." However, Muljatno challenges this conventional usage and opts for an unconventional term, "pidana," as a replacement for "gestraft." Mulyatno explained that if "straf" refers to punishment, then "strafiecht" should also signify punishment. He emphasized that being punished involves being subjected to the legal system, whether it is criminal law or civil law. Punishment is the outcome or consequence of the law's application, which has a more comprehensive meaning than just criminal law, because it also includes the judge's decision in civil law cases.[6]

The process of determining and imposing sanctions is referred to as criminalization, which is synonymous with punishment. This concept is generally defined as the application of law, while the term punishment refers to the act of inflicting punishment or retribution. Retribution should be proportional, which means that the severity of the offense committed and the punishment imposed should be balanced and the punishment should not exceed the limit of the offender's guilt. Van Bemmelen advocated the use of proportional retribution in the current criminal justice system. This approach is crucial in applying law to deter vigilance and satisfy the public's desire for justice.[7]

Punishment is an appropriate response to the actions of a perpetrator who has caused harm to others through criminal behavior. On the other hand, punishment can also be seen as the infliction of pain and suffering on the perpetrator as a consequence of actions that violate law or religious principles. The purpose of punishment is to modify behavior and discourage individuals from engaging in actions that can harm others.

3.2 Types of Punishment in Corruption Crimes

In criminal law, several types of punishment can be imposed on perpetrators of corruption, namely, the death penalty, imprisonment, fines, additional penalties, and other penalties. In Law No. 31 Year 1999 Jo. In Law No. 20 of 2001 concerning Corruption Eradication, the types of penalties stipulated are the same as those contained in the Criminal Code (KUHP), but the eradication of corruption imposes the principle of aggravation of punishment.

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[6] Khaidir Ali, "Penyidikan Terhadap Tindak Pidana Korupsi Dana Bantuan Operasional Sekolah (BOS) Di Kabupaten Bireuen," *Cendekia : Jurnal Hukum, Sosial Dan Humaniora* 2, no. 1 (2024): 456–64, https://doi.org/https://doi.org/10.5281/zenodo.10531176.

[7] PAF. Lamintang, *Dasar-Dasar Hukum Pidana Indonesia* (Bandung: Citra Aditya, 2011).

The types of penalties stipulated in law no. 31 1999 Jo. Law No. 20 of 2001 on Corruption Eradication is as follows:[8]

1. Death Penalty

Indonesia retains the death penalty as part of its legal system, incorporating it into various laws. Despite this, the country upholds the principles of human rights and judiciously and selectively uses the death penalty. The Pancasila State of Law concept philosophically acknowledges and accommodates the application of the death penalty, although it may be optional or subject to certain conditions as a form of punishment.[9]

The implementation of the death penalty in Indonesia has been justified based on the provisions outlined in the Criminal Code (KUHP) and several other laws and regulations, including the Narcotics Law, Anti-Corruption Law, Anti-terrorism Law, Human Rights Court Law, Intelligence Law, and State Secret Law. These legal documents specify the imposition of capital punishment as a form of retribution for specific crimes. Additionally, the application of the death penalty is supported by the principles of the Pancasila legal state, which acknowledge its legitimacy. This finding suggests that the death penalty continues to be sanctioned by the Indonesian legal system. Furthermore, the use of capital punishment in Indonesia has increased since the implementation of the reform era.

In terms of eradicating corruption, the provision for the death penalty is contained in Article 2, paragraph (2) of Law No. 31 of 1999 Jo. Law No. 20 of 2001 concerning Corruption Eradication. The clause stipulates that capital punishment may be imposed on those who violate the law, engage in acts of enrichment for themselves or others, or commit offenses that can adversely affect state finances or the broader economy.

2. Prison Sentence

The imposition of imprisonment on Indonesia was a punitive and repressive Dutch colonial legacy.[10] The application of punishment is rooted in the retributive theory of justice, which posits that the offender must be penalized in proportion to the harm inflicted. The purpose of punishment is to restore balance and fairness in society by imposing a consequence commensurate with the offense. One of the most common forms of criminal sanctions is imprisonment, which is used to deter criminal behavior and protect public safety. The use of imprisonment as a form of punishment for criminal offenders emerged in the latter part of the 18th century, and was rooted in the principles of individualism and humanitarianism. As such, imprisonment has played a significant role in the reevaluation of more severe forms of punishment, such as the death penalty and corporal punishment, which are considered inhumane.[11]

Regarding the eradication of corruption in Indonesia, there are many formulations of punishment under Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on Corruption Eradication, including the following:

a. Life imprisonment or imprisonment for a minimum of four years, a maximum of 20 years, a fine of at least IDR 200,000,000.00, and a maximum of IDR 1,000,000,000.00, for every person who unlawfully commits an act of enriching themselves, other

[8] Mahdi Abdullah Syihab and Muhammad Hatta, "Punishment Weighting for Criminal Acts of Corruption in Indonesia," *Sasi* 28, no. 2 (2022): 307–22.

[9] Todung Mulya Lubis, *Kontroversi Hukuman Mati; Perbedaan Pendapat Hakim Konstitusi* (Jakarta: Gramedia Pustaka Utama, 2007).

[10] Bambang Poernomo, *Pelaksanaan Pidana Penjara Dengan Sistem Pemasyarakatan* (Yogyakarta: Liberty, n.d.).

[11] Barda Nawawi Arief, *Kebijakan Legislatif Dengan Pidana Penjara* (Semarang: Badan Penerbit UNDIP, 1996).

individuals, or a corporation that may jeopardize state finances or the state economy (Article 2, paragraph (1)).

b. Life imprisonment or imprisonment of at least one year or a fine of at least IDR 50,000,000.00, and at most IDR 1,000,000,000.00, for every person who aims to benefit themselves or other persons or corporations, abuses the authority, opportunity, or advice available to them because of their position or position that may disadvantage state finances or the state economy (Article 3).

c. Imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years or a fine of at least IDR 50,000,000.00 (50 million rupiah) and a maximum of IDR 250,000,000.00 (hundred and 50 million rupiah) for every person who commits a criminal offense, as referred to in Article 209 of the Criminal Code (Article 5).

d. Imprisonment of at least three (3) years and at most 15 (15) years and/or a fine of at least IDR 750,000,000.00 (750 million rupiah) for every person who commits a criminal offense as referred to in Article 210 of the Criminal Code (Article 6).

Imprisonment is a form of criminal penalty commonly used to address crimes. The use of incarceration gained momentum close to the 18th century, fueled by the tenets of individualism and the humanitarian movement. As the importance of incarceration in curbing crime continues to grow, it has also served to diminish the use of harsher punishments, such as the death penalty and corporal punishment.[12]

Imprisonment, as described by Lamintang, is a form of constraint on the mobility of individuals who have been convicted of crime. This is achieved by enclosing the person within a penal institution, while mandating adherence to all disciplinary regulations in force therein.[13] According to Roeslan Saleh, imprisonment is the primary form of the loss of freedom punishment and can be imposed for either a lifetime or a limited period of time.[14]

3. Additional Penalties

Additional criminal sanctions in the crime of corruption have been textually stipulated in Law No. 31 of 1999 regarding Corruption Eradication Articles 17 and 18. For example, Article 18, paragraph (1) of Law No. 20/2001 on Corruption Eradication states the following:

(1) Additional punishments in the Criminal Code are as follows:

   a. The confiscation of physical or intangible property, whether movable or immovable, utilized in or derived from corruption offenses, encompassing businesses owned by the convicted individual as well as the value of alternative items.

   b. The maximum payment for restitution is equal to the assets obtained from corrupt crimes.

   c. Close the company entirely or partially for a maximum period of 1 (one) year.

[12] Ardiansyah Girsang, Muhammad Hatta, and Herinawati, "Pelaksanaan Peradilan In Absentia Di Pengadilan Tindak Pidana Korupsi Banda Aceh," *Cendekia : Jurnal Hukum, Sosial Dan Humaniora* 1, no. 2 (2023): 107–31.

[13] P.A.F. Lamintang, *Hukum Penitensier Indonesia* (Bandung: Armico, 1984).

[14] Roeslan Saleh, *Stelsel Pidana Indonesia* (Jakarta: Aksara Baru, 1983).

d. The rescission of certain rights or privileges or the withdrawal of certain benefits that have been or may be conferred upon a convicted individual by the government.

The introduction of penal provisions for the revocation of specific rights is a novel approach to instilling deterrence and fear through the imposition of additional penalties.[15] These specific rights are the right to hold an office in general or a specific position, as stipulated in Article 35 paragraph (1) point 1, or the right to vote actively and passively in elections held under general rules, as mentioned in Article 35 paragraph (1) point 3 of the Criminal Code. Additional penalties for corruption cases should be viewed as a means of punishing corrupt individuals, as part of a broader effort to address this type of wrongdoing.

Revocation of specific rights is solely applicable to criminal offenses outlined by law, and carries the possibility of additional penalties. If a crime is punishable by life imprisonment, the revocation of certain rights affects the duration of an individual's life. For crimes that carry a minimum sentence of two years and a maximum sentence of five years, the period of revocation of specific rights exceeds the length of the primary sentence.

3.3 Constraints and Solutions to the Implementation of the Death Penalty for Corruption Crime in Indonesia

Corruption in Indonesia has had a profound impact not only on the state, but also on society as a whole. In addition to hindering the efficiency of government operations, corruption also has a detrimental effect on a nation's long-term sustainability, particularly regarding the moral character of future generations. It follows that the significant corruption offenses that have transpired thus far have not only had an adverse effect on government finances, but also disrupted the social and economic rights of the public. Consequently, corruption is widely regarded as a reprehensible act that warrants complete eradication. From a legal perspective, eliminating corruption in an exemplary manner is imperative.[16]

Combating corruption requires a shift from conventional legal strategies to embracing innovative approaches. This can be accomplished by categorizing corruption as a crime against humanity, which enables the application of legal instruments and procedural regulations typically utilized in cases involving human rights violations. Corruption has evolved from a national issue to a global concern that transcends the boundaries between nations and states. Consequently, the international community is now obligated to collaborate to identify and combat corruption as a criminal activity.

Corruption is a latent threat that is difficult to eradicate. Despite the existence of legal frameworks and the historical culture of shame in our country, the application of shock therapy to corrupt individuals has not proven effective in eradicating this issue. Corruption crimes can be viewed as sources of disasters that are more threatening than terrorism.[17]

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[15] Inggrid Pilli, "Hukuman Tambahan Dalam Putusan Pengadilan Tindak Pidana Korupsi," *Lex Crimen* 6, no. 6 (2015): 169–79.

[16] Abdullah, "Juridical Study of Corruption Crime in Indonesia: A Comparative Study," *International Journal of Law, Environment, and Natural Resources* 2, no. 1 (2022): 45–52.

[17] Sugeng Triwibowo, "Public Financial Management And Corruption In Indonesia: A Panel Cointegration And Causality Analysis," *Journal of Indonesian Economy and Business* 34, no. 3 (2019): 267 – 279.

Regarding the types of penalties for corruption, practically all theories are reflected in Law No. 31 of 1999 Jo. Law No. 20/2001 on the Eradication of Corruption.[18] One of the aggravating punishments for corruption is the imposition of a death penalty. The death penalty in the Corruption Crime Law is only regulated in one article, namely Article 2 of Law No. 31 of 1999 in conjunction with Law No.20 of 2001 regarding Corruption Eradication, which states the following:

(1) Any individual who engages in activities to enrich themselves, another person, or a corporation in a manner that may detrimentally impact the state's finances or economy shall be subject to a punishment of either life imprisonment or imprisonment for a minimum of 4 years and a maximum of 20 years. Additionally, fines of no less than 200 million rupiah and no more than one billion rupiah may be imposed upon conviction.

(2) In the context of corrupt crime, as referred to in paragraph (1), a death penalty may be imposed under certain circumstances.

Article 2 specifies that the term "unlawfully" encompasses both formal and material unlawful acts. However, even if such acts are not explicitly outlined in legal codes or regulations, they may be penalized if they are deemed morally reprehensible or contrary to the standards of social etiquette prevailing within the community. The use of the word "may" in this provision indicates that the crime of corruption is a formal offense, i.e., the act alone constitutes the crime, not the resulting consequences. The phrase "detrimentally impacts the state's finances or economy" is not a determining factor in the crime of corruption.[19]

The phrase ‘certain circumstances’ in the provision refers to particular situations that can serve as a basis to improve the punishment of an offender who is charged with a criminal act of corruption. These specific circumstances include situations in which a corrupt act is committed to funds intended for countermeasures against dangers, national natural disasters, widespread social unrest, economic and monetary crises, and criminal acts of corruption.

The criminal offense provisions in Article 2, paragraph (1) are formal delicts. The general explanation for Law No. 31 of 1999 is as follows: "In this law, the criminal offense of corruption has been definitively established as a formal criminal offense, making it a crucial aspect of this argument. The statutory language clearly defines the parameters of this offense, and as such, even if the corrupt funds have been returned to the state, the accused will still be prosecuted and convicted of their involvement in the corruption”.[20]

By formally categorizing corruption as a criminal act, it is not mandatory for the state to sustain economic losses, because the completion of the offense is deemed to transpire through the execution of a prohibited act, which is subject to legal penalties. According to Article 2, paragraph (1), it is permissible to convict an individual of corruption without requiring proof of state or economic loss.

The explanation of Article 2, paragraph (1), was annulled by the Constitutional Court through its Decision, which stated the following:

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[18] Siti Jahroh, “Rekapitulasi Teori Hukuman Dalam Hukum Pidana Islam,” *JHI* 9, no. 2 (2011): 1–12.

[19] M. Ali Zaidan, “Norma, Sanksi Dan Teori Pemidanaan,” *Jurnal Yuridis* 1, no. 1 (2014): 107–15.

[20] A. Arifianto, “Corruption in Indonesia: Causes, History, Impacts and Possible Cures.,” *Journal Brandeis University* 1, no. 1 (2001): 1–23.

"Declares the explanation of Article 2, paragraph (1) of Law of the Republic of Indonesia No. 31 of 1999 concerning corruption eradication as amended by Law No. 20 of 2001 concerning amendments to Law No. 31 of 1999 concerning corruption eradication (State Sheet of the Republic of Indonesia of 2001 No.134, Supplement to State Sheet of the Republic of Indonesia No.4150) to the extent that the phrase reads: 'What is meant by unlawful in this article includes unlawful acts in the formal and material meaning, which means that although the act is not stipulated in legislation, if considered reprehensible because they are not in accordance with the sense of justice or the norms of social life in the community, the acts can be punished' has no legally binding effect. "

An amendment to Law No. 20 Year 2001 with respect to Law No. 31 Year 1999 is explained in Article 2, paragraph (2). In terms of eradicating corruption, the provision for the death penalty is contained in Article 2, paragraph (2) of Law No. 31 of 1999 Jo. Law No. 20 of 2001 on Corruption Eradication. The provision states that a death penalty can be imposed on every person who unlawfully commits an act of enriching himself or another individual, or a corporation that can be detrimental to state finances or the economy.

According to the amended Article 2 paragraph (2), the phrase "certain circumstances" refers to situations that can serve as grounds for aggravating the punishment of individuals who commit acts of corruption. These circumstances include instances where corruption is committed against funds designated to address state emergencies such as natural disasters, social unrest, economic crises, and corruption itself.

In terms of eradicating corruption, the provision of the death penalty is contained in Article 2, paragraph (2) of Law No. 31 of 1999 Jo. Law No. 20 of 2001 on the Eradication of Corruption. The provision states that a death penalty can be imposed on every person who unlawfully commits an act of enriching themselves, other individuals, or a corporation, which can be detrimental to state finances or the economy.

While the death penalty provisions in the Corruption Law have not been as comprehensive as those in the Narcotics Law, both corruption and narcotic crimes are generally considered extraordinary. In the Narcotics Law, the regulation of the death penalty is contained in many provisions such as Article 80 paragraphs (1), (2), (3), Article 81 (3), Article 82 paragraph (1), and Article 82 paragraph (2), Article 82 paragraph (3), and letter a. By contrast, the death penalty regulation against corruption is limited, has multiple interpretations, and is not measurable. Most articles in Law No. 31 of 1999, in conjunction with Law No. 20 of 2001 on Corruption Eradication, only regulate imprisonment and fines (e.g., Articles 3, 5, 6, 7, 8, 9, 10, 12b, 12c, and 13).

The Ministry of Social Affairs of the Republic of Indonesia has faced a challenge with regard to corruption cases involving the COVID-19 mitigation fund, as the phrase "certain circumstances" has been interpreted in some instances as referring to corruption of the National Natural Disaster Mitigation Fund. A state of emergency refers to an extraordinary situation or crisis that threatens the stability of a nation, as indicated by warning signs.

According to the information provided in paragraph (2), corruptors can receive a death penalty under certain conditions as stipulated in the provision. Consequently, corruption

related to the allocation of COVID-19 funds can be considered to fall within the scope of "under certain circumstances," thereby making corruptors eligible for the death penalty.[21]

This provision can be associated with the Disaster Management Law and Presidential Decree 12/2020, which classifies COVID-19 as a non-natural disaster. Therefore, in this case, further multi-interpretation of whether COVID-19 can be classified as a state of danger is based on symptoms that can endanger the state. Multiple interpretations must be considered for the fulfillment of human rights. The formulation of death penalty requirements under certain circumstances must also be in line with periodically changing policies. To address this matter, it is imperative that the government amends the conditions for imposing the death penalty on corruptors by providing a restrictive interpretation of the phrase 'certain circumstances' that accentuates the severity of state losses resulting from corruption crimes.

4. KESIMPULAN

The policy for punishing corruptors with a death penalty was established in Law No.31 of 1999 and Law No. 20 of 2001 on Corruption Eradication. A significant obstacle to the implementation of this policy is the inadequacy of operational and functional resources to effectively eradicate corruption in Indonesia. Despite more than a decade since the enactment of this law, no corruption perpetrators have been sentenced to death.

The challenges related to the implementation of the death penalty can be found in the terminology of "certain circumstances" as a prerequisite for imposing the death penalty in cases of corruption, as articulated in the interpretation of Article 2, paragraph (2) of Law No. 31 of 1999 and Law No. 20 of 2001 on Corruption Eradication. The classification of "certain circumstances," such as the misappropriation of funds intended for emergency measures, disaster relief, social stability, financial crises, and anti-corruption efforts, is typically determined by other institutions or organizations, creating a vast scope for interpretation and discussion that is difficult to measure because it is unrestricted.

To address this issue, it is suggested that the government amend the conditions for implementing the death penalty for corrupt officials by specifically defining the term "certain circumstances" to refer to the extent of state losses resulting from acts of corruption

REFERENCES

Abdullah. "Juridical Study of Corruption Crime in Indonesia: A Comparative Study." *International Journal of Law, Environment, and Natural Resources* 2, no. 1 (2022): 45–52.

Al-Khalâf, Abd al-Wahab. *Ushûl Al-Fiqh*. Kuwait: Dâr al-Qalam, 1992.

Ali, Khaidir. "Penyidikan Terhadap Tindak Pidana Korupsi Dana Bantuan Operasional Sekolah (BOS) Di Kabupaten Bireuen." *Cendekia : Jurnal Hukum, Sosial Dan Humaniora* 2, no. 1 (2024): 456–64. https://doi.org/https://doi.org/10.5281/zenodo.10531176.

Arief, Barda Nawawi. *Kebijakan Legislatif Dengan Pidana Penjara*. Semarang: Badan Penerbit

[21] Tinuk Cahyani, "Death Penalty for Corruptors in the Pandemic Time Covid 19 in a Positive Legal Perspective," *Advances in Social Science, Education and Humanities Research* 590 (2021): 119–23.

UNDIP, 1996.

Arifianto, A. "Corruption in Indonesia: Causes, History, Impacts and Possible Cures." *Journal Brandeis University* 1, no. 1 (2001): 1–23.

Atmasasmita, Romli. *Sekitar Masalah Korupsi, Aspek Nasional Dan Aspek Internasional*. Bandung: Mandar Maju, 2004.

Cahyani, Tinuk. "Death Penalty for Corruptors in the Pandemic Time Covid 19 in a Positive Legal Perspective." *Advances in Social Science, Education and Humanities Research* 590 (2021): 119–23.

Christiani, Theresia Anita. "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object." *Procedia-Social and Behavioral Sciences* 219 (2016): 201–7. https://doi.org/http://dx.doi.org/10.1016/j.sbspro.2016.05.006.

Dewata, Mukti Fajar Nur. *Dualisme Penelitian Hukum Normatif Dan Empiris*. Yogyakarta: Pustaka Pelajar, 2010.

Girsang, Ardiansyah, Muhammad Hatta, and Herinawati. "Pelaksanaan Peradilan In Absentia Di Pengadilan Tindak Pidana Korupsi Banda Aceh." *Cendekia : Jurnal Hukum, Sosial Dan Humaniora* 1, no. 2 (2023): 107–31.

Indonesia Corruption Watch. *Tren Penindakan Kasus Korupsi Tahun 2017*. Jakarta: ICW Press, 2018.

Jahroh, Siti. "Rekapitulasi Teori Hukuman Dalam Hukum Pidana Islam." *JHI* 9, no. 2 (2011): 1–12.

Kaligis, Otto Cornelis. "Korupsi Sebagai Tindakan Kriminal Yang Harus Diberantas : Karakter Dan Praktek Hukum Di Indonesia." *Jurnal Equality* 11, no. 2 (2006): 151–61.

Kurnianigsih, Marisa. "The Effectiveness of Imposing the Death Penalty for Corruption Perpetrators as a Solution for Handling Corruption during the Covid-19 Pandemic." *Law and Justice* 6, no. 1 (2021): 80–95.

Lamintang, P.A.F. *Hukum Penitensier Indonesia*. Bandung: Armico, 1984.

Lamintang, PAF. *Dasar-Dasar Hukum Pidana Indonesia*. Bandung: Citra Aditya, 2011.

Lubis, Todung Mulya. *Kontroversi Hukuman Mati; Perbedaan Pendapat Hakim Konstitusi*. Jakarta: Gramedia Pustaka Utama, 2007.

Muhaimin. *Metode Penelitian Hukum*. Mataram: Mataram University Press, 2020.

Pilli, Inggrid. "Hukuman Tambahan Dalam Putusan Pengadilan Tindak Pidana Korupsi." *Lex Crimen* 6, no. 6 (2015): 169–79.

Poernomo, Bambang. *Pelaksanaan Pidana Penjara Dengan Sistem Pemasyarakatan*. Yogyakarta: Liberty, n.d.

Robert, Andrei Shleifer and W. Vishay. "Corruption." *Quarterly of Journal Economy* Cviii, no. August (1993): 598-617.

Saleh, Roeslan. *Stelsel Pidana Indonesia*. Jakarta: Aksara Baru, 1983.

Syihab, Mahdi Abdullah, and Muhammad Hatta. "Punishment Weighting for Criminal Acts of Corruption in Indonesia." *Sasi* 28, no. 2 (2022): 307–22.

Tim Editor PERC. "Indonesia Negara Paling Korup!" Kompas, 2010.

Triwibowo, Sugeng. "Public Financial Management And Corruption In Indonesia: A Panel Cointegration And Causality Analysis." *Journal of Indonesian Economy and Business* 34, no. 3 (2019): 267 – 279.

Zaidan, M. Ali. "Norma, Sanksi Dan Teori Pemidanaan." *Jurnal Yuridis* 1, no. 1 (2014): 107–15.