



# Tendencies of Corruption Crimes by Regional Leaders During the COVID-19 Pandemic in Indonesia for the Period 2019-2022

Audaraziq Ismail<sup>1</sup> Febby Mutiara Nelson<sup>1</sup> Henny Saptatia<sup>1</sup> Basuki Rekso Wibowo<sup>1</sup>  
Iqbalsyah Nouval Mukhtajie<sup>1</sup> and Ahmad Sarinawi<sup>1</sup>

<sup>1</sup>Graduate School of Strategic and Global Studies, University of Indonesia, Depok 16424, Indonesia

audaraziqlaw@gmail.com

**Abstract.** Corruption has been common in Indonesia throughout the Covid-19 epidemic, especially among regional leaders. This study examines how the COVID-19 epidemic has affected corruption offenses, particularly those committed by regional leaders. It links it to law enforcement and its impact on the effectiveness of the Corruption Eradication Law. Adopting a legal sociology perspective and utilizing the theoretical framework of anomie proposed by Emile Durkheim, the study relies on primary and secondary legal sources as the main data sources in a qualitative normative legal research approach. The analysis reviews the sudden changes in social reality due to the pandemic, referred to as "Pandemic practice." The findings reveal that the anomie condition induced by the pandemic serves as a criminogenic factor contributing to the rise in corruption cases. Additionally, the research underscores the reality of law enforcement against corruption during the pandemic, which tends to be less effective and often opts for relatively lenient charges. To successfully prevent and remove corruption, the study suggests that the Corruption Eradication Law conflicts with this approach. The study recommends employing a situational crime prevention method to reduce settings that encourage corruption during the pandemic. It also emphasizes the need for strong political will on the part of the government and law enforcement to strongly and appropriately support anti-corruption efforts. These efforts aim to bolster law enforcement and curb corruption amid the anomie conditions prompted by the pandemic, representing crucial priorities in upholding the integrity of the legal system and promoting social justice.

**Keywords:** Corruption, District head, COVID-19 pandemic, Legal Effectiveness, Law enforcement, Criminal Justice System.

# 1 Introduction

## 1.1 Background

The COVID-19 pandemic brought significant disruptions to multiple sectors and social life. Not to mention, it also manifests in governance, law enforcement, and societal norms, even leading to a wide range of white-collar crime cases. Moreover, creating a fertile environment for corruption, particularly among regional leaders in Indonesia. These disruptions stem not only from legal changes but can also be understood through the concept of anomie, a sociological phenomenon introduced by Émile Durkheim that refers to the breakdown of social norms in the wake of rapid societal changes.<sup>1</sup> As the pandemic reshaped daily operations, it weakened traditional oversight mechanisms, facilitating the emergence of corruption in new contexts during COVID-19. A report from Indonesia Corruption Watch (ICW) reveals a troubling increase in corruption cases, many of which are correlated with the expedited decision-making processes necessitated by the pandemic. The urgency of the crisis has contributed to a deterioration in oversight mechanisms, thereby creating conducive conditions for corrupt activities.

Indonesia witnessed the continued corruption and people's disdain for tolerance and unity. Firlri Bahuri, the chairman of the Corruption Eradication Commission and a citizen of the Republic of Indonesia, has repeatedly stated from the start of the pandemic that the Commission will continue to oversee the management of the COVID-19 problem. Consequently, the Corruption Eradication Commission urges all parties to refrain from engaging in corrupt practices amidst the pandemic.<sup>2</sup> Recognizing that the safety of the people is paramount, individuals involved in corruption during a disaster will face legal enforcement, including the potential imposition of the death sentence.<sup>3</sup>

This is according to Article 2, paragraph (2) of Law No. 31 of 1999 about the Eradication of Corruption Crimes, as most recently amended by Law No. 20 of 2001 ("Corruption Eradication Law"). This law stipulates that execution is an option for anyone convicted of engaging in corrupt behavior that illegally impacts public finances, particularly during times of disaster. In managing COVID-19, the Corruption Eradication Commission has also identified four areas of corruption susceptibility, including the delivery of social assistance, budget reallocation, third-party contributions, and purchasing goods and services.<sup>4</sup>

When the COVID-19 epidemic first struck Indonesia on April 29, 2020, the Chairman of the Corruption Eradication Commission issued a warning. However, it did not stop dishonest public servants from committing corruption-related offenses. 2020 marked one of the "hottest" periods in Indonesia's history of combating corruption. Initially, the

---

<sup>1</sup> Durkheim, Emile. "The Division of Labor in Society." Free Press, 1997.

<sup>2</sup> Indonesia Corruption Watch (ICW). Annual Report on Corruption in Indonesia. 2020. <https://antikorupsi.org/id/article/laporan-akhir-tahun-icw-2020>.

<sup>3</sup> Tempo, "Ketua KPK Pernah Ancam Hukuman Mati Pelaku Korupsi Anggaran Covid-19", diunggah 6 Desember 2020, diakses 16 Desember 2021, <https://nasional.tempo.co/read/1411960/ketua-kpk-pernah-ancam-hukum-mati-pelaku-korupsi-anggaran-covid-19>.

<sup>4</sup> *Ibid*

public was horrified by the corruption scandal involving former Social Affairs Minister Juliari Peter Batubara. It involved claims of bribery connected to the purchase of basic food packages for Social Assistance in response to the COVID-19 pandemic in the Jabodetabek area in 2020.

Corrupt activities with Social Assistance for COVID-19 by dishonest state authorities. Pandemic assistance is not limited to the Central Government. Corruption is pervasive, even at the level of regional governments. For instance, corruption cases involving Social Assistance funds for the Family Hope Program in Malang and Tangerang, as well as corruption in the procurement of goods for COVID-19 Social Assistance, have been reported, including those perpetrated by former West Bandung Regent Aa Umbara Sutisna.<sup>5</sup>

The depressing thing about Indonesia's COVID-19 corruption scandal was how few sentences judges handed down. In the corruption case concerning purchasing goods for COVID-19 Social Assistance, Aa Umbara Sutisna, the former Regent of West Bandung, was found guilty and given a five-year jail term along with a Rp 250 million fine and an additional Rp. 2.7 billion in criminal compensation.<sup>6</sup>

Furthermore, Nurdin Abdullah, the previous governor of South Sulawesi, was implicated in a corruption case. His sentence from the Makassar Corruption Crime Court (Tipikor) panel of judges included five years in prison and a fine of IDR 500 million, plus a further four months of detention if he didn't comply. Nurdin was convicted of taking bribes and gifts of IDR 8.087 billion and 30,000 Singapore dollars in a bribery case involving the purchase of infrastructure in the province of South Sulawesi. This penalty is less severe than the prosecution had requested, which called for a 6-year prison term, a Rp 500 million fine, and an extra 6-month jail term in the event of a default.<sup>7</sup>

Concerning that, according to ICW Monitoring Report trends in the Prosecution of Corruption Cases in 2022 found that there's an increase in corruption cases from the last 5 years (2018-2022) that can be seen in the table below: <sup>8</sup>

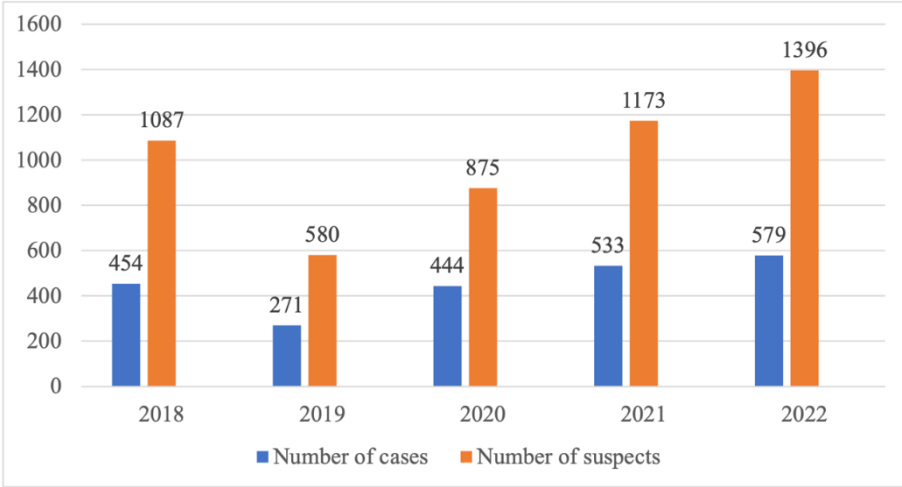
---

<sup>5</sup> Okezone, "Tilep Bantuan Negara di Masa Pandemi, Ini Deretan Kasus Korupsi Bansos", diunggah 11 Agustus 2021, diakses 15 Desember 2021, <https://nasional.okezone.com/read/2021/08/10/337/2453723/tilep-bantuan-negara-di-masa-pandemi-ini-deretan-kasus-korupsi-bansos?page=2>.

<sup>6</sup> Detik, "Terbukti Korupsi Bansos COVID-19, Aa Umbara Divonis 5 Tahun Penjara", diunggah 4 November 2021, diakses 15 Desember 2021, <https://news.detik.com/berita-jawabarat/d-5797121/terbukti-korupsi-bansos-covid-19-aa-umbara-divonis-5-tahun-penjara>.

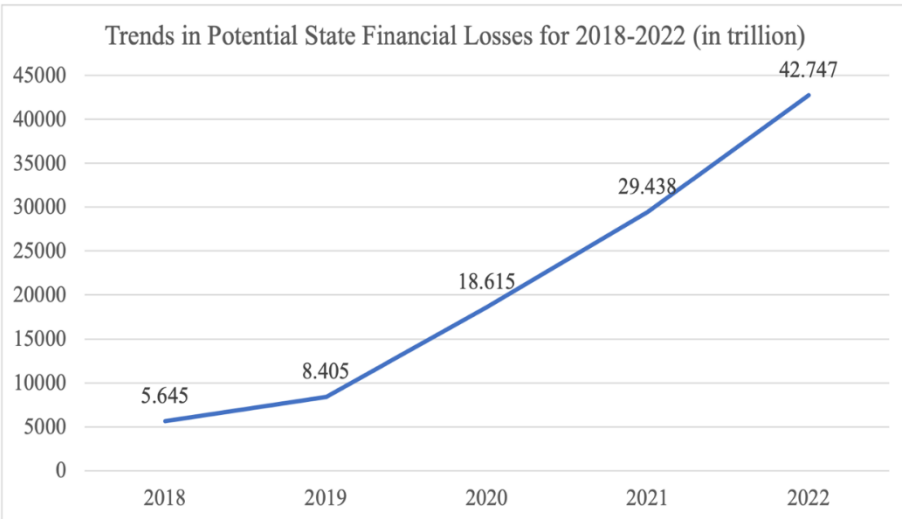
<sup>7</sup> Hukumonline, "Terbukti Terima Suap dan Gratifikasi, Nurdin Abdullah Divonis 5 Tahun Penjara", diunggah 30 November 2021, diakses 15 Desember 2021, <https://www.hukumonline.com/berita/a/terbukti-terima-suap-dan-gratifikasi--nurdin-abdullah-divonis-5-tahun-penjara-lt61a5d57cf309a/?page=1>.

<sup>8</sup> Indonesian Corruption Watch. Monitoring Report Trends in Prosecution of Corruption Cases in 2022. <https://antikorupsi.org/en/monitoring-report-trends-prosecution-corruption-cases-2022>.



**Fig. 1.** Trends in the Enforcement of Corruption Cases in 5 years period (2018-2022)

According to the figure above, both the number of cases and the suspects are increasing during the 5 years of 2018-2022. Although in 2018 to 2019, there was a decreasing number of cases and suspects, from 454 cases and 1087 suspects in 2018 to 271 cases and 580 suspects in 2019. But from 2020 to 2022, the number of cases and suspects increased to double the number of 2019. The increasing number of cases and suspects from those years also aligns with the high number of potential state financial losses, which have been published in the same report below:



**Fig. 2.** Trends in the Enforcement of Corruption Cases in the 5 years (2018-2022)

Based on this report, the potential state financial losses are almost doubled every year, especially from 2019 to 2022. It gives a sign that it isn't only about the economic and financial issues. Since money and state funds play a big role in a lot of the development of Indonesia, it caused also the social issues. Related to that, legal and sociological viewpoints may be used to analyze the phenomena of law enforcement's involvement in corrupt criminal activities during the COVID-19 epidemic in Indonesia, focusing on law enforcement's role in the efficacy of the legal system. According to Soerjono Soekanto, legal sociology entails a reciprocal relationship between law and other social phenomena. It focuses on the law as a social phenomenon with its reciprocal influence on other social behaviours<sup>6</sup>. One of the primary focuses of legal sociology is the effectiveness of written positive law, assessing whether the law fulfills its objectives, functions in reality, and is understood, obeyed, and appreciated. In the context of efforts to enhance legal effectiveness, Soerjono Soekanto introduces the concept of "legal effectiveness," which underscores endeavors to enhance the efficacy of the law. This implies that legal effectiveness emphasizes the achievement of objectives. In essence, the issue of legal effectiveness pertains to determining how to make laws more effective in achieving their goals.<sup>9</sup>

## 1.2 Problem Formulation

Based on the issues above, this paper aims to investigate law enforcement in criminal acts of corruption perpetrated by regional officials in Indonesia and conduct a legal analysis from a legal sociology perspective<sup>8</sup>. Leaving this perspective behind, the following is how the issue to be solved is stated:

1. What are the factors underlying the phenomenon of Corruption Crime cases in Indonesia during the COVID-19 pandemic, and how do they relate to the theory of anomie?
2. What is the trend of law enforcement in criminal acts of corruption committed by regional heads during the COVID-19 pandemic?
3. How does preventing corruption cases committed by regional officials in Indonesia impact the effectiveness of the Corruption Eradication Law?

## 1.3 Research Methods

This study employs a legal research technique that is both normative and qualitative. Primary, secondary, and tertiary legal documents comprise its secondary data analysis, containing the following details:

1. Primary legal materials (primary resources or authoritative records) are applicable laws and regulations with binding force, including the Corruption Eradication Law;

---

<sup>9</sup> Soerjono Soekanto, "Efektivikasi Hukum dan Peranan Sanksi", (Bandung: Penerbit Remadja Karya, 1988), hal. 1-3.

2. Secondary legal materials (secondary resources or non-authoritative records) are materials containing explanations of primary law, such as books, newspapers, journals, draft laws, and other research results;
3. Tertiary legal materials (tertiary resources) are in the form of explanations and instructions that provide clarity on primary and secondary legal materials, such as lexicons, encyclopedias, and so on.

## 2 Discussion

### 2.1 The COVID-19 pandemic-related phenomena of corruption criminal cases in Indonesia and its connection to the anomie

It was found that the public feels that corruption offenses rose during the COVID-19 epidemic based on a poll performed by the Indonesian Poll Institute at the end of 2020 on corruption in Indonesia. According to 38.9% of participants in the LSI poll, this is the case. 13.8% of respondents said that corruption had reduced during the COVID-19 epidemic, a long cry from the opposite figure<sup>10</sup>. The results of the study support the notion that during the COVID-19 pandemic, there was a rise in corruption-related criminal activity in Indonesia. Numerous instances of misconduct have damaged the government's reputation about how it is managing the COVID-19 pandemic and providing social services.

This situation can be studied through the perspective of criminological and sociological reviews, which argue that social conditions or environments can be criminogenic factors.<sup>10</sup><sup>11</sup> Based on the results of surveys and studies of corruption crime cases that occurred during the COVID-19 pandemic, we can find that the social conditions created as a result of the COVID-19 pandemic encouraged an increase in the incidence of crime in general and<sup>12</sup>, in particular, corruption crimes.

According to Emile Durkheim, crime cannot be eliminated since it is a common occurrence in all societies that are marked by social progress and heterogeneity.<sup>11</sup> Durkheim's opinion is based on a structural-functionalist perspective developed at the end of the 19th century. Emile Durkheim attempted to explain crime as something normal in society. The explanation for crime does not lie solely in the individual perpetrator but also in social groups and organizations. In this context, Emile Durkheim put forward the theory of anomie, which means a state of destruction of social order due to the loss of standards and values.<sup>12</sup>

In understanding the theory put forward by Emile Durkheim regarding anomie, the best illustration is his analysis of a suicide case that occurred in France entitled "Le Suicide."

---

<sup>10</sup> Muladi, "Kapita Selektta Sistem Peradilan Pidana", (Semarang: Badan Penerbitan Universitas Diponegoro, 1995), hal. 23.

<sup>11</sup> Mardjono Reksodiputro, "Mencari Faktor-Faktor Sebab Kejahatan (Suatu uraian Selayang Pandang)" dalam Sistem Peradilan Pidana, (Depok: Rajawali Pers, 2020), hal. 119 – 125.

<sup>12</sup> Topo Santoso dan Eva Achjani Zulfa, "Kriminologi", (Jakarta: Rajawali Pers, 2016), hal. 58-61.

Durkheim analyzed suicide statistics and found that suicide rates increased during sudden economic changes, whether the changes were in the form of major depression or, conversely, in circumstances of unexpected increases in prosperity.

Durkheim observed that during this period of rapid change, people are suddenly thrown into an unfamiliar way of life, and the norms and rules that once guided behavior are no longer adhered to. According to Durkheim, the main factor that causes anomie is a sudden change when norms and rules are no longer adhered to, and behavior can no longer be predicted, so society is in a state of anomie.<sup>13</sup> According to Frank Hagan, interpreting Durkheim's theory of anomie, anomie in modern society is caused by individual aspirations and ambitions to seek pleasure or new (excessive) sensations that are beyond attainment, even in times of prosperity (a troubling sense of limitless possibilities).<sup>14</sup>

According to Philip Smith, the main points of Durkheim's thoughts regarding crime or deviance, as outlined in his series of writings entitled "This is the order of "The Division of Labor in Society" (1893), "Le Suicide" (1897) and "The Rules of Sociological Method" (1895):<sup>15</sup>

- Deviance is partly a product of weak moral integration and poor social regulation.
- Deviations are social facts that have patterns and are regular when viewed in aggregate. In this case, we can think of a certain level of crime as "normal" and "inevitable" or even "beneficial" for a social/community organization.
- The definition of deviation and the perception of the severity or severity of the deviation are cross-cultural (relative) variables.
- Social changes, such as the transition to modernity, often cause Anomie and increased crime.
- The law reflects the cultural values of a society, although the strength of the law's relationship to that society's values can vary.
- Crime is full of meaning; it causes emotional reactions and is considered a violation of morality.
- Punishment has both ritual and expressive dimensions.

The COVID-19 epidemic hasn't decreased corruption-related offenses, as was already noted. Conversely, the public believes that the COVID-19 epidemic tends to enhance corruption offenses, according to the results of the 2020 LSI study. Based on the Association of Certified Fraud Examiners (ACFE) 2020 benchmarking assessment, there will likely be a rise in bribery and corruption, among other forms of professional fraud, during the COVID-19 pandemic.<sup>16</sup>

---

<sup>13</sup> *Ibid.*

<sup>14</sup> Frank E. Hagan and Leah E. Daigle, Introduction to Criminology: Theories, Methods, and Criminal Behavior, Ed. 10, (Thousand Oaks: Sage, 2020), p. 322-323.

<sup>15</sup> Philip Smith, "Durkheim and Criminology: Reconstructing the Legacy", The Australian And New Zealand Journal Of Criminology, Vol. 14, Number 3, (2008), p. 333-344.

<sup>16</sup> Association of Certified Fraud Examiner, "Fraud In The Wake Of Covid-19: Benchmarking Report December 2020 Edition".

According to Hendi Yogi Prabowo, unscrupulous officials might take advantage of the COVID-19 epidemic to increase their prospects for corrupt activities. This is demonstrated by the increasing number of corruption crimes in 2020, which involved two active ministers in government and various corruption cases involving regional officials in various regions in Indonesia. This leads one to the conclusion that the COVID-19 epidemic has changed the incentives, opportunities, and justifications for corruption crimes, resulting in acts of corruption in Indonesia's development.<sup>17</sup>

In the context of the anomie theory put forward by Emile Durkheim, the Covid-19 pandemic can be seen as a sudden change factor that causes anomie. The Covid-19 pandemic has altered the existing status of societal realities. As the Covid-19 epidemic has spread, society has had to change with the times and establish new norms.

According to Werron and Ringel, "routine activities that are established, reproduced, connected, released, institutionalized, and deinstitutionalized within the framework of the pandemic" are the main factors that have changed people's social life as a result of the COVID-19 pandemic. This is what Werron and Ringel refer to as "pandemic practice." Strict prohibitions on social and economic activities are one aspect of this pandemic strategy that aims to stop the spread of COVID-19. This pandemic practice has changed society's interaction patterns and social activities in a short/sudden time.

In connection with the circumstances mentioned above, we can see that the Covid-19 pandemic has contributed to the shaking of the social values and rules that society has adhered to. Society is forced to enter a new situation/way of life that was previously unknown (unfamiliar), termed Pandemic practice. The sudden social change due to the COVID-19 pandemic then gives rise to a state of anomie when the behavior of members of society becomes complex or unpredictable and, on occasion, can trigger crimes. The sudden social change due to the COVID-19 pandemic, which gave rise to Pandemic practice, also incentivized individuals to seek new (excessive) pleasures or sensations that were beyond attainable even during times of prosperity (troubling sense of limitless possibilities).

To overcome the increasing Corruption Crimes during the Pandemic in Indonesia, as an excess of sudden changes in society due to the state of anomie as a result of COVID-19, we can consider using the Rational Choice Theory approach. According to Ken Pease, the starting point for Rational Choice Theory is criminals who seek benefits for themselves from their criminal behavior. For this purpose, the perpetrator decides to commit the crime based on several choices of the most rational decisions/actions within the constraints of time, ability, and availability of relevant information.

This view is based on the "cost and benefit" construction, namely humans as Homo Economicus - Humans who are rational and free in determining their choices in achieving a goal. Becker, Cornish, Clarke, and McCarthy concluded that a criminal act could occur when someone decides that the benefits of committing a criminal act outweigh

---

<sup>17</sup> Hendi Yogi Prabowo, loc. cit.



the consequences for themselves, which, in their estimation, could arise from committing the crime.<sup>18</sup>

In the development of Rational Choice Theory, there are two derivative theories, namely Situational Choice Theory/Situational Crime Prevention, which was proposed by Clarke and is based on the view that people commit criminal acts based on circumstances so that to suppress the increase in criminal acts, an environment must be created that reduces the opportunities that can arise, lead to the occurrence of criminal acts. Meanwhile, another derivative theory is the Routine Activity Theory put forward by Cohen and Felson, namely the view that the motivation to commit a criminal act is a certainty and that the organization of space and time in social activities can help a person's criminal tendencies to become a criminal act.

Simply put, opportunities play a role in rational decision-making (committing a criminal act). This is because rational decision-making can be influenced by several aspects of daily life that increase a person's criminal tendencies. According to Cohen and Felson, the link between the rational decision-making process and the opportunity aspects that arise from everyday life can be manifested in 3 elements contained in a criminal act, namely: 1) a motivated perpetrator, 2) an appropriate crime target, and 3) the absence of competent supervisors.<sup>19</sup>

Departing from the Rational Choice Theory perspective above, we will find that the condition of anomie due to the COVID-19 pandemic in Indonesia, especially regarding changes in patterns of social relationships and interactions in the form of Pandemic practice, has increased by the opportunity factor so that committing corruption is seen as a rational choice. Corruption is considered a rational choice due to the organizational conditions of social space and time created by the state of anomie due to the COVID-19 pandemic.

The government's decision to prioritize fighting the epidemic over other issues and its strategy of restricting social interaction and distance have contributed to this anomie and have harmed the monitoring function.<sup>20</sup> Furthermore, those who commit corruption crimes see opportunities to commit corruption in policy patterns about the distribution of social assistance and the acquisition of goods and services during disasters, such as permitting direct appointments in acquiring goods and services related to managing the COVID-19 pandemic.

From the standpoint of Emile Durkheim's anomie theory, which holds that the COVID-19 pandemic was included as a rapid shift that generated anomie, the occurrence of corruption crimes that happened during the COVID-19 pandemic in Indonesia. To overcome this, it is appropriate to use the Rational Choice Theory perspective. The state of anomie resulting from the COVID-19 pandemic is seen by perpetrators of Corruption

---

<sup>18</sup> Keith Hayward, "Situational Crime Prevention and its Discontents: Rational Choice Theory versus the Culture of Now", in *Social Policy and Administration*, Vol. 41, Number 3, (June 2007), p. 232-250.

<sup>19</sup> *Ibid.*

<sup>20</sup> Fitra Arsil dan Qurrata Ayuni, "Model Pengaturan Kedaruratan dan Pilihan Kedaruratan Indonesia Dalam Menghadapi Pandemi Covid-19" dalam *Jurnal Hukum dan Pembangunan*, Vol. 50, No. 2, (2020), hal. 423-446.

Crimes as a factor of opportunity, especially regarding changes in social reality in aspects of daily life in this state of anomie. This opportunity then becomes the motivation to commit criminal acts because it is seen that the anomie situation resulting from the COVID-19 pandemic creates appropriate targets and conditions in connection with the decreasing level of supervision compared to before the COVID-19 pandemic, so it is considered that there is no capable supervisory function to detect and act on Corruption.

## 2.2 Trends in Law Enforcement in Corruption Crime Cases by Regional Heads

Most corruption crime cases during the COVID-19 pandemic in Indonesia have undergone a process through the criminal justice system and obtained decisions with permanent legal force (*inkracht van gewijsde*). It followed by the 2020 report from ICW that the corruption cases divided by Actors would be led by the Regional Government Employees with 365 cases or 26,15% of the total cases by actors.<sup>21</sup> The former Regent of Mamberamo Raya, Dorinus Dasinapa, is suspected of misusing COVID-19 funds amounting to IDR 3.1 billion, which were allegedly used to carry out political lobbying to run for the 2021-2024 Mamberamo Raya Regional Election. This case also involved a change in statement from the defendant, who admitted that he had given false information during a previous examination. From the results of the BPKP audit, it was found that state financial losses amounted to IDR 3.1 billion<sup>24</sup>. 30/Pid.Sus-TPK/2021/PN, the Jayapura District Court's ruling number Dorinus, believes he was declared not guilty beyond a reasonable doubt, while Japan maintains that he violated Article 2 paragraph (1), Jo. Article 18 of the TPPK Law, Article 55 paragraph (1) 1, and Article 64 of the Criminal Code.

1. The Makassar Corruption Crime Court (Tipikor) panel of judges condemned Nurdin Abdullah, the former governor of South Sulawesi (Sulsel), to five years in jail, four months in prison, and a fine of IDR 500 million on Monday evening, November 29. It was determined that Abdullah had taken IDR 8.087 billion and 30,000 Singapore dollars in bribes and gifts. The accusations included in Criminal Code Articles 55 and 64, paragraph (1), and Law No. 31 of 1999, as amended by Law No. 20 of 2001 concerning the Eradication of Corruption Crimes, Article 12, were judged to have been committed by Nurdin. Additionally, Nurdin was found guilty of breaking Article 12 B and Article 65 paragraph (1) of the Criminal Code, as amended by Law No. 20 of 2001 Concerning Eradication of Corruption Crimes, as stipulated in Law No. 31 of 1999.<sup>25</sup>
2. On August 23, 2021, the Corruption Crime Court Decision. 29/Pid.Sus-TPK/2021/PN.JKT.PST was released by the Central Jakarta District Court No. The former Minister of Social Affairs, Juliari Peter Batubara, was convicted guilty and given a 12-year jail term. He was also fined Rp 500,000,000.00 and has to pay Rp 14,597,450,000.00 in replacement money.

---

<sup>21</sup> Indonesia Corruption Watch (ICW). Annual Report on Corruption in Indonesia. 2020.

During the COVID-19 epidemic, legal enforcement against criminal acts of corruption was marked by relatively low sentencing. Furthermore, the Central Jakarta District Court Decision No. 29/Pid.Sus-TPK/2021/PN.JKT.PST, which details the judge's consideration of mitigating factors, states that the defendant, Juliari Peter Batubara, has already endured enough suffering as a result of verbal abuse and insults from the community. Moreover, other reasons include having contributed to the state for officials areas so that it can alleviate or even release them from criminal punishment.

Public discontent with the way the aforementioned cases have been handled is mostly linked to the articles that have been brought against the people who committed these heinous crimes of corruption. For instance, even though the Article 12 letter of the PTPK Law, which has more serious criminal threats for bribery, is more relevant, Pinangki and Napoleon were accused under Article 5 paragraph (2) of the PTPK Law. However, although the illegal conduct was connected to the procurement process, which is more properly covered by Article 2 paragraph (1) or Article 3 of the PTPK Law, Julian Peter Batubara was charged with bribery under Article 12 letter an of the PTPK Law. The PTPK Law's paragraph two of Article 5 and letter an of Article 12 are interpreted as follows:

**Table 1.** Interpreted of The PTPK Law's paragraph two of Article 5 and letter an of Article 12

Article 5 paragraph (2) of the PTPK Law	Article 12 letters a and b of the PTPK Law
<p>Suppose state managers or civil authorities accept presents or promises as specified in paragraph (1) letters an orb. In that case, they will be held accountable for the same offence stated in paragraph (1).</p> <p><b>Note:</b> A offender may be sentenced to a minimum of IDR 50,000,000.00 (fifty million rupiah) and a maximum of IDR 250,000,000.00 (two hundred and fifty million rupiah), in addition to serving one to five years in jail, according to Article 5, Paragraph 1 of the PTPK Law.</p>	<p>Additionally, she was imposed a fine of IDR 1,000,000,000.00 (one billion rupiah), with a minimum of IDR 200,000,000.00 (two hundred million rupiah). She was also sentenced to life in prison, with the possibility of serving as long as 20 (twenty) years, rather than just four:</p> <ol style="list-style-type: none"> <li>a. A gift or pledge given to state employees or civil servants in breach of their official obligations, even if it is known or reasonably assumed that the receiver was meant to be persuaded to act in accordance with the duties of their position</li> </ol>

	<p>or abstain from acting in accordance with those duties;</p> <p>b. Public employees or state managers who accept gifts, even whether it is known or reasonably assumed that the recipient did or did not act in a way that violated their duties as public workers;</p>
--	---

The public feels dissatisfied because law enforcement in corruption crime cases during the pandemic resulted in relatively light court decisions. The Regent of Mamberamo Raya was found not guilty and acquitted of all charges, even though much evidence showed that the defendant's actions were proper in committing criminal acts of corruption and causing losses to the state. Even the state losses were used for his interests, namely as funds for political lobbying.

This circumstance runs counter to the declaration made at the beginning of the COVID-19 epidemic by the Chairman of the Corruption Eradication Committee, who said he would request the death sentence for anyone who commit corruption during the pandemic. At that time, the most widely discussed corruption case related to the death penalty was the Juliari Peter Batubara corruption case. When asked for clarification by journalists regarding the KPK Prosecutor's demand for 11 years' imprisonment against Juliari Peter Batubara, who at that time was the defendant, the KPK Chairman argued that to be prosecuted for the death penalty, the elements of Article 2 paragraph (1) of the PTPK Law must be met.

Accepting the explanation provided by the Corruption Eradication Commission Chairman is accurate. The death penalty is governed by PTPK Law Article 2, Paragraph 1, to exacerbate its requirements. The words found in Article 2 of the PTPK Law are as follows:

1. *The minimum and maximum sentences for anybody found guilty of illegally benefiting oneself, another person, or a business in a way that might endanger the state's finances or economy are four years and twenty years, respectively. Furthermore, they can be penalized up to Rp 1,000,000,000.00 (one billion rupiah) with a minimum of Rp 200,000,000.00 (two hundred million rupiah).*
2. *The death sentence may be applied if the corruption offense mentioned in paragraph (1) is committed in a certain way."*

Article 2 Paragraph (2) of the PTPK Law defines "certain circumstances" as follows: a crime committed as a recurrence of a corruption crime, during a national natural disaster, while the country is under legal danger, or during an economic or monetary crisis will result in a more severe prosecution.

It follows that the tendency of law enforcement to impose articles of indictment with comparatively mild criminal threats in cases of corruption crimes committed by influential individuals and officials during the COVID-19 pandemic is noteworthy. The PTPK Law's general explanation advocates for prosecuting corruption committed during specific circumstances, such as disasters and the COVID-19 pandemic. This was not considered when the court rendered a verdict that was comparatively light and suboptimal.

### **2.3 The impact of the COVID-19 epidemic on the Corruption Eradication Law's efficacy and the prosecution of instances involving corruption at that time**

In the current atmosphere of Indonesian society, which is moving towards a modern and complex society based on organic solidarity, the crime of corruption, as a deviation from the basic norms and rules of society, has been regulated by criminal provisions (negative sanctions) and repression against it based on the PTPK Law, which is a formal rational law based on abstract and legal science. The PTPK Law's overall explanation makes it clear that its goal is to successfully prevent and outlaw corruption crimes. One endeavor to fulfill this goal is to control the seriousness of corruption offenses during pandemics and disasters.<sup>22</sup>

In his study regarding legal effectiveness and the role of sanctions, Soerjono Soekanto explained that the issue of sanctions in the framework of legal effectiveness not only concerns the threat of heavy or light punishment in the law but is also related to its implementation by those in authority. For a threat of punishment or sanction to be truly effective in preventing crime, it must depend on human perception of the risks they will suffer due to violating certain norms. This risk only becomes relevant when the level of action against violations or law enforcement by the authorities increases. Action is the central point of whether a sanction is severe or merely symbolic.

Based on the description above, it can be identified that the trend of law enforcement in Corruption Crime cases during the Covid-19 Pandemic involving powerful officials and elites is characterized by the choice of imposing articles of indictment that contain criminal threats that tend to be lighter with court sentences that are The drop was relatively light and not optimal. This could work against the PTPK Law's efficacy, which aims to eradicate corruption and effectively prevent related crimes.

One method that the objectives of the PTPK Law are being worked upon is limiting the severity of corruption offenses during catastrophes. Julian Peter Batubara's corruption crimes regarding the acquisition of requirements in Social Assistance managing the COVID-19 epidemic appear to have resulted in just a 12-year jail term, despite law enforcement's tendency against corruption crimes throughout the pandemic. Despite the

---

<sup>22</sup> Penjelasan Umum Undang-Undang No. 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi sebagaimana terakhir diubah melalui Undang-Undang No. 20 Tahun 2001.

wholly illegal mitigating factors, Jakarta District Court Decision Center No. 29/Pid.Sus-TPK/2021/PN.JKT.PST noted in its legal consideration that the defendant had already endured enough verbal abuse and insults from the community. That makes sense and is comprehensible.

There is also the case of the former Governor of South Sulawesi, who was given a lighter sentence than the prosecutor's, and the former Regent of Mamberamo Raya, who was acquitted of corruption charges. This should not be repeated because it contradicts the provisions regarding the aggravation of Corruption Crimes committed in certain circumstances.

According to renowned sociologist Syed Hussein Alatas, who studies the issue of corruption, corruption results from the following factors: The factors that contribute to corruption include (a) the lack of leadership or ineffective leadership in positions of authority that can act as a source of inspiration and restraint; (b) inadequate religious and ethical instruction; (c) colonialism; (d) inadequate education; (e) poverty; (f) the absence of severe penalties; (g) the scarcity of an environment that is conducive to anti-corruption behavior; (h) government structure; (i) radical change; and (j) the state of society<sup>32</sup>.

When related to the trend of law enforcement in Corruption Crime cases during the COVID-19 pandemic involving powerful officials and elites, which is characterized by the choice of imposing articles of indictment that contain criminal threats that tend to be lighter even if the court sentences handed down are relatively light and not optimal, then this law enforcement trend at least fulfills the elements of being a factor causing corruption. This is because it shows at least the absence or weakness of leaders in critical positions who inspire the eradication of corruption and the absence of harsh punishments.

The trend of law enforcement in Corruption Crime cases during the Covid-19 Pandemic also indicatively fulfills the characteristics of a "Soft Country," as stated by Gunnar Myrdal in his article, "The Challenge of World Poverty," which states that the characteristics of a soft country are: (1) the absence of social discipline, which is visible through defects in legislation and especially its implementation; (2) widespread non-compliance among civil servants with the regulations made; (3) There is an evil agreement between civil servants and groups of influential people whose behavior should be regulated by the state; and (4) The existence of corruption.

In fixing this, it is appropriate to be guided by the views of Soerjono Soekanto and Satjipto Rahardjo, who stated that law is a means of social control and an effective means for carrying out "Social and Human Engineering."<sup>23</sup> For this reason, it is necessary to ensure legal effectiveness through effective law enforcement. Therefore, to effectively prevent and eradicate corruption, the PTPK Law's goals need severe law enforcement against illegal acts of corruption. Moreover, corruption is now seen as a

---

<sup>23</sup> Soerjono Soekanto, "Fungsi Hukum dan perubahan Sosial", (Bandung: Alumni, 1981), hal. 43-45 dan 31 Satjipto Rahardjo, "Hukum, Masyarakat, dan Pembangunan", op. cit., halaman 125-126.

crime that violates human rights, especially the fundamental human right to live safely and peacefully in a corruption-free society.<sup>24</sup>

### 3 Conclusions and Recommendations

The following conclusions from this research can be made based on the explanation of the topic that was provided above:

1. The situation of the COVID-19 pandemic from the perspective of the anomie theory put forward by Emile Durkheim can be seen as a sudden change factor that causes anomie. This is because the Covid-19 epidemic has altered our understanding of social reality. After all, society is forced to adapt to the situation and create a new reality that was previously unknown (unfamiliar). Werron and Ringel define "pandemic practice" as alterations in people's social lives brought on by the COVID-19 pandemic. This sense of anomie is one of the criminogenic variables contributing to the surge in corruption crimes during the COVID-19 epidemic.
2. The trend of law enforcement against Corruption Crimes during the Covid-19 Pandemic for cases of Corruption Crimes committed by powerful officials and elites in the majority of cases is characterized by the choice of imposition of articles of indictment that contain criminal threats and court sentences handed relatively light, even though committing a Corruption Crime during the Pandemic is essentially a form of action that should be worthy of criminal severity. Of course, this is far from the spirit of the PTPK Law, which aims to achieve effective prevention and eradication of corruption.
3. The trend in law enforcement against Corruption Crimes during the Covid-19 Pandemic is a factor that hinders the effectiveness of the PTPK Law to achieve the goal of effectively preventing and eradicating corruption, and even further, it can be a causal factor that encourages an increase in Corruption Crimes ( criminogenic) because it indicates that the PTPK Law is not enforced effectively, so it becomes a factor that motivates individuals to commit Corruption Crimes.

To improve the situation outlined in the conclusion section above, the following suggestions and proposals can be put forward:

1. It is necessary to apply a Situational Crime Prevention approach, which minimizes conditions and situations that can expand the occurrence of Corruption Crimes. This strategy also strengthens the supervisory role in putting COVID-19 pandemic management strategies into action, notably by using the Criminal Justice System's efficacy in upholding the PTPK Law to combat the pandemic's anomie.
2. The government must show a strong political will to fully support law enforcement efforts in cases of corruption crime during the COVID-19 pandemic that are carried out firmly and with due regard to principles. This is particularly valid for law en-

---

<sup>24</sup> Anne Peters, "Corruption as a Violation of International Human Rights", *The European Journal of International Law*, Vol. 29, Number 4 (2018), p.1251-1287.

forcement personnel working in the courts, prosecutor's office, and police. Proportionality is necessary to ensure that the Criminal Justice System enforces the PTPK Law effectively.

## References

1. Alatas, S.H.: *Sosiologi Korupsi*. LP3ES, Jakarta (1981).
2. Arsil, F., Ayuni, Q.: Model Pengaturan Kedaruratan dan Pilihan Kedaruratan Indonesia Dalam Menghadapi Pandemi Covid-19. *Jurnal Hukum dan Pembangunan* **50**(2), 423–446 (2020).
3. Association of Certified Fraud Examiner: *Fraud In The Wake Of Covid-19: Benchmarking Report December 2020 Edition*. Accessed 2021/12/16. [https://www.acfe.com/uploaded-Files/ACFE\\_Website/Content/covid19/Covid19%20Benchmarking%20Report%20December%20Edition.pdf](https://www.acfe.com/uploaded-Files/ACFE_Website/Content/covid19/Covid19%20Benchmarking%20Report%20December%20Edition.pdf).
4. CNN Indonesia: *Kecap Firli Soal Pidana Mati di Kasus Bansos Juliari*. Accessed 2021/12/20. <https://www.cnnindonesia.com/nasional/20210729114354-12-673723/kecap-firli-soal-pidana-mati-di-kasus-bansos-juliari>.
5. Detik: *Akil Mochtar Koruptor Kedua yang Dikirim ke Penjara hingga Meninggal Dunia*. Accessed 2021/12/21. <https://news.detik.com/berita/d-2842185/akil-mochtar-koruptor-kedua-yang-dikirim-ke-penjara-hingga-meninggal-dunia>.
6. Hagan, F.E., Daigle, L.E.: *Introduction to Criminology: Theories, Methods, and Criminal Behavior*. 10th ed. Sage, Thousand Oaks (2020).
7. Hayward, K.: *Situational Crime Prevention and its Discontents: Rational Choice Theory versus the 'Culture of Now.'* *Social Policy and Administration* **41**(3), 232–250 (2007).
8. Indonesian Corruption Watch: *Monitoring Report Trends in Prosecution of Corruption Cases in 2022*. Accessed 2021/12/20. <https://antikorupsi.org/en/monitoring-report-trends-prosecution-corruption-cases-2022>.
9. Indonesian Corruption Watch: *Public Accountability Review terhadap Korupsi Pengadaan Paket Sembako di Kementerian Sosial Tahun Anggaran 2020*. Accessed 2021/12/20. <https://www.antikorupsi.org/sites/default/files/dokumen/PAR%20Korupsi%20Bansos.pdf>.
10. Liputan 6: *Survei LSI: Tren Korupsi di Pandemi Covid-19 Diyakini Meningkat*. Accessed 2021/12/16. <https://www.liputan6.com/news/read/4398860/survei-lsi-tren-korupsi-di-pandemi-covid-19-diyakini-meningkat>.
11. Muladi: *Kapita Selektta Sistem Peradilan Pidana*. Badan Penerbitan Universitas Diponegoro, Semarang (1995).
12. Muladi, Arief, B.N.: *Bunga Rampai Hukum Pidana*. Alumni, Bandung (1982).
13. Peters, A.: *Corruption as a Violation of International Human Rights*. *The European Journal of International Law* **29**(4), 1251–1287 (2018).
14. Prabowo, H.Y.: *Days of Post-Pandemic Future: Re-Imagining Corruption Practices in a World That Won't Stop Changing*. *Journal of Financial Crime* (2021).
15. Rahardjo, S.: *Hukum, Masyarakat, dan Pembangunan*. Alumni, Bandung (1980).
16. Reksodiputro, M.: *Sistem Peradilan Pidana*. Rajawali Pers, Depok (2020).
17. Santoso, T., Zulfa, E.A.: *Kriminologi*. Rajawali Pers, Jakarta (2016).
18. Smith, P.: *Durkheim and Criminology: Reconstructing the Legacy*. *The Australian and New Zealand Journal of Criminology* **14**(3), 333–344 (2008).



19. Soekanto, S.: Efektivikasi Hukum dan Peranan Sanksi. Remadja Karya, Bandung (1988).
20. Soekanto, S.: Fungsi Hukum dan Perubahan Sosial. Alumni, Bandung (1981).
21. Soekanto, S.: Perspektif Sosiologi Hukum Terhadap Pembinaan Hukum. *Jurnal Hukum dan Pembangunan* **15**(1), 27–29 (1985).
22. Soekanto, S.: Pokok-Pokok Sosiologi Hukum. 5th ed. Rajawali Pers, Jakarta (2018).
23. Suyatmiko, W.H.: Memaknai Turunnya Skor Indeks Persepsi Korupsi Indonesia Tahun 2020. *INTEGRITAS: Jurnal Antikorupsi* **7**(1), 161–178 (2021).
24. Triana, A.A., Fauzi, A.M.: Dampak Pandemi Corona Virus Disease 19 Terhadap Meningkatnya Kriminalitas Pencurian Sepeda Motor di Surabaya. *Syiah Kuala Law Journal* **4**(3), 302–309 (2020).

**Open Access** This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

