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# Death Penalty for Corruptors in Indonesia

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**ABSTRACT**: Corruption has been widespread, it is increasingly systematic, inducing losses to the national economy. Article 2 paragraph (2) of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, the death penalty can be imposed under certain conditions, but so far there is no corruptor has been sentenced to death. This study discussed issues related with corruption, including: first, how is the urgency of death penalty applied to corruptors in Indonesia, and secondly how the implementation of death penalty for corruptors in Indonesia. The method applied in this study was a normative legal research type, with a statutory approach and a conceptual approach. This study used primary legal materials, by collecting data from literature study, then analyzed using qualitative methods. The following conclusions can be drawn from this study: first, death penalty is a punishment that still needs to be included in the law, to prevent extraordinary crimes such as corruption, secondly, the formulation of law must be more accentuated even if needed, to be expanded in order to avoid any issues that could complicate the implementation and to prevent multiple interpretations.

**KEYWORDS**: Penalty, Death Penalty, Corruption

## I. INTRODUCTION

The issue of corruption continues to make daily headlines in various print and electronic media, this crime has been widespread and systemic. Corruption is categorized as an extraordinary crime, in accordance with Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption (hereinafter referred to as UUTPK) explaining that acts of corruption not only harm the state, [1] but violate social and economic rights of community in large scope, therefore corruption must be eradicated in an extraordinary manner.

The Indonesian government, which wants to create good governance[2], turn out has been placed as one of the corrupt countries. In 2020, Indonesia's Corruption Perception Index (CPI) was at a score of 37 and ranked 102nd out of 180 countries surveyed by Transparency International (TI). This figure declined to 3 digits compared to the previous year in 2019, which was at 40. [3] The decline in CPI or Corruption Perception Index as a whip therefore the eradication of corruption becomes more assertive and encourages community to play an active role in eradicating corruption.

Based on human rights perspective, a widespread and systematic corruption is a violation of social and economic rights of community. [4] Therefore, corruption no longer be classified as an ordinary crime but has become an extraordinary crime. Several state officials, from legislative, executive and even judicial elements might not avoid from this crime. The case that most widely discussed and received attention was when the former chairman of the Constitutional Court. [5]Apart from judiciary, executive branch was also not release from this crime, namely former Minister of Marine Affairs and Fisheries Edhy Prabowo and former Minister of Social Affairs Juliari Batubara. Edhy Prabowo was a suspect in a case of alleged bribery for the export permit of lobster seeds,

[1] Benny Sumardiana, "Reversal Evidence Policy on Corruption as Specialization of Criminalization", Indonesian Journal of Criminal Law Studies (JCLS) (2) November 2017 , 157.

[2] *Good Governance* merupakan pemerintahan yang mengedepankan transparansi, akuntabilitas, partisipasi, pemberdayaan hukum, efektifitas dan efisiensi, dan keadilan. Lihat A.W. Goudie dan David Stasavage, "A Framework for the Analysis of Corruption," *Crime, Law and Social Change, Kluwer Academic*, (1998), h. 113.

[3] https://www.transparency.org/en/cpi/2020/index/nzl diakses 20 April 2021.

[4] Julio Bacio-Terracino, "Linking Corruption and Human Right", *The Annual Meeting, American Society of International Law*, Vol. 104, tt. h.243.

[5] Forum Keadilan, No. 07, Tahun XXIII/09-15 Juni, hlm. 24.

while Juliari Batubara is a suspect in the alleged bribery case for the provision of social assistance (bansos) for the Jabodetabek area in 2020. [6]

Entering the 21st century, the international community, including Indonesia, revealed a similar vision and agreement to cooperate with each other in eradicating corrupt practices. This was proven by signing of the declaration on eradicating corruption on October 31, 2003, namely the United Nations Convention Against Corruption (UNCAC). Most of UN member states supported the declaration because it was believed that corruption may violate the moral rules of society, denies social and economic rights, especially towards underprivileged community.

Prevention and eradication of corruption is the top priority of the Government of Indonesia in order to have a concrete impact on the improvement of welfare in national security context. According to Bambang Waluyo[7], the policy of optimizing corruption eradication must be followed up with a comprehensive strategy in order to achieve the expected results. Meanwhile, according to Wicipto Setiadi, one of the responsible actors to eradicate corruption which is law enforcers must come from selected people and have high integrity, there is no sectoral ego or institutional ego among law enforcement agencies.[8] The anti-corruption movement has become a concern for public, all elements of society expected that corruption to be immediately conquer and the perpetrators severely punished.

The anti-corruption program has been fully supported by community. The intensity of corruption reports submitted to the Corruption Eradication Commission (KPK) shows that the public is highly concerned towards the corruption eradication movement, because according to Baharuddin Lopa[9] the goal of eradicating corruption is not only to give appropriate punishment to the perpetrators but also to rescue state funding that had been corrupted to be used in the development of nation. The Corruption Eradication Commission recorded that the process of handling corruption cases, including by attorney and police, has not succeeded in rescue all state financial losses due to corruption. [10]

The threat of a more severe (appropriate) punishment will certainly encourage people to think twice before committing their intention to commit corruption. The threat of the death penalty and a fine of hundreds of millions of rupiah will be much more effective than the maximum life sentence and a maximum fine of only thirty million rupiah as stipulated in Law Number 3 of 1971 concerning the Eradication of Corruption Crimes. The discourse of the death penalty resurfaced after the former Minister of Social Affairs, Juliari Batubara, was caught in a corruption case.

The death penalty become a topic of discussion and discourse for the eradication of corruption. On December 9 2019, in International Anti-Corruption Day, President Joko Widodo was interviewed about the death penalty for perpetrators of corruption, and according to him, if public desire this punishment and is listened by the legislature, so the death penalty could be carried out. Moreover, Mahfud MD explained that death penalty should be imposed without waiting for a crisis which still has unclear guidance. Corruption is considered to be equivalent to drug offenders and terrorists, moreover, if the corruption covered a large scale in quality and quantity. In other perspective, these corruptors are indirectly kill people, particularly underpreviledged people, by taken away other people rights. [11]

Referring the above-mentioned explanation, it is necessary to reconsider whether the death penalty for corruptors is appropriate, especially in the situation of the Covid-19 outbreak which has become a national disaster, instead of using funding for the public welfare, on the contrary the corruptors are still attempted to enrich themselves, family members, organizations. and other interests.

## II. PROBLEM FORMULATION

1. How is the urgency of the death penalty applied to corruptors in Indonesia?
2. How is the implementation of the death penalty for corruptors in Indonesia?

## III. RESEARCH METHOD

In an effort to solve the legal problems described above, a research method is needed to support this study. This study applied normative legal research or usually called as doctrinal legal research. The results of this study were described and analyzed in systematic words and sentences as a result of reading and analyzing the object of study and not presented with statistical figures.

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[6] https://nasional.kompas.com/read/2021/02/17/11240161/soal-edhy-prabowo-dan-juliari-batubara-layak-dituntut-hukuman-mati-ini-kata?page=all,diakses 10 Maret 2021.

[7] Bambang Waluyo, *Penegakan Hukum di Indonesia*, cet. ke-1 (Jakarta: Sinar Grafika, 2016), hlm, 56.

[8] Wicipto Setiadi, "Korupsi di Indonesia (Penyebab, Bahaya, Hambatan dan Upaya Pemberantasan, Serta Regulasi)", *Jurnal Legislasi Indonesia*, Vol 15, No. 3, November 2018, Dirjen Peraturan Perundang-Undangan Kemenkumham, hlm. 254.

[9] Baharuddin Lopa, *Kejahatan Korupsi dan Penegakan Hukum*, cet. ke-2 (Jakarta: Kompas, 2002), hlm. 58.

[10] Supardi, *Perampasan Harta Hasil Korupsi Perspektif Hukum Pidana Yang Berkeadilan*, cet. ke-2, (Jakarta: Kencana, 2020),hlm. 4

[11] http://nasional.sindonews.com/read/836880/13/mahfud-hukuman-mati-bagi-koruptor-harus-diperjuangkan, diakses 7 Maret 2021.

[12]As explained by Bogdan and Taylor quoted by Lexy J. Moleong, research that produced descriptive data in the form of written or spoken words about people and observable behavior [13] was analyzed in detail.

Peter Mahmud Marzuki explained that legal research is a process to find the rule of law, legal principles, and legal doctrines in order to answer the legal issues that was encountered. Legal research method has certain characteristics that constitute their identity. Therefore, law can be distinguished from other sciences. In particular, according to the type, nature and purpose, a legal research is divided into 2 (two) types, namely normative legal research and empirical legal research. In this study, researcher used normative legal research by presenting the data that had been obtained related to this research, namely the death penalty for corruptors in Indonesia, and then analyzed and interpreted.[14]

The research approach that was used in this research is: first, the statute approach or juridical approach, namely research on legal products. This statutory approach is carried out to evaluate all laws and regulations related to the research. This approach disclose the opportunities for researchers to study whether there are concessions and conformity between one law and another. Second, the Conceptual Approach (conceptual approach), [15], this approach was carried out because researcher did not have legal rules for the problems. This conceptual approach departs from the viewpoints and doctrines that develop in the legal study, thus generate an understanding of law and legal principles that are relevant to the problem.

Sources of legal materials that was used in this study include primary legal materials, secondary legal materials and tertiary legal materials.

1) Primary legal materials, including but not limited to:

a) The 1945 Constitution of the Republic of Indonesia

b) Criminal Code

c) Law of the Republic of Indonesia Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption

d) Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption

2) Secondary legal materials, consisting of:

a) Legal and non-law books related to this thesis research

b) Legal scientific work

c) Journals related to this thesis research

3) Tertiary legal materials, namely legal materials that provide meaningful instructions or explanations for primary legal materials and secondary legal materials.

## IV. THEORETICAL FRAMEWORK

When researching or reviewing the submitted problems, a relevant theory, both legal and non-legal, is needed as an analytical foundation to assist the researcher in solving the legal issues of this research.

One of methods to achieve the goals of criminal law is to impose a sentence on someone who has committed a crime. The theory of discrimination consists of absolute theory, relative theory and combined theory. Combined theory was used in this study, which combines the basis of criminal justification on retaliation (absolute) and useful (relative) criminal goals. Criminal punishment is retaliation, the implementation of which guarantees the creation of equal justice and to enforce the rule of law. Thus retaliation is the principle of criminal law to create justice and also continues to have a positive impact, among others, to maintain legal certainty and order in society as well as general prevention. [16]Thus, in this combined theory underlying the theory of retaliation and the theory of purpose. This means that the combined theory, as a basis of sentencing, besides being located in the crime itself, namely retaliation, it also recognizes the intent or purpose of punishment seeking the benefits of imposing the punishment to the perpetrator of the crime. .[17]

In actualizing the objectives of the law, Gustav Radbruch stated that it is necessary to use the priority principle of three basic values which are the objectives of law:

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[12] Noeng Muhajir, *Metodologi Penelitian Kualitatif, Pendekatan Positivistik, Rasionalistik, Phenomenologik dan Realisme Metaphisik Telaah Studi Teks dan Penelitian Agama*, cet. ke-7 (Yogyakarta: Bayu Indra Grafika, 1996), hlm. 29.

[13] Lexy J. Moleong, *Metode Peneitian Kualitatif*(Bandung: Remaja Rosda Karya, 2007), 4. Baca juga Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2010),hlm. 250.

[14] Peter Mahmud Marzuki, *Penelitian Hukum*, cet. ke-2, (Jakarta: Kencana, 2008), hlm. 29.

[15] Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, cet. ke-3, (Malang: Bayumedia Publishing, 2007), hlm. 306.

[16] Elmar I Lubis, "Perkembangan isu Hukuman Mati di Indonesia," Opinio Juris, Volume 04, Januari-April 2012, 36-37. Lihat juga Sigit Suseno, *Sistem Pemidanaan dalam Hukum Pidana Indonesia di Dalam dan di Luar KUHP* (Jakarta: Badan Pembinaan Hukum Nasional, 2012), 32-38. Lihat juga Muladi dan Barda Nawawi Arief, *Teori-teori dan Kebijakan Pidana* (Bandung: Alumni, 2010), hlm. 10-19.

[17] Eddy O.S. Hiariej, *Loc.cit.*, hlm. 41

1. Theory of Legal Justice.

Justice is the adhesive of the order of civilized society. The law was created so that each member of community and state administrators take the necessary actions to maintain social ties and achieve the goals of living together or vice versa, in order to prevent any action that can harm the order of justice. [18]

2. Legal Benefit Theory

A new legal provision can be considered good, if the consequences resulting from its application are courtesy, happiness, and reduced suffering. And vice versa, it is considered bad if in the execution creates unfair consequences, losses, and only increases suffering. Thus, it is acceptable, that there was expert who mentioned that this benefit theory is the economic basis for legal thought. The main principle of this theory is about the purpose and evaluation of law. [19]

3. Legal Certainty Theory.

Legal certainty is manifested by law with its nature which only generates a rule of law. The real form of legal certainty is the implementation or enforcement of the law against an action regardless of who carry out it. Law as something autonomous that is independent because the law is nothing but a collection of laws. For example: Whoever ... who takes other people's belonging, with the intention of possessing it, in an unlawful manner, can be punished (Article 369 of the Criminal Code). [20]

## V. DISCUSSION

### 1. Death Penalty for Corruption Perpetrators According to Law Number 31 Year 1999

The death penalty is a punishment that is still relevant in Indonesia, especially for serious crimes such as corruption. In UUTPK, the placement of the death penalty is carried out in a limited manner by taking into account very strict requirements as in Article 2:

(1) Anyone unlawfully enriching himself and/or another persons or a corporation in such a way as to be detrimental to the finances of the state of the economy of the state shall be liable to life in prison, or a prison term of not less than 4 (four) years and not exceeding 20 (twenty) years and a fine of not less than Rp 200,000,000 (two hundred million rupiah) and not exceeding Rp 1,000,000,000 (one billion rupiah).

(2) In the event that corruption as referred to in paragraph (1) is committed under certain circumstances, capital punishment may be applied.

The explanation of the sentence on certain conditions in Article 2 paragraph (2) is a burden for perpetrators of corruption if the crime is committed when the country is in a state of danger, during a national natural disaster, as a repetition of corruption, or in a state of economic crisis or monetary. [21]

As according to Indriyanto Seno Adji, the stipulation of the death penalty in corruption is so urgent but very limiting, however, by reading literally the formulation of paragraph (2) which is connected with paragraph (1) of Article 2 of Law Number 31 of 1999, particularly with regard to the existence of an unlawful element in a broad sense, then the implementation of the conditions for capital punishment will result in an excessive and extensive criterion, meaning that the death penalty is no longer included in the classification regarding the requirements for the repetition of a criminal act of corruption from the perpetrator, conditions of economic and monetary crisis, but will include circumstances and conditions determined through an extension of jurisprudence, doctrine and legal science, and a preventive measure should be able to perform to avoid new opinions and issues regarding human rights violations. [22]

Meanwhile, according to Ermansjah Djaja, the elements committed under certain circumstances in article 2 paragraph (2), there are elements as follows: firstly against the law, secondly enriching oneself or another person or a corporation, thirdly being able detrimental to the finances of the state or the economy of the state and the fourth is carried out under certain circumstances. This element is carried out in certain circumstances, this is an element that is an additional requirement to aggravate criminal sanctions, namely the death penalty

According to Ermansah Djaja, from the four circumstances that aggravated the crime, the fourth reason was not objectively measurable, while the others were easy to measure. The first reason is measured by the law, the second is measured by the government's decision, and the third is that a permanent court decision has been rendered in the case of the same crime and the decision has been executed.

In Article 2 paragraph (2) of the UUTPK, the sentence of certain circumstances in this provision is a condition that can be used as a reason for criminal aggravation for perpetrators of criminal acts of corruption, namely if the crime is committed against funds designated for handling dangerous conditions, national natural disasters, due to widespread social unrest, overcoming economic and

[18] Yovita A. Mangesti & Bernard L. Tanya, *Moralitas Hukum*, (Yogyakarta: Genta Publishing, 2014), hlm. 74.

[19] Lili Rasjidi dan I.B Wyasa Putra, *Hukum sebagai Suatu Sistem*, (Bandung: Remaja Rosdakarya, 1993), hlm. 79-80.

[20] Achmad Ali, *Menguak Tabir Hukum*, (Jakarta: Kencana, 2015), hlm, 97-98.

[21] Pasal 2 ayat (2): Dalam hal tindak pidana korupsi sebagaimana dimaksud dalam ayat (1) dilakukan dalam keadaan tertentu, pidana mati dapat dijatuhkan. Baca juga Saldi Isra, *Kekuasaan dan Perilaku Korupsi* (Jakarta: Kompas, 2009), 172

[22] Indriyanto Seno Adji, "Pidana Mati dan Pemberantasan Korupsi menurut UU No. 31 Tahun 1999," Maret 2001, 128.

monetary crises and repetition of corruption. Meanwhile, when the occurrence of national disasters, widespread social unrest, monetary economic crisis until now there has been no legislation that can be used as a legal basis to declare these conditions. [23]

Artidjo Alkostar mentioned that the formulation of the death penalty with several conditions, such as funds for corruption which were actually should be used for overcome with dangerous situations, national disasters, the effects of widespread social unrest, economic and monetary crises, or repeating corruption, was a half-hearted formulation. According to him, the law should have clearly stated the nominal, for example, the loss of state finances of 50 billion rupiah, [24] thus trigger sense of fear for public.

The main reason for the implementation of death penalty in the corruption law is to provide a deterrent effect on public officials who will commit corruption and corruption is categorized as an extraordinary crime, because against humanity that violates the right to life and human rights, not only one person but millions of people, even punishment. death against corruptors does not violate the constitution as stated by the Constitutional Court. Second, as a reference material for determining policies on the use of death penalty in corruption in the future, because corruption has caused poverty and damaged the rights of millions of Indonesians to live. Based on the consideration of justice that exist in society, the death penalty is necessary to be maintained.

The death penalty can be imposed towards the most severe and high impact of corruption. However, the formulation in the law must be further emphasized and even expanded if necessary so it will not provoke complication in the implementation and does not cause multiple interpretations. Thus, the application of the death penalty will be more concrete and the formulation of law will not become a display article (never applied). A further impact in the application of the death penalty for corruptors is a deterrent effect for others not to commit criminal acts of corruption.

**2. Implementation of the Death Penalty for Corruption Perpetrators in Indonesia**

The implementation of death penalty in Indonesia is expected to be function as a general deterrence, creating a deterrent effect. In legislation, both the Criminal Code and legislation outside the Criminal Code, some criminal acts that are punishable by the death penalty can be classified as serious/special crimes. Therefore, the inclusion of the death penalty in the law is still necessary, both through the intent and purpose of punishment for retaliation or a deterrent effect, as well as through the philosophy and purpose of the promulgation of law in accordance with political will of the government through the formation of constitution[25]

According to Gustav Radbruch, the elements of legal ideals that must exist proportionally are legal certainty, justice and expediency. However, the problem that often occurs is that Radbruch's legal ideals which consist of these three elements are not always carried out proportionally, between ideals (das sollen) and reality (das sein) are more often not in tune, which means that the principle of legal certainty and the principle of legal justice execute disproportionate.

Until now, there have been no corruptors who have been sentenced to death in Indonesia, even though the legal norms are stated in the law. However, there are three (3) corruptors who feel life imprisonment as the harshest punishment. [26] One of the reasons for not applying the death penalty to corruptors is because the formulation of death penalty is followed by conditions under certain circumstances. In addition to certain circumstances whose size is still biased, Satjipto Raharjo [27]suggested that law enforcement should be extraordinary, out of the standards that have been thinking slowly and making progressive breakthroughs.

Mahfud MD also expressed a similar opinion, according to him quoted by Andrian that the death penalty in Indonesia can be realized and enforced if law enforcers dare to decide it. As currently, the government has declared a non-natural disaster, in terms of the impact of this non-natural disaster, which is greater than the national natural disaster. In addition to the courage of law enforcement, the formulation of the death penalty in the law must also measure the amount of corruption. [28]

In pursuing the history of law enforcement in corruption, there is no record of the imposition of death penalty in Indonesia. The most severe punishment is life imprisonment as handed down against the former Chief Justice of the Constitutional Court (Akil Mukhtar) in the corruption case of bribery and money laundering.[29] In addition, life imprisonment in the corruption case of buying

[23] Ermansjah Djaja, *Tipologi Tindak Pidana Korupsi di Indonesia*, (Bandung: Mandar Maju, 2010), 156-158.

[24] https://nasional.tempo.co/read/1437363/artidjo-alkostar-hakim-yang-ingin-sekali-menghukum-mati-koruptor/full&view=ok, diakses 1 Juni 2021.

[25] Elmar I Lubis, "Perkembangan isu Hukuman Mati di Indonesia," Opinio Juris, Volume 04, Januari-April 2012, 36-37. Lihat juga Sigit Suseno, *Sistem Pemidanaan dalam Hukum Pidana Indonesia di Dalam dan di Luar KUHP* (Jakarta: Badan Pembinaan Hukum Nasional, 2012), hlm 38-39.

[26] https://news.detik.com/berita/d-4816793/belum-ada-yang-dihukum-mati-ini-3-koruptor-dengan-hukuman-terberat-di-ri, diakses 1 Juni 2021, 21.30 WIB.

[27] Satjipto Raharjo, *Membedah Hukum Progresif*, (Jakarta: Kompas, 2006), hlm. 114

[28] Andrian Pratama Taher, "Hukuman Mati Untuk Koruptor Dimasukan Ke RKUHP" Tirto.id, 12 Desember 2019. Diunduh 17 Juni 2021.

[29] Lidya Suryani Widayati "Pidana Penjara Seumur Hidup Bagi Pelaku Korupsi", Vol. VI, No. 13/I/P3DI/Juli/2014, Pusat Pengkajian, Pengolahan Data dan Informasi (P3DI), Sekjen DPR RI.
https://www.hukumonline.com/berita/baca/lt54eb2f025003d/kasasi-ditolak--akil-mochtar-tetap-seumur-hidup-di-penjara/ diakses 1 Juli 2021

and selling shares at PT Asuransi Jiwasraya violated Article 2 paragraph (1) of the UUTPK and the criminal act of laundering on behalf of Benny Tjokrosaputro and Heru Hidayat, which is currently still at the level of cassation.[30]

Indonesia could observe other countries are firmly acting regarding their corruption laws, not only limited to article 2 paragraph (2) which has unclear measurement. In China, there is a law that state clearly with written measurements in the Chinese Criminal Code, Chapter VIII, especially in Article 383, the offense of embezzlement:

(1) Individuals who have engaged in graft with an amount of more than 100,000 yuan are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment and may, in addition, have their properties confiscated. In especially serious cases, those offenders are to be sentenced to death and, in addition, have their properties confiscated. [31]

In addition to Article 2 paragraph (2), this death penalty can be expanded or discussed in subsequent articles such as in Articles 3 or 5 and other articles whose purpose is to provide a deterrent effect and general prevention and public justice.

Looking at the current condition in Indonesia, it has been 2 years since the start of Covid-19 pandemic, the essential thing for our country is economic recovery. Thus, it is clearly that the entire state budget is aimed at restoring economic conditions which is still in a crisis condition. Based on this, the formulation of death penalty might be applied if the formulation of death penalty article is not only limited to certain articles {Article 2 paragraph (1) UUTPK}. These corruptors, apart from having committed acts against the law, have also committed unfair and inappropriate acts, in which there is many underprivileged people or can be said to be very miserable in Indonesia. During the period when Indonesia has not been able to repair or get out of the economic crisis, every corruptor who corrupts public funds in significant amounts that actually should be used to improve people's welfare, deserves to be sentenced to death, for the sake of the community's sense of justice.

## CONCLUSION

The death penalty for extraordinary crimes, including corruption, is a penalty that is still necessary in Indonesia. Corruption is a crime that is considered harmful and the perpetrator might threatened with death penalty in certain circumstances. However, the formulation of law must be more accentuated and to be expanded, if needed, in order to avoid any issues that could complicate the implementation and to prevent multiple interpretations.

Until now, there is no corruptor has been sentenced to death even though it is stated in the law. Besides of the courage factor in law enforcement itself, the provisions of law still need to be clarified. The death penalty can be expanded in subsequent articles for the sake of public prevention, the state interest and public justice. Thus, the implementation of death penalty will be more concrete and the formulation of law will not only become a “display article” (never applied). A further impact in the application of death penalty for perpetrators of corruption is a deterrent effect for others in order not to commit a criminal act of corruption. Nowadays, the maximum sentence imposed for corruptors is life imprisonment, all of which are accompanied by (cumulative) charges of money laundering. This means, if it is not accompanied by other criminal acts, the a quo corruption cases are not necessarily sentenced to life imprisonment. This indicates that the heaviest punishment, including the death penalty in corruption cases, unable to exist and stand alone if it is not accompanied by concrete measures and indications in the law, when the death penalty can be imposed.

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[30] Gilang Ramadhan, “Benny Tjokro Divonis Penjara Seumur Hidup dalam Perkara Jiwasraya”, 27 Oktober 2020, https://tirto.id/benny-tjokro-divonis-penjara-seumur-hidup-dalam-perkara-jiwasraya-f6oy https://nasional.kompas.com/read/2021/03/10/11171061/pengadilan-tinggi-dki-kuatkan-vonis-seumur-hidup-benny-tjokrosaputro-di diakses 1 Juli 2021

[31] Chapter VIII Crimes of Embezzlement and Bribery, Criminal Law of The People's Republic of China.

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