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## LEGAL POLITICS OF CRIMINALIZATION AND DECRIMINALIZATION OF CRIMINAL ACTS OF CORRUPTION: A COMPARISON OF THE RULES OF PRABOWO, JOKOWI, AND SBY

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### ABSTRACT

*Corruption in Indonesia is an extraordinary crime with systemic impacts on governance and public welfare. This normative legal study compares anti-corruption legal policies under President Joko Widodo and President Prabowo Subianto. The Jokowi era was marked by institutional weakening, particularly through the revision of the Corruption Eradication Commission Law No. 19 of 2019 and controversial policies such as the Omnibus Law and the 2023 Criminal Code, which increased the risk of corruption. In contrast, the early stages of Prabowo's administration emphasized asset recovery and strengthening law enforcement institutions, despite the potential for political compromise. This dynamic demonstrates that the effectiveness of corruption eradication depends on consistent political will in developing strong, transparent regulations that favor the public interest.*

**Keywords:** Corruption, Legal Politics, Criminalization and Decriminalization, Corruption Eradication Commission (KPK), Anti-Corruption Legislation.

### ABSTRAK

Korupsi di Indonesia merupakan kejahatan luar biasa yang berdampak sistemik pada tata kelola dan kesejahteraan publik. Studi hukum normatif ini membandingkan politik hukum antikorupsi pada masa Presiden Joko Widodo dan Presiden Prabowo Subianto. Era Jokowi ditandai pelemahan institusional, terutama melalui revisi UU KPK No. 19 Tahun 2019 serta kebijakan kontroversial seperti Omnibus Law dan KUHP 2023 yang meningkatkan risiko korupsi. Sebaliknya, awal pemerintahan Prabowo menonjolkan pendekatan pemulihan aset dan penguatan lembaga penegak hukum, meski berpotensi membuka ruang kompromi politik. Dinamika ini menunjukkan bahwa efektivitas pemberantasan korupsi bergantung pada konsistensi kemauan politik dalam membangun regulasi yang kuat, transparan, dan berpihak pada kepentingan publik.

**Kata Kunci:** Korupsi, Politik Hukum, Kriminalisasi dan Dekriminalisasi, Komisi Pemberantasan Korupsi (KPK), Legislasi Antikorupsi.

## INTRODUCTION

Corruption has become a crime considered to undermine the very foundations of social and national life. State losses resulting from corruption have been categorized as dangerous. Corruption in Indonesia is a recurrent and urgent national problem that has faced Indonesia from time to time over a relatively long period. Therefore, a special corruption court is expected to help resolve a number of past corruption crimes and recover lost assets.<sup>1</sup> Corruption involving the abuse of authority, opportunity, or means of office or position is defined in Article 3 of Law Number 20 of 2001 concerning the Eradication of Corruption (hereinafter referred to as the PTPK Law). In detail, this definition contains objective elements: abuse of authority; abuse of opportunity; abuse of means; because of office; because of position; harming state finances; harming the national economy; and subjective elements: with the aim of: benefiting oneself; benefiting others; benefiting a corporation.<sup>2</sup>

Corruption is a negative act and must be eradicated by the government, as the spearhead of corruption eradication. Political support from the government (president) is a crucial factor in eradicating corruption.<sup>3</sup> Success stories of countries recovering from corruption-induced setbacks generally begin with a commitment from their leaders<sup>4</sup>, which is then translated into various political policies.<sup>5</sup> This support is typically given to institutions implementing anti-corruption measures.

Corruption eradication represents the political will of those in power to revive the country from economic decline caused by the proliferation of corrupt practices. Success stories of countries recovering from corruption-induced setbacks generally begin with a commitment from the people and their leaders,

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<sup>1</sup> A. Supriyadi, "Korupsi Sebagai Kejahatan Luar Biasa (*Extraordinary Crime*): Peran Pengadilan Tipikor dalam Sistem Peradilan Pidana Indonesia", *Jurnal Hukum Pidana Konstitusional*, Vol. 2, No. 2 (2021), hlm. 208

<sup>2</sup> Adami Chazawi, *Hukum Pidana Korupsi di Indonesia*, Depok: Rajawali Pers, 2017, hlm. 62

<sup>3</sup> Listyo Yuwanto, "Kinerja Penanganan Tindak Pidana Korupsi Sumber Daya Alam dan Kepercayaan Terhadap Komisi Pemberantasan Korupsi", *Integritas: Jurnal Antikorupsi*, Vol. 2, No. 1 (2016), hal. 27

<sup>4</sup> Damanik, et. al., *Otonomi Daerah, Etnonasionalisme, dan Masa Depan Indonesia: Berapa Persen Lagi Tanah dan Air Nusantara Milik Rakyat?*, Jakarta: Yayasan Pustaka Obor Indonesia, 2010, hlm. 18

<sup>5</sup> Donal Fariz, "Pemerintahan Joko Widodo dan Serangan Politik Terhadap KPK", *Integritas: Jurnal Antikorupsi*, Vol. 5, No. 2 (2019), hlm. 21

which is then translated into various policies. In addition to legislation, this commitment is also manifested in the establishment of special, independent working institutions with specific duties to eradicate corruption. Initially, these institutions were established primarily because existing law enforcement agencies were no longer capable of carrying out their functions in eradicating corruption.<sup>6</sup> The president's anti-corruption legal policy is heavily influenced by the president's exercise of power within the government. The characteristics of presidential anti-corruption legal policies in the Old Order and New Order eras are similar. During the New Order, presidential policies were influenced by the authoritarian nature of the president's power. Anti-corruption policies were not well-organized due to the poor quality of anti-corruption legislation. The anti-corruption institutions that were established lacked the president's political support and were established with weak legal foundations and limited authority. At the same time, the military played a significant role in the formulation and implementation of anti-corruption policies.<sup>7</sup>

During the administration of President Susilo Bambang Yudhoyono (2004–2014), the legal policy for eradicating corruption was relatively stable yet complex. The Yudhoyono era was marked by efforts to consolidate anti-corruption institutions, particularly the strengthening of the Corruption Eradication Commission (KPK) as an independent institution with substantial political legitimacy from the president. This political support was reflected in several strategic steps, such as strengthening the capacity of law enforcement officers, providing an adequate budget, and policies that promote transparency in the handling of corruption cases.<sup>8</sup>

Yudhoyono is known for promoting a dual approach to corruption eradication, a combination of repressive and preventive measures. Enforcement is carried out through firm legal proceedings against public officials found corrupt, while preventive efforts are realized through the development of e-government systems and enhanced accountability mechanisms in various government agencies. This approach reflects the awareness that corruption

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<sup>6</sup> Komisi Pemberantasan Korupsi, "Komisi Anti-Korupsi di Luar Negeri", *Direktorat LITBANG KPK Tahun 2006*, hlm. 5

<sup>7</sup> Oce Madril, *Politik Politik Hukum Presiden Dalam Pemberantasan Korupsi di Pemerintahan*, *Disertasi*, Fakultas Hukum Universitas Gadjah Mada (2018).

<sup>8</sup> Demokrat.co.id, "Pemberantasan Korupsi di Era SBY Tercatat Paling Progresif di Dunia," <https://www.demokrat.or.id/pemberantasan-korupsi-di-era-sby-tercatat-paling-progresif-di-dunia>

eradication cannot rely solely on law enforcement but must also minimize opportunities for corruption through better governance.<sup>9</sup>

Furthermore, the SBY era also demonstrated a focus on harmonizing the anti-corruption legislative framework. Several supporting regulations, such as the revision of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption into Law Number 20 of 2001, and the creation of government regulations and presidential regulations concerning state financial transparency, provided a more solid legal basis for corruption eradication efforts. However, challenges remain, including resistance from various stakeholders and the potential for political tug-of-war in the legislative process, requiring the government's skillful political-legal diplomacy to maintain the sustainability of its anti-corruption commitment.<sup>10</sup>

In the context of criminalization and decriminalization, the SBY era demonstrated a clear priority on the criminalization of criminal acts of corruption. The emphasis on legal enforcement and strict sanctions for perpetrators of corruption, including state officials, was a key feature of this policy. However, at the same time, there are a number of debates regarding efforts to recover state assets obtained through corruption, which shows that the focus of the SBY era is still dominated by aspects of enforcement and prevention, while a restorative approach to state losses has only begun to be initiated on a limited basis.<sup>11</sup>

Overall, the anti-corruption legal policy during the SBY administration can be described as an era of institutional and legislative consolidation, with a priority on criminalization and prevention, as well as relatively strong presidential political support for corruption eradication. This characteristic serves as an important bridge between the authoritarian New Order era and the subsequent era under Jokowi, which was more fraught with political tensions regarding anti-corruption legislation.

The legal policy of eradicating corruption (Criminal Acts Of Corruption) during President Joko Widodo's administration demonstrates an interesting dual approach. On the one hand, a commitment to enforcement is clearly

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<sup>9</sup> *Ibid.*

<sup>10</sup> Tirto.id, "Revisi UU KPK Ditolak Sejak Era SBY, Muncul Lagi di Zaman Jokowi," <https://tirto.id/revisi-uu-kpk-ditolak-sejak-era-sby-muncul-lagi-di-zaman-jokowi-ehAB>

<sup>11</sup> Pikiran-rakyat.com, "Perjalanan UU Perampasan Aset Diperjuangkan Sejak Era SBY," <https://www.pikiran-rakyat.com/nasional/pr-016335270/perjalanan-uu-perampasan-aset-diperjuangkan-sejak-era-sby-diminta-selesai-2021-belum-ada-hilal-hingga-2023>

evident, as legal proceedings against a number of public officials and prominent figures are underway. This approach is reinforced by the strengthening of law enforcement institutions, such as the Corruption Eradication Commission (KPK), the Prosecutor's Office, and the Police.<sup>12</sup> Furthermore, this era also aggressively promoted the use of technology and transparency within the government system as preventative measures to close the gaps for corruption. However, on the other hand, the legislative policies issued during this period, particularly the revision of Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK), are considered by many to be a step backward, weakening the independence of the anti-corruption agency.<sup>13</sup> The controversy surrounding the revision of the KPK Law is a crucial point, demonstrating the tension between the commitment to eradicating corruption and the prevailing political dynamics.<sup>14</sup> This dualism creates a complex dynamic, where enforcement and prevention efforts often clash with legislative policies and the tug-of-war of political interests, making corruption eradication a highly vulnerable issue to changes in policy direction.

During the administration of President Prabowo Subianto, the legal policy for eradicating corruption shifted from its previous focus on digital-based prevention and enforcement to a narrative aimed at recovering state losses from corruption.<sup>15</sup> This approach aligns with the concept of restorative justice, where reparation for the victim (the state) is seen as more important than simply imposing corporal punishment. Furthermore, there are indications of a strengthening of the role of the Attorney General's Office and the National Police in joint efforts to eradicate corruption, which could shift the centrality of the Corruption Eradication Commission (KPK) in the public narrative. While the commitment to enforcement remains promised, this policy direction raises questions about the extent to which the focus on asset recovery will have a deterrent effect on perpetrators.<sup>16</sup> Thus, the anti-corruption legal policy in the

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<sup>12</sup> Muhammad Asmi, "Implikasi Hukum Revisi Undang-Undang nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi", *Jurnal Hukum Pidana Indonesia*, Vol. 2, No. 1 (2021), hlm. 2

<sup>13</sup> Indonesia Corruption Watch, *Laporan Tahunan tren Penindakan Kasus Korupsi 2023*, Jakarta, ICW, 2024, hlm. 20

<sup>14</sup> Pidato Pelantikan Presiden Joko Widodo Periode 2019-2024, 20 Oktober 2019

<sup>15</sup> Indonesia Corruption Watch, *Caatatan 100 Hari Prabowo-Gibran dan Proyekti Pemberantasan Korupsi 2025*, Jakarta, ICW, 2025, hlm. 5

<sup>16</sup> F.A. Nasution, "Urgensi RUU Perampasan Aset Sebagai Strategi Baru dalam Pemberantasan Korupsi", *Jurnal Hukum Pidana Indonesia*, Vol. 3, No. 1 (2022), hlm. 50

Prabowo era can be identified through a reorientation of objectives, from one focused on punishment to one focused more on recovering state losses, although legislative challenges such as the ratification of the Asset Confiscation Bill remain a challenge. Therefore, a comparison of the three eras of SBY, Jokowi, and Prabowo shows continuity in corruption eradication goals but differences in priorities and strategies: the SBY era emphasized criminalization and prevention, the Jokowi era displayed a trade-off between enforcement and legislation, while the Prabowo era emphasized asset recovery and institutional strengthening in addition to enforcement. A critical analysis of the differences in focus and priorities of policies on criminalization and decriminalization of corruption in the three eras, as well as the implications of legislation passed or proposed, is important for understanding the dynamics of corruption eradication in Indonesia.

## **RESEARCH METHODOLOGY**

This research employs a normative legal research method, or library research. This approach was chosen because the focus of the research is the analysis of existing norms, legal doctrines, and policies. The primary data sources for this research are secondary legal materials, such as scientific journals, books, research reports, as well as primary legal materials in the form of laws and official speeches by relevant state officials. Through this method, the research can conduct a critical comparative analysis of the legal policy of eradicating corruption in two different eras of government: the era of President Susilo Bambang Yudhoyono, President Joko Widodo, and President Prabowo Subianto. Thus, this research aims to evaluate in depth the direction and implications of legal policies during these two periods.

## **RESULT AND DISCUSSION**

### **Differences in Focus and Priority of Corruption Criminalization and Decriminalization Policies in the SBY, Jokowi, and Prabowo Eras**

The issue of criminalization and decriminalization of corruption has always been a focus of attention in the dynamics of legal politics in Indonesia. As a form of extraordinary crime, corruption requires consistent and integrated handling policies, both through legislative instruments and law enforcement policies. During the administrations of Presidents Joko Widodo (Jokowi) and Prabowo Subianto, there were differences in the orientation and focus of

policies in determining corruption eradication strategies, particularly regarding the aspects of criminalization and decriminalization. The differences in focus and priorities of policies on criminalization and decriminalization of corruption between the Joko Widodo (Jokowi) and Prabowo Subianto administrations can be seen in the direction of criminal law policies and the legal political strategies pursued. During Jokowi's administration, one of the main highlights was the revision of the Corruption Eradication Commission Law (KPK Law) in 2019, which was considered to weaken the independence of the anti-graft agency.<sup>17</sup> This policy is seen as a form of covert decriminalization because it reduces the effectiveness of corruption eradication efforts through restrictions on wiretapping authority, the requirement for Supervisory Board approval, and the weakening of institutional structures.<sup>18</sup> Meanwhile, during the Prabowo era (although still in its early stages), the direction of anti-corruption policy has emphasized a preventative approach through bureaucratic digitization and transparent governance, although no concrete legislative steps regarding criminalization or decriminalization have been apparent.<sup>19</sup>

During the Jokowi era, a major issue in the spotlight was the 2019 revision of the Corruption Eradication Commission Law (KPK Law). This revision was considered a form of covert decriminalization because it weakened the KPK's independence, for example through changing the status of KPK employees to State Civil Apparatus (ASN), the establishment of a Supervisory Board that limits wiretapping authority, and a tendency to reduce the scope for investigations and prosecutions.<sup>20</sup> Furthermore, although other legal instruments exist, such as Supreme Court Regulation (PERMA) No. 1 of 2020 concerning guidelines for criminalizing corruption, their implementation is considered inadequate to address the gaps that weaken the KPK.

On the other hand, the Jokowi administration tends to prioritize infrastructure development and economic growth over strengthening anti-

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<sup>17</sup> Indonesia Corruption Watch, *Catatan Akhir Tahun 2019: Pelemahan Pemberantasan Korupsi*, ICW, 2019.

<sup>18</sup> Febri Diansyah, "Implikasi Revisi UU KPK terhadap Independensi KPK," *Jurnal Integritas KPK*, Vol. 6, No. 2 (2020)

<sup>19</sup> Kompas, "Prabowo Janji Digitalisasi Birokrasi untuk Cegah Korupsi," diakses pada 22 September 2025

<sup>20</sup> Bivitri Susanti, "Kritik atas Revisi UU KPK 2019," *Jurnal Konstitusi*, Vol. 16, No. 4 (2019)

corruption institutions. This has resulted in a reduced priority on criminalization policies for corruption, although in some cases there have been efforts to broaden the definition of certain crimes.<sup>21</sup> Some academics believe that the Jokowi administration has engaged in selective criminalization, focusing on cases with specific political interests, while the decriminalization policy is more clearly visible through the weakening of the institutional system for eradicating corruption.<sup>22</sup>

In contrast to Jokowi, the Prabowo Subianto administration, which will take office in 2024, displays a more political orientation in tackling corruption. Although he promised to strengthen anti-corruption institutions during the campaign, in practice during his first 100 days in office, the policy direction has not fully demonstrated concrete steps towards criminalization.<sup>23</sup> In fact, there are concerns that the approach adopted will prioritize political stability and patronage relationships with supporting parties over tightening the fight against corruption.<sup>24</sup> While a direct decriminalization policy has not yet been implemented, indications of leniency towards certain political actors have already been noted by civil society groups.<sup>25</sup>

One of the major challenges in the Prabowo era is how to manage public expectations for stricter law enforcement against corruption, while simultaneously maintaining broad political support. This creates a dilemma between strengthening criminalization policies or opening up space for decriminalization through political compromise.<sup>26</sup> Initial evaluations by institutions like Indonesia Corruption Watch (ICW) indicate that the government has not shown any consistent signs of strengthening anti-corruption legal instruments, and there are even concerns that the policy direction will be softer than before.<sup>27</sup>

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<sup>21</sup> Romli Atmasasmita, *Reformasi Hukum Pidana di Indonesia*, Jakarta: Gramedia, 2018

<sup>22</sup> Firman Noor, "Politik Hukum Antikorupsi di Era Jokowi," *Jurnal Politik Indonesia*, Vol. 5, No. 1 (2020).

<sup>23</sup> Kompas, "Prabowo Janji Digitalisasi Birokrasi untuk Cegah Korupsi," diakses pada 22 September 2025

<sup>24</sup> Tempo, "Prabowo: Jangan Kriminalisasi Pejabat dalam Keputusan Publik", diakses pada 22 September 2025

<sup>25</sup> Indonesia Corruption Watch, op. cit.

<sup>26</sup> Marcus Mietzner, *Indonesia's Politics under Jokowi and Beyond*, Singapore: ISEAS, 2021

<sup>27</sup> ICW, "Tren Kebijakan Antikorupsi di Awal Pemerintahan Prabowo," diakses pada 22 September 2025

Comparatively, the Jokowi era is more synonymous with covert decriminalization through the weakening of the Corruption Eradication Commission (KPK) and regulatory changes, while the Prabowo era tends to be marked by stagnation or unclear direction in anti-corruption policies. Both share similarities in deprioritizing corruption eradication compared to other political and economic agendas.<sup>28</sup> However, the difference lies in the form of implementation: Jokowi emphasizes weakening institutions through legal revisions, while Prabowo tends to use a patronage political approach that opens up opportunities for compromise with corruptors.<sup>29</sup> In the context of criminalization, neither has shown significant efforts to expand the scope or increase penalties, so the effectiveness of corruption eradication remains questionable.<sup>30</sup>

**Table 1.**  
**Comparative Analysis of Corruption Eradication in the Jokowi, Prabowo, and SBY Eras**

Aspect	SBY Era (2004–2014)	Jokowi Era (2014–2024)	Prabowo Era (2024– present )
<b>Focus Policy</b>	Strengthening the Corruption Eradication Committee and empowerment institution anti-corruption . Commitment political towards OTT and transparency .	Economic & infrastructure development more prioritized than strengthening anti-corruption . The 2019 revision of the Corruption Eradication Commission Law is highlight .	Stability politics , returns state assets , and promises strengthen Prosecutor's Office / Police .
<b>Criminalization</b>	Criminalization active : many KPK OTTs against officials	Criminalization selective : case certain processed ( for example	Criminalization beginning visible ( removal officials , cases

<sup>28</sup> Zainal Arifin Mochtar, “Kriminalisasi, Dekriminalisasi, dan Politik Hukum Pidana,” *Jurnal Hukum IUS QUIA IUSTUM*, Vol. 27, No. 3 (2020).

<sup>29</sup> Laode M. Syarif, “Politik Patronase dan Risiko Pemberantasan Korupsi,” *Jurnal Integritas*, Vol. 4, No. 2 (2018).

<sup>30</sup> Bivitri Susanti, “Kritik terhadap Dekriminalisasi dalam Kebijakan Hukum Indonesia,” *Jurnal Konstitusi*, Vol. 16, No. 4 (2019).

	high ( minister , DPR, head of area ).	Edhy Prabowo, SYL), however No consistent .	Pertamina ), however tend Still stage rhetoric politics .
<b>Decriminalization</b>	Decriminalization disguised through compromise politics ; case big (Century, BLBI) slow handled .	Decriminalization regulatory through revision of the Corruption Eradication Commission Law, weakening independence and regulation sectoral (Omnibus Law, Criminal Code).	Potential decriminalization explicit past promise politics of ' forgiveness' corruptors ' if return state money.
<b>Implications</b>	The Corruption Eradication Committee (KPK) is considered the strongest at this time , but There is impression selectivity politics . Relative GPA score stable ( around 32-34).	Weakening independence of the Corruption Eradication Committee, decline drastic GPA (40 → 34). Public lost belief in consistency government .	It's still early , there is greater deterrence hopes strong , but risk compromise political height and consistency questionable .

From this comparative analysis, it can be concluded that both the SBY, Jokowi, and Prabowo eras faced serious challenges in eradicating corruption. The differences lie in their methods: Jokowi implemented more regulatory changes that weakened anti-corruption institutions, while Prabowo demonstrated a tendency toward political compromise that could potentially lead to implicit decriminalization. In terms of criminalization, neither administration demonstrated significant efforts to tighten corruption eradication.<sup>31</sup> This indicates that the anti-corruption agenda was not a top

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<sup>31</sup> ICW, "Peta Jalan Pemberantasan Korupsi 2024-2029," Policy Brief, 2024.

priority for either administration, despite significant public pressure to improve it.<sup>32</sup>

During President Joko Widodo's administration, the direction of corruption eradication policies was often seen as contradictory. On the one hand, several cases were prosecuted, indicating the criminalization of public officials involved in corruption. One of the most prominent cases was that of Edhy Prabowo, Minister of Maritime Affairs and Fisheries, who was arrested by the Corruption Eradication Commission (KPK) in a sting operation in November 2020. Edhy was found guilty of accepting bribes related to lobster seed export permits and was sentenced to five years in prison. However, at the cassation level, the Supreme Court reduced the sentence, citing good performance during his tenure. This sentence reduction was considered by many to be a form of disguised decriminalization, as it reduced the deterrent effect and created the impression of preferential treatment for high-ranking state officials.<sup>33</sup>

In addition to Edhy Prabowo, there is also the case of Syahrul Yasin Limpo (SYL), Minister of Agriculture, who in 2023 was named a suspect on suspicion of bribery, extortion, and money laundering. SYL was subsequently prosecuted in a Corruption Court and sentenced to a heavier sentence by the High Court. This case demonstrates a clear example of the criminalization of corruption, although criticism has arisen regarding the possibility of selectiveness in determining which cases are prioritized for prosecution. Some observers believe the government tends to pursue certain cases related to political dynamics, while other cases proceed slowly.<sup>34</sup>

In the regulatory context, the Jokowi administration also submitted the Criminal Asset Confiscation Bill to the House of Representatives (DPR) in May 2023. This bill was expected to be a crucial instrument in strengthening the criminalization of corruption, allowing for the confiscation of assets without waiting for a final criminal verdict. However, the slow pace of deliberations and

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<sup>32</sup> Marcus Mietzner, *Political Dynamics in Indonesia's New Order and Beyond*, (Singapore: ISEAS, 2022).

<sup>33</sup> Era.id, Album Kompilasi Korupsi Era Jokowi: Dari OTT hingga Vonis yang Dipangkas MA, diakses 22 September 2025, <https://era.id/EKSPLANASI/137667/album-kompilasi-korupsi-era-jokowi>.

<sup>34</sup> Sindonews, 7 Menteri Era Jokowi yang Terjerat Kasus Korupsi: SYL hingga Tom Lembong, diakses 22 September 2025, <https://nasional.sindonews.com/read/1493045/13/7-menteri-era-jokowi-yang-terjerat-kasus-korupsi-syl-hingga-tom-lembong-1732367497/20>.

political resistance have given the impression that strengthening anti-corruption legal instruments is not a top priority. This delay is seen as a form of regulatory decriminalization, weakening the legal deterrent against corruption.<sup>35</sup>

Meanwhile, during the early days of President Prabowo Subianto's administration, anti-corruption policies showed a different pattern. In the first 15 days of his administration, the government claimed to have taken swift action by dismissing several officials and uncovering corruption cases involving state officials. Reports indicate the arrest of dozens of officials implicated in corruption, indicating a fairly active criminalization effort early in the administration.<sup>36</sup> One such case involved alleged corruption in the purchase of land by the former General Director of Pertamina, Luhur Budi Djatmiko, which began proceedings in late 2024.<sup>37</sup>

However, President Prabowo's statement that he would pardon corruptors if they returned stolen state funds sparked controversy. This statement could potentially be interpreted as an implicit decriminalization policy through pardons or amnesties for corruptors. While prioritizing the restitution of state losses, this approach is considered to weaken the deterrent effect and potentially obscure the principle of substantive justice in corruption law.<sup>38</sup> Several civil society groups warned that such a policy could undermine consistent law enforcement, create moral hazard, and signal that corruption is tolerated as long as perpetrators are able to return some of their proceeds.

In comparison, the Jokowi era emphasized a more regulatory decriminalization approach, for example through the revision of the 2019 Corruption Eradication Commission (KPK) Law, which weakened wiretapping

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<sup>35</sup> Investor.id, Dua Sisi Kinerja Pemberantasan Korupsi di Rezim Jokowi, diakses 22 September 2025, <https://investor.id/national/348349/dua-sisi-kinerja-pemberantasan-korupsi-di-rezim-jokowi>

<sup>36</sup> Jurnal Tipikor, Rangkuman Terobosan 15 Hari Pemerintahan Prabowo: Tangkap Puluhan Koruptor hingga Copot Pejabat, diakses 22 September 2025, <https://jurnaltipikor.com/2024/11/05/rangkuman-terobosan-15-hari-pemerintahan-prabowo-tangkap-puluhan-koruptor-hingga-copot-pejabat>

<sup>37</sup> Bulatan Times, 4 Kasus Korupsi yang Diungkap di Awal Era Prabowo, diakses 22 September 2025, <https://www.bulantanimes.com/2024/11/08/4-kasus-korupsi-yang-diungkap-di-awal-era-prabowo>

<sup>38</sup> Reuters, *Indonesia President Pledges Pardon for Corrupters Who Return What They Stole*, diakses 22 September 2025, <https://www.reuters.com/world/asia-pacific/indonesia-president-pledges-pardon-corrupters-who-return-what-they-stole-2024-12-19>

authority, established a Supervisory Board, and changed the status of civil servants to civil servants (ASN). These reformulations were seen as steps that reduced the independence of the anti-corruption agency. Meanwhile, despite the criminalization of public officials like Edhy Prabowo or SYL, these measures were deemed inconsistent because they were accompanied by reduced sentences at the cassation level. Meanwhile, the Prabowo era demonstrated an initial commitment to criminalization through a number of prosecutions and the removal of officials, but the political promise to pardon corruptors if they returned the money actually demonstrated the potential for explicit decriminalization.

Thus, it can be concluded that both the Jokowi and Prabowo eras faced a dilemma between criminalizing and decriminalizing corruption. Jokowi's era was characterized by weakening institutions and regulations, while Prabowo's era was characterized by policy promises that opened up opportunities for restitution-based decriminalization. Both regimes demonstrated that the corruption eradication agenda was not a top priority, but was often subordinated to political agendas and government stability.

Compared to the eras of Joko Widodo and Prabowo Subianto, the Susilo Bambang Yudhoyono administration (2004-2014) demonstrated a relatively different approach to legal policy in eradicating corruption. SBY consistently emphasized his political commitment to strengthening anti-corruption institutions, particularly through support for the Corruption Eradication Commission (KPK). It was during this period that the Corruption Eradication Commission (KPK) reached the peak of its effectiveness, conducting numerous sting operations (OTT) against high-ranking state officials, including ministers, members of the House of Representatives (DPR), and regional heads. These measures reflected a trend toward active criminalization, placing corruption as a priority under national criminal law.<sup>39</sup>

During the administration of Susilo Bambang Yudhoyono (SBY), the legal policy of eradicating corruption displayed an interesting pattern. On the one hand, there was active criminalization, marked by the success of the Corruption Eradication Commission (KPK) in conducting various sting operations (OTT) against high-ranking state officials. For example, the case of Angelina Sondakh, a member of the House of Representatives from the

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<sup>39</sup> Bivitri Susanti, *op. cit.*

Democratic Party, who was sentenced to 12 years in prison for her involvement in bribery in the SEA Games Athlete's Village project.<sup>40</sup> Another case involved Andi Mallarangeng, Minister of Youth and Sports, who was sentenced to four years in prison in the Hambalang project corruption case, registered in Supreme Court Decision Number 1266/K/Pid.Sus/2015. In fact, the Corruption Eradication Commission (KPK) has also dared to implicate politicians from across political parties, such as Lutfi Hasan Ishaq, President of the Prosperous Justice Party (PKS), who was sentenced to 16 years in prison for a beef import quota bribery case under case number 1194 K/Pid.Sus/2015. This series of prosecutions demonstrates that during the SBY era, the KPK was at the peak of its power and effectiveness as an anti-corruption agency.

However, on the other hand, there are indications of covert decriminalization through political compromise in major cases that touch on strategic interests. The 2008 Bank Century scandal, for example, despite causing state losses of up to Rp6.7 trillion, did not result in significant criminal charges against key political actors until the end of the SBY administration.<sup>41</sup> Similarly, older cases such as the BLBI (Bank Indonesia Liquidity Assistance) case have not shown significant progress, as their handling has often been hampered and appears to be protected by certain political interests.<sup>42</sup> Moreover, in the Hambalang case, although several prominent names were named in the indictment, only a small number of actors were actually prosecuted, while others remained untouched, creating the impression of selective law enforcement.<sup>43</sup> Thus, the SBY era exhibited a dual pattern: on the one hand, progressive criminalization of many public officials, but on the other, implicit decriminalization due to political compromise and the interests of government stability.

However, the legal politics of the SBY era were not entirely free from covert decriminalization practices. Although the Corruption Eradication Commission (KPK) has successfully uncovered many major cases, there is a tendency to politically protect certain actors, particularly those from coalition party circles. Several high-profile cases, such as the Bank Century and BLBI

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<sup>40</sup> Laporan Tahunan Komisi Pemberantasan Korupsi Tahun 2013

<sup>41</sup> Laporan Hasil Pemeriksaan Bailout Bank Century Tahun 2010

<sup>42</sup> Tempo, Skandal BLBI dan Mandeknya Penegakan Hukum (2012)

<sup>43</sup> Evaluasi Pemberantasan Korupsi Era SBY, Laporan Indonesia Corruption Watch Tahun 2014

scandals, demonstrated slow handling and strong political resistance in parliament. This gives the impression that SBY's anti-corruption agenda is selective, resulting in firm criminalization of certain perpetrators while, on the other hand, political leniency potentially weakening the deterrent effect.

Furthermore, although SBY supported the establishment of various regulations related to transparency and good governance, such as Law No. 14 of 2008 concerning Public Information Disclosure, not all legislative initiatives were aimed at strengthening anti-corruption mechanisms. Some economic and bureaucratic policies were actually seen as opening up new avenues for corrupt practices.<sup>44</sup> Thus, the political orientation of anti-corruption law during the SBY era vacillated between progressive criminalization through the KPK and implicit decriminalization resulting from political compromises aimed at maintaining the stability of the governing coalition.

### **Legislative and Regulatory Framework and Implications for Eradicating Corruption**

The legislative and regulatory framework is the primary foundation for determining the success of eradicating corruption. In the Indonesian context, each administration has a different legal and political orientation in formulating anti-corruption regulations. This is evident in the comparison between the Joko Widodo and Prabowo Subianto administrations. These two eras demonstrate different approaches, both in terms of the legal products produced and their practical implications for the effectiveness of law enforcement agencies.

During the administration of President Susilo Bambang Yudhoyono (2004–2014), the anti-corruption legislative and regulatory framework demonstrated a clear focus on institutional consolidation and strengthening the legality of law enforcement. Several important regulations were enacted or strengthened during this era, including the enactment of Law No. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, a revision of Law No. 31 of 1999, and the establishment of several implementing regulations related to financial transparency and government accountability. This legislation provides a stronger legal basis for the Corruption Eradication Commission (KPK) and other law enforcement agencies to prosecute corruption perpetrators, while also closing legal loopholes previously frequently exploited

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<sup>44</sup> Mietzner, *op. cit.*

by corruptors.<sup>45</sup> SBY also emphasized the importance of corruption prevention instruments as part of a comprehensive strategy. During this era, the government encouraged the development of e-government systems, stricter internal audits, and control mechanisms within public institutions to reduce opportunities for corruption. This approach emphasized that corruption eradication must not rely solely on legal enforcement but must also eliminate opportunities for corruption through improved governance.<sup>46</sup>

From the judicial perspective, the Supreme Court and the Attorney General's Office were also given clearer guidelines for handling corruption cases. Although not yet as formal as PERMA No. 1 of 2020, issued during the Jokowi era, criminalization practices under SBY began to demonstrate efforts to harmonize decisions, hopefully creating a deterrent effect for corruptors. However, some believe that coordination between institutions still needs improvement, particularly regarding cross-sectoral law enforcement and the recovery of lost state assets.<sup>47</sup> Overall, the SBY era can be described as a period of strengthening anti-corruption regulations and institutions, with a clear focus on criminalization and systemic prevention. The success of corruption eradication in this era depends largely on consistent regulatory implementation and the president's political support for the Corruption Eradication Commission (KPK) and related institutions. This confirms that a strong legal foundation, coupled with stable political support, is key to the effectiveness of Indonesia's anti-corruption strategy.<sup>48</sup>

During Jokowi's administration, the revision of Law Number 19 of 2019 concerning the Second Amendment to the Corruption Eradication Commission (KPK) Law was enacted. This amendment sparked significant controversy as it was perceived as weakening the anti-corruption agency, particularly through the establishment of a Supervisory Board that limited wiretapping authority and the change in the status of KPK employees to Civil Servants. This measure

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<sup>45</sup> Denny Indrayana, *Konstitusi dan Politik Hukum di Indonesia: Studi tentang Pemberantasan Korupsi*, Jakarta: Rajawali Pers, 2012, hlm. 102–105.

<sup>46</sup> Demokrat.co.id, "Pemberantasan Korupsi di Era SBY Tercatat Paling Progresif di Dunia," <https://www.demokrat.or.id/pemberantasan-korupsi-di-era-sby-tercatat-paling-progresif-di-dunia>

<sup>47</sup> Jimly Asshiddiqie, *Hukum Acara Pengujian Undang-Undang*, Jakarta: Sinar Grafika, 2012, hlm. 67–70.

<sup>48</sup> Transparency International, *Corruption Perceptions Index 2013*, <https://www.transparency.org/en/cpi/2013/index/nzl>

was widely criticized by academics and anti-corruption activists for diminishing the KPK's independence in carrying out its duties.<sup>49</sup> Furthermore, Jokowi also pushed for the enactment of Law Number 11 of 2020 concerning Job Creation (the Omnibus Law). Although oriented toward accelerating investment, this regulation was deemed to open new avenues for corruption in the licensing and trade sectors. The legislative process, which lacked public participation, also drew serious criticism, as it violated the principles of transparency and accountability, which should be pillars of good governance.<sup>50</sup>

Meanwhile, the Supreme Court issued Supreme Court Regulation (PERMA) Number 1 of 2020 concerning Guidelines for Corruption Criminalization. This PERMA was intended to provide legal certainty and uniformity in judicial decisions in corruption cases. However, in practice, the Supreme Court Regulation is considered ineffective in addressing systemic weaknesses resulting from the weakening of regulations at the statutory level.<sup>51</sup> Also during the Jokowi era, Law Number 1 of 2023 concerning the Criminal Code (KUHP) was passed as a codification of national criminal law. Although some articles still regulate corruption, criminal law experts have highlighted the potential for overlap with the existing Anti-Corruption Law. This raises concerns that the effectiveness of corruption eradication will be hampered by regulatory disharmony.<sup>52</sup>

The concrete implications of the legislative dynamics under Jokowi are evident in the decline in Indonesia's Corruption Perception Index (CPI) in recent years. Transparency International noted that Indonesia's score dropped from 40 in 2019 to 34 in 2022. This decline is seen as a logical consequence of the weakening of the Corruption Eradication Commission (KPK) and the government's weak political will.<sup>53</sup> In contrast to Jokowi, the Prabowo Subianto administration, which began in 2024, displays a work-in-progress orientation. Early on, this administration voiced its commitment to strengthening anti-

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<sup>49</sup> Dwi Sulistiawati, "Revisi UU KPK dan Implikasinya terhadap Independensi Lembaga Antikorupsi," *Jurnal Antikorupsi*, 2020.

<sup>50</sup> Bivitri Susanti, "Omnibus Law dan Ancaman Terhadap Transparansi Hukum," *Jurnal Hukum & Pembangunan* (2021)

<sup>51</sup> Ahmad Sofian, "Analisis PERMA No. 1 Tahun 2020: Antara Kepastian dan Efektivitas," *Jurnal Yudisial* (2021)

<sup>52</sup> Zainal Arifin Mochtar, "KUHP Baru dan Implikasinya terhadap Tipikor," *Jurnal Legislasi Indonesia* (2023)

<sup>53</sup> Laporan Tahunan Transparency International, "Corruption Perceptions Index 2019–2022

corruption institutions and increasing deterrence through harsher penalties. However, in its first 100 days, concrete policy direction has not been clearly established, raising public questions about its consistency.<sup>54</sup>

Academic predictions indicate that Prabowo will emphasize a deterrent approach through tightening criminal sanctions, but he also faces a political dilemma regarding the need to maintain stability and the support of coalition parties. This situation raises the risk that political compromise could give rise to a disguised form of decriminalization, similar to the previous era but with a different face.<sup>55</sup>

To clarify the comparison between the two eras, the following table can illustrate the legislative framework passed and its implications:

**Table 2.**  
**Comparison Of The Enacted Legislative Framework And Its Implications**

Aspect	SBY Era (2004–2014)	Jokowi Era (2014–2024)	Prabowo Era (2024–present )
Focus legislation	Consolidation KPK institutionalization , strengthening of the Corruption Eradication Law (Law 20/2001), development regulation implementer related transparency and accountability	Modernization law , regulatory reform related criminal corruption , implementation of PERMA No. 1 of 2020 ( guide criminalization case corruption ), strengthening e-Government	Emphasis on deregulation and revision regulations For efficiency enforcement law , strengthening coordination inter-agency
Approach anti-corruption	Combination criminalization & prevention	Focus on enforcement law with	Emphasis on enforcement law cross sector , optimization state assets ,

<sup>54</sup> Indonesia Corruption Watch, *Op. Cit*

<sup>55</sup> Laode M. Syarif, "Tantangan Pemberantasan Korupsi di Era Transisi Politik," *Indonesian Journal of Criminal Law* (2024)

Aspect	SBY Era (2004–2014)	Jokowi Era (2014–2024)	Prabowo Era (2024–present )
	systemic (e-Government , internal audit, mechanism control institution public )	harmonization decisions , digitalization of legal processes , prevention data-based and integrity bureaucracy	possibly adjustment regulations For increase effectiveness
The role of institutions enforcer law	The Corruption Eradication Committee (KPK) is strengthened in a way institutions , Supreme Court & Prosecutor's Office given guidelines clear	The Corruption Eradication Committee, the Prosecutor's Office , and the Supreme Court implement PERMA guidelines , internal supervision is more structured	Coordination inter-agency improved , regulation enforcement law customized For effectiveness
Implications for eradication corruption	Increase capacity enforcement law , closing gap law , encourage effect deterrent , but coordination cross institution Still need strengthening	Harmonization decision , improvement effect deterrent , implementation digitalization speed up the process, supervision more transparent	Potential efficiency enforcement law , return more optimal state assets , but need wait results implementation real
Example policies / rules	Law 20/2001, regulations KPK	PERMA No. 1/2020, revision of the Corruption	Revision regulations and procedures enforcement law , strengthening

Aspect	SBY Era (2004–2014)	Jokowi Era (2014–2024)	Prabowo Era (2024–present )
	implementers , system e- Government	Eradication Law related criminal corruption , digital integration in enforcement law	coordination inter-agency , focus on effectiveness enforcement and prevention

The above analysis concludes that the legislative and regulatory framework under Jokowi tends to weaken the fight against corruption through controversial regulatory changes, while the Prabowo era is still in the early stages of establishing policy direction. Without consistency in strengthening legal instruments, corruption eradication will continue to face significant obstacles. Therefore, the success of Prabowo's administration will be largely determined by the extent to which his political commitment is realized through strong regulations, not merely political promises.<sup>56</sup>

## CONCLUSION

1. Overall, the political and legal dynamics of corruption eradication in Indonesia show different patterns between the SBY, Jokowi, and Prabowo eras. The SBY era was marked by active criminalization through the strengthening of the Corruption Eradication Commission (KPK) and sting operations against high-ranking officials, although there was still some covert decriminalization due to political compromises in strategic cases such as Bank Century and BLBI (Black Market Assistance). The Jokowi era emphasized regulatory decriminalization through the 2019 revision of the KPK Law and the weakening of the authority of anti-corruption agencies, although there was selective criminalization of several public officials. Meanwhile, the Prabowo era in its early stages showed indications of criminalization through prosecution of officials, but promises of amnesty for corruptors raised the potential for explicit decriminalization. All of this demonstrates that corruption eradication is often subordinated to political and economic agendas, so that consistency and effectiveness of law enforcement remain major challenges..

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<sup>56</sup> Yulia N. Indarti, "Politik Hukum Pemberantasan Korupsi: Antara Janji dan Implementasi," *Jurnal Hukum IUS QUIA IUSTUM* (2024)

2 Indonesia's anti-corruption legislative and regulatory frameworks demonstrate distinct patterns across the SBY, Jokowi, and Prabowo eras. The SBY era emphasized institutional consolidation of the Corruption Eradication Commission (KPK), active criminalization, and systemic prevention through clear regulations and presidential political support. The Jokowi era tended to weaken corruption eradication efforts through the 2019 revision of the KPK Law, the weakening of the institution's authority, and other controversial regulations, despite selective criminalization and efforts to harmonize rulings through PERMA No. 1/2020. Meanwhile, the Prabowo era is still in its early stages, showing signs of initial criminalization but facing the risk of covert decriminalization due to political compromise and the need to maintain government stability. All of this demonstrates that the effectiveness of corruption eradication depends heavily on consistent legal policy and concrete regulatory implementation.

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