

Original Article

Regulations on Criminal Sanctions for Bribery in Corruption Cases

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Abstract

Corruption, particularly in the forms of bribery and extortion, remains a persistent problem within Indonesia's social, political, and bureaucratic systems. Despite the existence of a comprehensive Anti-Corruption Law and related regulations, law enforcement authorities continue to encounter structural, substantive, and legal-cultural challenges in combating corruption effectively. This study aims to analyze the governance of criminal penalties in corruption cases, with a specific focus on extortion-related offenses. The research employs a normative legal method, utilizing legislative, comparative, and philosophical approaches to assess the coherence and effectiveness of existing legal norms. The findings demonstrate, first, that Articles 5, 6, and 12B of the Anti-Corruption Law contain overlapping legal elements, resulting in ambiguity in distinguishing between bribery and gratification and undermining the principles of legal certainty, clarity, and strict interpretation of criminal law. Second, the absence of clear normative boundaries has contributed to inconsistent law enforcement practices and unequal application of criminal sanctions. Third, a comparative analysis indicates that Malaysia has achieved greater regulatory coherence and institutional effectiveness through comprehensive legal reforms, particularly under the Malaysian Anti-Corruption Commission Act 2009, which aligns with international anti-corruption standards. This study concludes that legal reform in Indonesia should prioritize the harmonization of provisions on bribery and gratification, the clarification of corporate criminal liability, the strengthening of institutional independence, and enhanced inter-institutional coordination to achieve more effective, integrated, and targeted anti-corruption law enforcement.

Keywords: Bribery; Corruption; Criminal Sanctions; Regulations;

Introduction

Corruption is still a problem in Indonesia's economy. It is systemic and widespread, and it not only violates the social and economic rights of the larger community but also harms the state's finances and economy. Corruption in Indonesia is hard to eradicate, and some say it has become part of the country's culture. To deal with its legal treatment and control, police officers need to be strong and brave. Corruption should be punished more harshly than other crimes.¹ Law No. 31 of 1999, which is part of Law No. 20 of 2001 about the Eradication of Corruption (PTPK Law), does not define the word "corruption." But Article 1, point 1 of Law No. 30 of 2002, along with Law No. 10 of 2015 and Law No. 19 of 2019, which are about the Second Amendment to Law No. 30 of 2002 about the Corruption Eradication Commission (KPK Law), says that "Corruption is a criminal act as referred to

¹ Herry Ludiyo Wahyono, Jati Utomo Dwi Hatmoko, and Rizal Z. Tamin, 'State Financial Losses in Public Procurement Construction Projects in Indonesia', *Buildings*, 9.5 (2019), 129 <<https://doi.org/10.3390/buildings9050129>>.



in the law governing the Eradication of Corruption." This definition shows that the law defines corruption as all the legal rules set out in the Corruption Eradication Law.²

Article 2, paragraph (1) of the KPK Law gives a broad definition of corruption. It says the act is illegal, intended to enrich someone else or a company, and can hurt the state's economy or finances. Article 3 of the KPK Law states that corruption is not limited to helping oneself, another person, or a business, or to any act that can harm the state's finances or economy, as Article 2 of the KPK Law states. They also include the part about abusing power, chances, or resources that come with their job. The subjective aspect of seeking to advantage oneself, another individual, or an organization is fundamentally a subjective component residing within the perpetrator's consciousness. This part is based on the idea that the person who did it wanted to abuse their power, opportunity, or means because of their position.³

People generally think that corruption only costs the government money. However, Indonesia's positive law, as stated in Law Number 31 of 1999 and Law Number 20 of 2001 on the Eradication of Corruption, lists 30 different types of corruption-related criminal offenses. These can be grouped into seven main groups: (1) Loss of Government Money: Articles 2 and 3. (2) Bribery: Article 5, paragraph (1), letters a and b. Article 11, Article 12 letters a, b, c, and d; Article 6 paragraph (1) letters a and b; and Article 13. (3) Embezzlement in Office: Articles 8, 9, and 10 letters a, b, and c. (4) Extortion: See letters e, g, and h of Article 12. (5) Fraudulent Acts: Letters a, b, c, and d of Article 7, paragraph 1. Also, see paragraph two. (6) Article 12 letter i. Conflict of interest in procurement. (7) Article 12B and Article 12C together make up the definition of gratification. Many other crimes go along with corruption violations, such as: (1) Obstructing the process of evaluating corruption cases: Article 21, (2) Not giving information or giving false information: Article 22 in conjunction with Article 28; (3) Banks that don't give suspect accounts: Article 22 in conjunction with Article 29; (4) Witnesses or experts who don't give information or give false information: Article 22 in conjunction with Article 35; (5) People who hold official secrets and don't give information or give false information: Article 22 in conjunction with Article 36; (6) Witnesses who reveal the identity of the reporter: Article 24 in conjunction with Article 31. Corruption is still a problem in Indonesia's economy. It is systemic and widespread, and it not only violates the social and economic rights of the larger community but also harms the state's finances and economy. Corruption in Indonesia is hard to eradicate, and some say it has become part of the country's culture. To deal with its legal treatment and control, police officers need to be strong and brave. Corruption should be punished more harshly than other crimes.⁴

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² Farida Pahlevi, 'Pemberantasan Korupsi Di Indonesia Perspektif Legal System Lawrence M. Freidmen', *EL-Dusturie*, 1.1 (2022) <<https://doi.org/10.21154/eldusturie.v1i1.4097>>.

³ Hendra Karianga, 'Law Reform and Improving Asset Recovery in Indonesia: Contemporary Approach', *Journal of Law, Policy and Globalization*, 93.August 2014 (2020), 2018–21 <<https://doi.org/10.7176/jlpg/93-15>>.

⁴ Martin Mattsson, 'When Does Corruption Cause Red Tape? Bribe Discrimination under Asymmetric Information', *Journal of Public Economics*, 250 (2025), 105483 <<https://doi.org/10.1016/j.jpubeco.2025.105483>>.



Article 3 of the KPK Law states that corruption is not limited to helping oneself, another person, or a business, or to any act that can harm the state's finances or economy, as Article 2 of the KPK Law states. They also include the part about abusing power, chances, or resources that come with their job. The subjective aspect of seeking to advantage oneself, another individual, or an organization is fundamentally a subjective component residing within the perpetrator's consciousness. This part is based on the idea that the person who did it wanted to abuse their power, opportunity, or means because of their position.⁵

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In the meantime, bribery has become a form of corruption, as Article 12B of Law Number 20 of 2001 on the First Amendment to Law Number 31 of 1999 on the Eradication of Criminal Acts of Corruption makes clear. Bribery is a common form of corruption worldwide. The act of offering, giving, receiving, or requesting something of value to change the behavior of an official or other authorized person is what it means. This weakens the rule of law, undermines fair competition, and erodes public trust. International legal documents, such as the United Nations Convention Against Corruption (UNCAC) and the OECD Anti-Bribery Convention, define bribery as a fundamental form of corruption.⁷

Bribery is a form of corruption that people often engage in, even though it has terrible consequences. Bribery is a crime committed by people from all walks of life, and it occurs in almost every aspect of daily life. Bribery can go both ways: people can pay tribute to state officials (civil servants) and law enforcement officers, and state officials can pay homage to people. Governments or contenders for power often provide political favors (bribes) to public personalities and citizens to get them to vote for them or support their political policies and decisions. Transparency International says the 2024 Corruption Perceptions Index (CPI) shows that corruption remains a problem worldwide. The average score is 43 out of 100. Bribery and other forms of corruption remain widespread, as evidenced by the

⁵ Hanming Fang and Rongjie Zhang, 'Corruption Stereotype and the Unintended Consequences of an Anti-Corruption Campaign: Evidence from the Real Estate Sector in China', *Journal of Public Economics*, 249 (2025), 105474 <<https://doi.org/10.1016/j.jpubeco.2025.105474>>.

⁶ Salvatore Capasso and Lodovico Santoro, 'Corruption and Economic Growth: Greasing the Wheels or Sanding the Gears? Evidence from Italian Regions', *Journal of Policy Modeling*, 47.6 (2025), 1158–79 <<https://doi.org/10.1016/j.jpolmod.2025.09.007>>.

⁷ Juncheng Hu and others, 'Corporate Relationship Spending and Stock Price Crash Risk: Evidence from China's Anti-Corruption Campaign', *Journal of Banking & Finance*, 113 (2020), 105758 <<https://doi.org/10.1016/j.jbankfin.2020.105758>>.



fact that more than two-thirds of countries received a score below 50. Bribery in public procurement and licensing remains one of the most common forms of corruption documented in the Asia-Pacific region. For example, the World Bank and the Global Corruption Barometer have found that about a quarter of people in developing nations have admitted to paying bribes to obtain basic services such as education, healthcare, and police protection. These numbers show that, even if anti-corruption concepts are widely used, putting them into practice, especially when it comes to enforcing bribery sanctions, remains very difficult within institutions. A survey by the Corruption Eradication Commission (KPK) found that bribery is the second most common type of corruption, behind stealing from programs that buy goods and services. The problem is that people still think bribery is routine and not illegal. Giving or getting a bribe is a kind of corruption. The saying "nothing is free in this world" remains a guiding principle for how people interact with one another. After that, a duty that should have been the person's responsibility because of their position is "exchanged" for their own benefit. People now pay or incur fees that exceed what the law requires in all cases, and it is no longer seen as a burden.⁸

The enforcement of penal consequences is a crucial social and legal element in the elimination of bribery. Sanctions are a way for the state to demonstrate its commitment to openness and honesty from a societal perspective. For now, criminal penalties are a lawful way to get justice and legal certainty, and they also show that everyone is equal under the law. However, if sanctions are used inconsistently, unfairly, or ineffectively, they will lose their ability to stop crime, and the public may lose faith in the criminal justice system. To determine whether criminal punishments work, we need to strike a balance between utilitarian goals (such as preventing future crimes) and retributive justice (such as punishing people for crimes). In this situation, the fair and consistent application of punishments is essential for maintaining public faith in the moral order of society and for making law enforcement institutions more legitimate. In the meantime, bribery has become a form of corruption, as Article 12B of Law Number 20 of 2001 on the First Amendment to Law Number 31 of 1999 on the Eradication of Criminal Acts of Corruption makes clear. Bribery is a common form of corruption worldwide. The act of offering, giving, receiving, or requesting something of value to change the behavior of an official or other authorized person is what it means. This weakens the rule of law, undermines fair competition, and erodes public trust. International legal documents, such as the United Nations Convention Against Corruption (UNCAC) and the OECD Anti-Bribery Convention, define bribery as a fundamental form of corruption.⁹

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⁸ Bartosz Gebka, Rama Prasad Kanungo, and John Wildman, "The Transition from COVID-19 Infections to Deaths: Do Governance Quality and Corruption Affect It?", *Journal of Policy Modeling*, 46.2 (2024), 235–53 <<https://doi.org/10.1016/j.jpolmod.2024.01.002>>.

⁹ Naftaly Mose, "Government Expenditure and Economic Growth: Does Corruption and Democracy Matter?", *Asian Journal of Economics, Business and Accounting*, 24.5 (2024), 581–93 <<https://doi.org/10.9734/ajeaba/2024/v24i51332>>.



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In fact, Indonesia's approach to extortion cases emphasizes the sting operation (OTT) process, as described in Article 12B, paragraph (1), of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 with the Eradication of Criminal Acts of Corruption. However, this technique does not usually comply with Article 12C of the same law, which requires officials who receive bribes to report them to the Corruption Eradication Commission (KPK) within 30 days of receiving the bribe. So, police officers need to be careful when conducting an OTT against an official suspected of taking a bribe, as the official has the right to report it as required by law. This is an essential part of ensuring that law enforcement's fight against bribery isn't simply about the results of undercover operations, but also demonstrates a dedication to the rule of law and justice. However, the reality of Indonesia's law enforcement against bribery shows that, even though the law is strong, it is still challenging to implement due to several structural, substantive, and cultural issues.¹² Poor communication among law enforcement authorities, differences in how punishments are imposed, and a lack of resources for investigations are major structural problems that make it hard to achieve legal effectiveness. Many bribery cases are either dropped at the investigation stage or not taken to court because there isn't enough proof, there are conflicts of interest, or there is political involvement. One of the most significant problems is the existence of contradictory laws and regulations, especially the Corruption Eradication Law (Law No. 31 of 1999, in conjunction with Law No. 20 of 2001), the Criminal Code, and the Corruption Eradication Commission (KPK) Law. For example, many articles address

¹⁰ Vincenzo Alfano, Salvatore Capasso, and Lodovico Santoro, 'Corruption and the Political System: Some Evidence from Italian Regions', *Italian Economic Journal*, 9.2 (2023), 665–95 <<https://doi.org/10.1007/s40797-022-00198-z>>.

¹¹ Moh Iqra, Syabani Korompot, and Al-fatih David, 'The Principle of Equality Before the Law in Indonesian Corruption Case : Is It Relevant?', *Journal of Human Rights, Culture and Legal System*, 1.3 (2021), 135–46.

¹² Xin Jiang and others, 'Tigers vs. Flies: Impact of Official Ranks on Judicial Trials in PRC's Anti-Corruption Campaign', *Crime, Law and Social Change*, 80.1 (2023), 51–78 <<https://doi.org/10.1007/s10611-022-10072-9>>.



bribery, but each uses different words and applies them to other situations.¹³ This makes it unclear how the articles should be used, such as how to determine the main crime and what punishments should be imposed. In the meantime, bribery has become deeply established in the social and bureaucratic system at the cultural level. Patronage patterns, a culture of reciprocity, and a permissive public view of tips all contribute to the idea that bribery is an "acceptable" social practice. The lack of public ethics education and the presence of weak moral role models among state officials make this issue worse. Because of this, people often see criminal punishments as more symbolic than real, which means they don't have a substantial deterrent effect.¹⁴

Thus, it is not possible to eliminate bribery solely by using criminal law tools. A more holistic approach is necessary, promoting synergy among cultivating an anti-corruption culture at the societal level, institutional reform, and stringent law enforcement. To prevent law enforcement processes from making honest officials feel scared or unsure, it is also essential to reform criminal law policies intended to improve the evidentiary system, establish fair sentencing guidelines, and protect whistleblowers. So, the effectiveness of criminal sanctions for bribery offenses depends on how fairly, consistently, and substantively the law is applied, as well as on the harshness of the penalties. A government system free of bribes and corruption can be fully realized only through a combination of strict laws and better public morality. In fact, Indonesia's approach to extortion cases emphasizes the sting operation (OTT) process, as described in Article 12B, paragraph (1), of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 with the Eradication of Criminal Acts of Corruption. However, this technique does not usually comply with Article 12C of the same law, which requires officials who receive bribes to report them to the Corruption Eradication Commission (KPK) within 30 days of receiving the bribe. So, police officers need to be careful when conducting an OTT against an official suspected of taking a bribe, as the official has the right to report it as required by law. This is an essential part of ensuring that law enforcement's fight against bribery isn't simply about the results of undercover operations, but also demonstrates a dedication to the rule of law and justice.¹⁵

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¹³ Bambang Sugeng Rukmono, Pujiyono Suwadi, and Muhammad Saiful Islam, 'The Effectiveness of Recovering Losses on State Assets Policy in Dismissing Handling of Corruption', *Journal of Human Rights, Culture and Legal System*, 4.2 (2024), 299–330 <<https://doi.org/10.53955/jhcls.v4i2.259>>.

¹⁴ Alfredo Jiménez, Julien Hanoteau, and Ralf Barkemeyer, 'E-Procurement and Firm Corruption to Secure Public Contracts: The Moderating Role of Governance Institutions and Supranational Support', *Journal of Business Research*, 149 (2022), 640–50 <<https://doi.org/10.1016/j.jbusres.2022.05.070>>.

¹⁵ Oluwafemi Adesina Oyebojani and Don John O. Omale, 'An Assessment of the Factors of Economic and Financial Corruption by Public Officials in Nigeria', *Journal of Economic Criminology*, 10 (2025), 100188 <<https://doi.org/10.1016/j.jeconc.2025.100188>>.



to the idea that bribery is an "acceptable" social practice. The lack of public ethics education and the presence of weak moral role models among state officials make this issue worse. Because of this, people often see criminal punishments as more symbolic than real, which means they don't have a substantial deterrent effect.¹⁶

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It is relevant to compare with Malaysia because both countries have similar legal systems, government structures, and corruption-related social problems. But they show significant differences in how well the police can stop bribery. The Corruption Eradication Commission (KPK) in Indonesia and the Malaysian Anti-Corruption Commission (MACC) in Malaysia are two examples of institutions that work to stop corruption. Both countries follow civil law systems that are based on common law. Despite this, Malaysia has made progress in regulatory integration, shifting the burden of proof, and protecting whistleblowers. This makes it a relevant and "apples-to-apples" model for comparing the weaknesses and areas for improvement in the Indonesian legal system. By conducting this comparison, research can identify the normative and institutional variables that make Malaysia's anti-bribery laws more effective. This will help Indonesia's legal system become fairer and more consistent by guiding legislative changes.¹⁸

Corina Joseph and colleagues' prior research indicates that corruption constitutes a significant obstacle to achieving the Sustainable Development Goals (SDGs) and is linked to a deficiency in integrity. The comparatively low level of integrity disclosures among Indonesian agencies indicates that their procedures for preventing corruption and for transparency are weak. Corina Joseph et al.'s study shows that corruption remains a significant problem and that anti-corruption strategies are now being implemented. To stop corruption before it happens and support current laws, both public and private groups have started anti-corruption disclosure programs. Anti-corruption reporting is positively associated with intense regulatory pressure; Indonesia falls behind several of its neighbors in enforcement and reporting. Furthermore, a study by Noore Alam Siddiquee et al. shows that looking at political leadership, patronage, and business-politics networks makes anti-corruption efforts less effective. It is difficult to stop big corruption when there is no political will and patronage links are broken. It is essential to analyze the political factors influencing the implementation of criminal punishments. This research's distinctive feature is a normative-comparative analysis of the efficacy of criminal sanctions for bribery offenses in Indonesia, grounded in the principle of substantive justice and the constitutional rights of

¹⁶ Ogbewere Bankole Ijewereme, 'Governance Crises in Developing Countries: Theoretical and Empirical Perspectives to Nigeria's Public Sector', *International Journal of Public Administration*, 43.16 (2020), 1376–85 <<https://doi.org/10.1080/01900692.2019.1669175>>.

¹⁷ Simeon A. Igbinedion and Anthony Osobase, 'Grand Corruption in the Global South: Legal, Political and Economic Analysis of Assets Recovery in Nigeria', *Journal of Economic Criminology*, 9 (2025), 100164 <<https://doi.org/10.1016/j.jeconc.2025.100164>>.

¹⁸ Chen Lin and others, 'What Do We Learn from Stock Price Reactions to China's First Announcement of Anti-Corruption Reforms?', *The Journal of Finance and Data Science*, 9 (2023), 100096 <<https://doi.org/10.1016/j.jfds.2023.100096>>.



officials accepting bribes, as outlined in Article 12C of the Corruption Law. This study diverges from prior research that emphasized institutional factors, transparency, and anti-corruption politics; it introduces a unique perspective by evaluating the substance of criminal law and contrasting it with the Malaysian regulatory model to ascertain the most effective framework for equitable and efficient law enforcement.¹⁹

From the legal system's point of view, the use of OTTs that ignore the reporting mechanism under Article 12C also shows a disconnect between legal norms and practice (between norms and enforcement). In reality, this area is often overlooked in favor of practical law enforcement efforts that prioritize investigations, even though the law clearly permits bribed officials to demonstrate their good intentions by reporting. This situation indicates that the rule of law in Indonesia may be weakened by a law-enforcement policy that prioritizes oppressive actions over procedural safeguards. Consequently, it is essential to conduct a thorough evaluation of the implementation of Articles 12B and 12C of the Corruption Law to ensure their alignment with the tenets of contemporary criminal law, Pancasila ideals, and constitutional principles. These principles prioritize the protection of individual rights and substantive justice over the prevention of corruption, including bribery.²⁰

Method

This research employs a normative juridical framework that emphasizes the analysis of legal norms and principles governing criminal punishment in Indonesian bribery offenses. The Malaysian Anti-Corruption Commission Act 2009 (MACC Act) is juxtaposed with the provisions of Articles 12B and 12C of Law Number 31 of 1999, in conjunction with Law Number 20 of 2001, on the Eradication of Corruption Crimes.²¹ The analysis thereafter focuses on these provisions. To assess the effectiveness, proportionality, and consistency of criminal sanctions against bribery offenders, legislative, conceptual, and comparative legal methodologies are employed. Deductive reasoning is utilized to qualitatively examine primary, secondary, and tertiary legal materials to formulate findings and recommendations for legal reform that align with the concepts of substantive justice and constitutional values.²²

Results and Discussions

Reassessing the Legal Framework on Bribery Sanctions in Indonesia

Suppose the bribe is offered to change a decision or rule issued by a government official or state administrator. In that case, the crime of bribery can also be called gratification. Consequently, the Indonesian legal system remains ambiguous regarding the distinction between bribery and gratification, as the latter may be interpreted as a bribe if offered in relation to an official's position. According to the theory of the formulation of criminal acts and the criminalization of an act, the provisions of Article 12B UUTPK regarding the elements of an act that is criminalized as an act of gratification, as formulated above, show that the element of "should be known, should be suspected" is hard to prove. How can it be

¹⁹ Usman Sambo and Babayo Sule, 'Strategies of Combating Corruption in Nigeria: The Islamic Perspective', *International Journal of Islamic Khazanah*, 11.1 (2021), 12–28 <<https://doi.org/10.15575/ijik.v11i1.10813>>.

²⁰ Giovanni B. Pittaluga, Elena Seghezze, and Pierluigi Morelli, 'Media Fabrication of Corruption and the Quality of the Political Class: The Case of Italy', *European Journal of Political Economy*, 84 (2024), 102461 <<https://doi.org/10.1016/j.ejpolco.2023.102461>>.

²¹ Ahmad Dwi Nuryanto, Reza Octavia Kusumaningtyas, and Bukhadyrov Habibullo, 'The Imperative of Social Justice on the Insolvency and Workers' Wage', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 2.3 (2024), 209–32 <<https://doi.org/10.53955/jsderi.v2i3.48>>.

²² Fathor Rahman and Muhammad Saiful Anam, 'Hak Asasi Manusia Mantan Narapidana Korupsi Dalam Peraturan Komisi Pemilihan Umum Nomor 20 Tahun 2018 Perspektif Maqashid Syariah Jasser Auda', *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 3.2 (2020), 65–80 <<https://doi.org/10.24090/volkgeist.v3i2.3905>>.



determined whether the conduct is "should be known, should be suspected?" If the act results in behavior inconsistent with one's duties or actions incongruous with one's position, it is deemed "bribery," a category of criminal conduct governed by this legislation.²³

The rules against bribery and gratification, which are also forms of bribery, can make it hard to tell where one crime ends and the other begins, because they are the same. The imprecise and vague boundaries between the formulations of the crime of bribery and the formulation of the crime of gratification, which is deemed bribery, also allow different people to interpret them differently. The formulation of Article 12 B regarding Gratification, the formulation of Article 5 paragraphs (1) and (2), and the formulation of Article 6 paragraphs (1) and (2) of the UUTPK all share the same elements, namely:²⁴

Table 1. Elements contained in Articles 12B, 5, 6 UUTPK

Article 12B	Article 5	Article 6
The maker is a civil servant or state administrator	The maker is a civil servant or state administrator	The maker is judge and advocate
The act is to receive (giving in the broad sense)	The act of accepting a gift or promise	The act of accepting a gift or promise
The award is related to his position	The purpose of this gift is for the civil servant or state administrator to do or not do something in his/her position.	The gift or promise is intended to get the judge or advocate to do something.
Contrary to his obligations and duties	Contrary to his obligations	Contrary to his obligations

Source: processed by the author.

Article 12B, Article 5 paragraph (2), and Article 6 paragraph (2) all have some things in common. Civil Servants and State Administrators wrote Article 5 paragraph (2) and Article 12 B. Judges and advocates wrote Article 6 paragraph (2). These three articles do the same thing: they receive presents or pledges.²⁵ The goal of the action is to make sure that the Civil Servant or State administrator, judge, or advocate does or does not do something that goes against their power and duties. It is expected that the creation of such norms will cause confusion among law enforcement, as they are seen as too numerous and too complex. When making something a crime, you need to think about three essential rules: Lex Scripta, Lex Certa, and Lex Stricta. Lex Scripta emphasizes the importance of statutory law in governing unlawful conduct. In the absence of a law that rules banned activity, such actions are not criminalized. Lex Certa emphasizes the imperative for lawmakers to furnish a precise and unequivocal definition (*nullum crimen sine lege stricta*) to avert any ambiguity in delineating banned and sanctioned actions. Unclear or overly complicated rules will make it harder for the law to work and for people to be prosecuted for crimes, because people will always be able to say that these rules are not helpful as guidance for behavior.²⁶

In other words, the principle of a provision or law cannot be expanded beyond what is clearly stated in statutory regulations. Lex Stricta holds that statutory regulations cannot be extended or interpreted beyond their written terms. Because Article 12 B talks about gratuities, it is not necessary because Articles 5 and 6 of the same statute already do. If someone gives a gift with the intention of doing or not doing something that violates their power and responsibilities, it is a crime. People call this kind of present a "gift" when it is

²³ Maximilian Stallkamp, 'Does It Matter Where You Bribe? MNE Bribery, Social Norms and Legitimacy', *Cross Cultural & Strategic Management*, 32.3 (2025), 528–45 <<https://doi.org/10.1108/CCSM-06-2024-0130>>.

²⁴ Rui Ding and others, 'The Evolution of Cooperation and Punishment in Spatial Public Goods Games with Bribery', *Chaos, Solitons & Fractals*, 193 (2025), 116135 <<https://doi.org/10.1016/j.chaos.2025.116135>>.

²⁵ Enas Mohammed AlQodsi and others, 'Suspension of the Statute of Limitations for Civil Claims: A Comparative Study of Arab Legislations', *Social Sciences and Humanities Open*, 10.May (2024) <<https://doi.org/10.1016/j.ssaho.2024.101129>>.

²⁶ Saptarshi Pal and Christian Hilbe, 'Reputation Effects Drive the Joint Evolution of Cooperation and Social Rewarding', *Nature Communications*, 13.1 (2022), 5928 <<https://doi.org/10.1038/s41467-022-33551-y>>.



bad. But if it is offered in a good way with no other illegal purpose, it is not a crime.²⁷ Article 12's first paragraph states that any gift given to a civil worker or state administrator that is contrary to their duties or responsibilities and relates to their job is considered a gratuity. The article's wording makes it clear that "bribery" means receiving something in return for doing something that violates your duties or obligations. So, it's clear that the gratification is bribery, which is covered under Article 5.²⁸

For now, the structural weakness is that people don't know that bribery is a crime. This means that anyone who sees someone being bribed has the right to report it to the police. Also, the lack of clarity between bribery and gratification in corruption cases makes it harder for police to fight bribery. The infusion of Western ideology into third-world countries, including the idea of modern Western-style democracy, is also a cultural weakness. This affects a law enforcement culture that doesn't care about the rights of corruptors, who also have human rights, and some parts of justice. This is because of the age of information openness, which has made it easier for information to flow freely across national borders. This has made it easier for Western ideas, or those from rich countries, to spread to developing countries. The issues stemming from structural and cultural dimensions illustrate that the difficulties in law enforcement are not exclusively based on rules, but also on the understanding and application of the discipline's standards.²⁹

Bribery is a crime that has two parts: active bribery, also called "bribe giving," and passive bribery, also called "bribe receiving." As a result, every case of bribery includes both the person who gave the bribe and the person who took it. The vague definition of "...concerning the public interest," which is one of the parts of Articles 2 and 3 of Law of the Republic of Indonesia Number 11 of 1980 concerning the Crime of Bribery, is why the provisions of the Law of the Republic of Indonesia Number 11 of 1980 concerning the Crime of Bribery are not being followed as well as they should be in the private sector. The law does not say what a public interest is in its explanation. The phrase "public interest" is too vague and nonspecific, and it can lack clear limits. The public interest includes the interests of the state and the nation, as well as those of the people. It is affected by many different aspects of life.³⁰

This case shows that Indonesian law enforcement's difficulty in combating bribery is not only due to weak norms, but also to how legal substance is used and understood at the institutional and societal levels. The efficacy of criminal sanctions is compromised by convergence in the law enforcement process, stemming from ambiguous distinctions between the offenses of gratification and bribery, as well as insufficient public legal awareness. In this context, it is essential to acknowledge that corruption involves not only the act of giving or receiving but also the power dynamic between the donor and the recipient, each of which has unique legal consequences.³¹

²⁷ Amrita Dhillon and Antonio Nicolò, 'Moral Costs of Corruption: A Review of the Literature', in *Law and Economic Development* (Cham: Springer International Publishing, 2023), pp. 93–129 <https://doi.org/10.1007/978-3-031-24938-9_5>.

²⁸ Alexander Henke, Fahad Khalil, and Jacques Lawarree, 'Honest Agents in a Corrupt Equilibrium', *Journal of Economics & Management Strategy*, 31.3 (2022), 762–83 <<https://doi.org/10.1111/jems.12470>>.

²⁹ Yu-Ching Chiao, Yu-Chen Chang, and Chun-Chien Lin, 'Bribery, Local Network, and Local Performance among Multinational Corporations: A Moderated Mediation Model of Informal Competition', *Journal of Business & Industrial Marketing*, 40.6 (2025), 1298–1311 <<https://doi.org/10.1108/JBIM-04-2024-0284>>.

³⁰ Agung Andiojaya, 'Do Stronger Anti Money Laundering (AML) Measures Reduce Crime? An Empirical Study on Corruption, Bribery, and Environmental Crime', *Journal of Economic Criminology*, 8 (2025), 100157 <<https://doi.org/10.1016/j.jeconc.2025.100157>>.

³¹ Chomsorn Tangdenchai and Asda Chintakananda, 'Can Money Buy Happiness? Bribery Practices and Ethical Awareness in Emerging Markets', *Society and Business Review*, 19.3 (2024), 455–72 <<https://doi.org/10.1108/SBR-07-2022-0184>>.



Reassessing the Legal Framework on Bribery Sanctions in Malaysia

A series of legislative and institutional reforms, predominantly anchored in the Malaysian Anti-Corruption Commission Act 2009 (MACC Act) and the Penal Code (Sections 161–165), have evolved Malaysia's anti-corruption framework. These changes make both active and passive bribery illegal. The MACC Act has given investigators greater power and made the definition of "gratification" broader. However, there are still problems ensuring that the rules are consistently enforced and that the courts are free from outside influence. Many studies have looked into how well these laws work. The effectiveness of punitive measures is crucial in Malaysia's anti-corruption framework, as deterrence relies on the equitable and uniform enforcement of sanctions among different categories of offenders.³²

Malaysia's commitment to aligning its domestic legislation with international standards on openness, accountability, and prevention is further demonstrated by its involvement in the United Nations Convention Against Corruption (UNCAC). Nonetheless, apprehensions linger regarding the proportionality of sanctions, especially the extent to which the penalties imposed under the MACC Act effectively deter future transgressions and appropriately reflect the gravity of the act. Disparities in punishment, together with political and institutional limitations, have eroded public trust in the justice system, as evidenced by previous studies. Consequently, it is essential to evaluate whether Malaysia's existing system actually embodies the deterrence and equity prescribed by local and international anti-corruption standards by comprehensively examining the legal and policy aspects of bribery sanctions.³³

Despite the growing body of literature on Malaysia's anti-corruption efforts, few scholars have examined how fair and effective the country's punishments for bribery are. The substantive legal aspect of how the law defines, classifies, and penalizes bribery has not been studied enough. Most studies already available focus on the effectiveness of institutions, governance indicators, or the Malaysian Anti-Corruption Commission's (MACC) operational performance. Additionally, concerns regarding the effectiveness of current sanctions in achieving their intended deterrent and retributive objectives are raised by inconsistencies in judicial interpretation and sentencing practices.³⁴

Consequently, the objective of this investigation is to evaluate Malaysia's legal framework for bribery sanctions through a doctrinal and comparative approach. This will entail an analysis of the linguistic coherence of the MACC Act and its adherence to the international commitments set out in the UNCAC. This study aims to improve deterrence, ensure proportionality, and fortify the rule of law in Malaysia by pinpointing potential overlaps, ambiguities, and inconsistencies in enforcement. These findings are expected to provide valuable insights to the judiciary, law enforcement agencies, and legislators, thereby improving the legitimacy and effectiveness of Malaysia's anti-corruption framework.³⁵

Although Malaysia's anti-bribery legal framework appears comprehensive on paper, it is still confronted with several substantive, structural, and cultural obstacles that impede its full effectiveness. The Malaysian Anti-Corruption Commission Act 2009 (MACC Act) and the Criminal Code have led to interpretational disparities in prosecutions and judicial reasoning,

³² Benjamin K. Sovacool, 'Clean, Low-Carbon but Corrupt? Examining Corruption Risks and Solutions for the Renewable Energy Sector in Mexico, Malaysia, Kenya and South Africa', *Energy Strategy Reviews*, 38 (2021), 100723 <<https://doi.org/10.1016/j.esr.2021.100723>>.

³³ Laura Rimšaitė, 'Corruption Risk Mitigation in Energy Sector: Issues and Challenges', *Energy Policy*, 125 (2019), 260–66 <<https://doi.org/10.1016/j.enpol.2018.10.066>>.

³⁴ Qamar Uz Zaman and others, 'Exploring the Role of Corruption and Money Laundering (ML) on Banking Profitability and Stability: A Study of Pakistan and Malaysia', *Journal of Money Laundering Control*, 24.3 (2021), 525–43 <<https://doi.org/10.1108/JMLC-07-2020-0082>>.

³⁵ Khairul Saidah Abas Azmi and Rozaimah Zainudin, 'Money in Politics: A Recipe for Corruption in Malaysia', *Journal of Financial Crime*, 28.2 (2021), 593–606 <<https://doi.org/10.1108/JFC-07-2020-0147>>.



as the bribery and gratification sections overlap. Moreover, evidential doubt often arises from discrepancies in the definitions of essential concepts, such as "benefit" or "gratification," which can undermine the burden of proof in corruption prosecutions. Another key problem is that corruption in the private sector isn't covered enough. Most of the rules still focus on public officials, which makes it easy for companies to bribe and traffic in influence in business settings.³⁶

The Malaysian Anti-Corruption Commission (MACC) depends on executive oversight, raising questions about its ability to operate independently and its vulnerability to political interference. Weak coordination across agencies, especially between the MACC, the Attorney General's Chambers, and the financial intelligence section, makes it even harder for law enforcement to do their jobs and follow up on cases. Culturally and morally, the acceptance of political gifts and favors remains a significant problem. The internalization of anti-bribery norms is complicated at the institutional and individual levels by deeply entrenched norms of reciprocity and a feeble corporate compliance culture. Malaysia's laws are in line with the United Nations Convention Against Corruption (UNCAC). However, the country still struggles to implement these commitments in a fair, consistent, and transparent manner.³⁷

Malaysia continues to outperform Indonesia despite these obstacles. The Malaysian Anti-Corruption Commission (MACC) is the only organization responsible for investigating, preventing, and educating the public about corruption. It operates with a more professional and semi-independent structure. After the KPK Law was amended, the Corruption Eradication Commission (KPK) in Indonesia has often faced problems because the Attorney General's Office and the National Police don't always agree, even when they're doing the same thing. People in Malaysia know that special corruption courts always make transparent and fair decisions. In Indonesia, corruption and bribery cases frequently result in disparities in sentencing and multiple interpretations of the offenses of bribery (Law 31/1999 in conjunction with Law 20/2001) and graft (Article 12B).³⁸

Malaysia has been more expeditious in incorporating the recommendations of the United Nations Convention Against Corruption (UNCAC) into its national law, particularly in the areas of asset reporting, prevention, and private sector involvement. Indonesia has also ratified the UNCAC; however, its implementation is still incomplete and prioritizes prosecution over prevention. This amendment mandates that companies are held accountable for extortion committed by their employees, regardless of the direct involvement of directors. Indonesia does not yet have such stringent regulations; corporate liability is determined on a case-by-case basis.³⁹

Overall, Malaysia's anti-corruption legal framework illustrates a progressive endeavor to reconcile international standards with domestic requirements. This is achieved through the establishment of a dedicated corruption court, bolstering the MACC's authority, and implementing corporate criminal liability.⁴⁰ Nevertheless, the efficacy of this legal framework depends on the internalization of anti-corruption ethical values across all societal levels,

³⁶ Nurisyal Muhamad and Norhaninah A. Gani, 'A Decade of Corruption Studies in Malaysia', *Journal of Financial Crime*, 27.2 (2020), 423–36 <<https://doi.org/10.1108/JFC-07-2019-0099>>.

³⁷ Selamah Abdullah Yusof and Mohd Nahar Mohd Arshad, 'Estimations of Business Exposure to Corruption in Malaysia', *Journal of Financial Crime*, 27.4 (2020), 1273–87 <<https://doi.org/10.1108/JFC-04-2020-0058>>.

³⁸ Jeffrey Boon Hui Yap, Kai Yee Lee, and Martin Skitmore, 'Analysing the Causes of Corruption in the Malaysian Construction Industry', *Journal of Engineering, Design and Technology*, 18.6 (2020), 1823–47 <<https://doi.org/10.1108/JEDT-02-2020-0037>>.

³⁹ Amera Mohammed Ahmed Amer and others, 'Re-Evaluating the Malaysian Shadow Economy: Evidence from Public Expenditure Patterns', *Journal of Financial Crime*, 32.4 (2025), 950–69 <<https://doi.org/10.1108/JFC-08-2024-0246>>.

⁴⁰ Fulya Apaydin, 'Space Policy and Industrial Development in Middle Powers: Malaysia and Turkey in Comparative Perspective', *Space Policy*, 2025, 101723 <<https://doi.org/10.1016/j.spacepol.2025.101723>>.



institutional independence, and consistent implementation. Although Malaysia continues to confront a variety of substantive, structural, and cultural obstacles, its superior institutional capacity and policy coherence relative to Indonesia provide evidence that effective anti-bribery initiatives are critically dependent on strong political commitment and institutional design. Consequently, the lessons from Malaysia's experience can serve as a critical foundation for other countries, such as Indonesia, to restructure their approach to criminal sanctions for bribery in ways that are more proportionate, consistent, and oriented toward long-term deterrence.⁴¹

Strengthening the Enforcement of Bribery Sanctions in Indonesia

The law is just a way to put into practice the concepts it seeks to embody. For the law to work as a tool for social engineering for the better, there must be not only rules and regulations, but also a guarantee that these rules will be followed in practice, or in other words, a guarantee of effective law enforcement. In law enforcement targeting bribery, fulfilling the law's role as a tool for social engineering encounters many obstacles.⁴² The persistent difficulties in implementing anti-bribery sanctions in Indonesia necessitate a comprehensive, multifaceted reform strategy. Legal ambiguities, overlapping institutional mandates, and a cultural acceptance of informal exchanges persistently undermine the deterrent effect of anti-bribery laws. To make Indonesia's anti-corruption system stronger, the laws need to be improved, but the legal culture also needs to be stronger and change in a more positive direction. This part suggests several changes that would make the legal system more consistent, strengthen institutions, and encourage a culture of honesty and openness.⁴³

When looking into how to stop corruption, you can't separate power, bureaucracy, and corruption. It is straightforward to misuse power when you have so much of it. People in charge of a lot of things are the ones who started organized crime. One way to look at this is through the lens of oligarchy, which can help us see the broader picture of the corruption puzzle we face every day. Corruption is fundamentally linked to the "abuse of authority/position," which adversely affects individuals, state finances, and the national economy; thus, it is fundamentally rooted in the power structure. Furthermore, due to its consequences and its criminogenic nature, which incite derivative crimes, it is classified as an extraordinary crime. So, to ensure law enforcement is clean and effective in dealing with corrupt criminals, it's not enough to just strengthen legal systems and institutions. Every police officer must also be taught the virtues of honesty.⁴⁴ Integrity is seen as an essential part of making legal system integration legitimate and a requirement for building public trust. To protect the integrity of the criminal justice system, many steps have been taken. Nonetheless, there is no consensus on the definition of integrity or its implementation. People use the word "integrity" loosely. Also, "integrity" seems to have become a popular term that sums up the courts' good qualities. Justices' integrity is based on three main things: independence, fairness, and skill. All three are additive, not separate. Without any of them, law enforcement can't be honest.⁴⁵

Integrity is a fundamental aspect and characteristic of the profession. Transactional processes in the criminal justice system (from pre-adjudication to adjudication) and court rulings will be influenced by law enforcement officers who, while competent, lack independence and impartiality. The presence or absence of a fair trial procedure depends on the totality of the requirements of these

⁴¹ Basheer Al-haimi and others, 'Lessons Learned From Small Business Policies in Malaysia and Singapore', in *International Encyclopedia of Business Management* (Elsevier, 2026), pp. 223–36 <<https://doi.org/10.1016/B978-0-443-13701-3.00320-0>>.

⁴² Branislav Hock and Elizabeth Dávid-Barrett, 'The Compliance Game: Legal Endogeneity in Anti-Bribery Settlement Negotiations', *International Journal of Law, Crime and Justice*, 71 (2022), 100560 <<https://doi.org/10.1016/j.ijlcj.2022.100560>>.

⁴³ Abubakar Abubakar Saddiq and Abu Sufian Abu Bakar, 'Perceptions on the Impact of Anti-Bribery Measures, Strategies and Programs on the Persistence of Bribery Practices in Nigeria', *Journal of Financial Crime*, 29.4 (2022), 1356–69 <<https://doi.org/10.1108/JFC-08-2021-0181>>.

⁴⁴ Ahmed A. Sarhan and Ali Meftah Gerged, 'Do Corporate Anti-Bribery and Corruption Commitments Enhance Environmental Management Performance? The Moderating Role of Corporate Social Responsibility Accountability and Executive Compensation Governance', *Journal of Environmental Management*, 341 (2023), 118063 <<https://doi.org/10.1016/j.jenvman.2023.118063>>.

⁴⁵ Le Thanh Ha, Hoang Phuong Dung, and To Trung Thanh, 'Bribery, Global Value Chain Decisions, and Institutional Constraints: Evidence from a Cross-Country Firm-Level Data', *International Economics*, 173 (2023), 119–42 <<https://doi.org/10.1016/j.inteco.2022.10.004>>.



three principles. A fair (objective) trial will never happen if one of them is missing. Next, let's talk about what integrity means for law enforcement (the Police, the Prosecutor's Office, and the Corruption Eradication Commission (KPK)). Each of these groups should be able to create harmony within the limits of their own powers. The Law acts as the legal framework for all three entities. The KPK is one of the law enforcement agencies that can assume the duties and roles of the Police and the Prosecutor's Office to investigate, question, and prosecute certain corruption cases. The three integrity attributes (independence, impartiality, and competency) at the law enforcement level are harmed by the failure to execute zero corruption. Also, the lack of openness in how corruption cases are handled makes it easier for people to act in ways that are not normal by abusing their influence. It is not simple to avoid this situation because law enforcement agencies have never been entirely free from the influence of money, pressure from those in power, or the political establishment. This problematic situation should unquestionably increase awareness and encourage action to implement change through institutional reconstruction, the substance and authority of law enforcement, the quality of law enforcement, and the substance of laws and regulations, including legal culture.⁴⁶

Initially, legal reform must proceed with the harmonization and codification of the provisions against bribery and gratuities in the Corruption Crime Law (UUTPK). The current fragmentation, spread across Articles 5, 6, 11, and 12B, makes it harder for judges to think and prosecute cases because there is too much overlap in ideas. Consolidating these laws into a single, coherent anti-bribery chapter will minimize redundancy, clarify the elements of the violation, and ensure uniformity in legal interpretation. Additionally, including the old statute No. 11 of 1980 on Bribery in the UUTPK would bring the legal system up to date and clarify what "public interest" means, as the 1980 statute doesn't define it.⁴⁷ Second, the Indonesian Criminal Code (UUTPK) must include clear rules on corporate criminal liability. Even though the Criminal Code provides numerous examples and broad regulations that allow businesses to be prosecuted, the lack of a clear legal framework has led to inconsistent application. Indonesia could make companies responsible for bribery committed by workers or agents acting on the company's behalf by adopting rules similar to Article 17A of Malaysia's MACC Act. These changes would make people more likely to follow the rules, encourage self-regulation, and ensure that Indonesia's anti-corruption laws align with best practices worldwide and the United Nations Convention Against Corruption (UNCAC).⁴⁸

Third, the definition of bribery-related crimes should be revised to clarify the concepts. Ambiguous phrases like "gift" and "official relationship" have led to judicial decisions that are hard to understand. To protect honest public officials from baseless accusations and avoid selective enforcement, it is essential to create a clearer line between authorized gifts and illegal inducements. To make the principles of *lex certa* and *lex stricta* work in Indonesian criminal law, lawmakers should provide clear instructions or official comments that specify the objective standards for judging purpose, benefit, and relevance to official tasks. From an institutional perspective, the primary goal of reform should be to make the Corruption Eradication Commission (KPK) more independent. The 2019 amendment to the KPK Law significantly eroded its independence by placing it under administrative control and creating a Supervisory Board that made it harder to keep investigations secret. To make the KPK effective again, changes to the law must ensure it can operate independently, including oversight of hiring, investigations, and prosecutions. To ensure fair enforcement of bribery penalties, institutions must be free from political interference, especially in politically sensitive or high-profile cases.⁴⁹

It is just as essential to improve the coordination and data sharing between the Indonesian National Police (Polri), the Attorney General's Office (AGO), and the Corruption Eradication Commission (KPK). When investigative processes are broken apart, they often lead to duplicated

⁴⁶ Sahrok Kim and others, 'Social Institutions Approach to Women's Firm Ownership and Firm Bribery Activity: A Study of Small-Sized Firms in Emerging Markets', *Journal of Business Research*, 144 (2022), 1333–49 <<https://doi.org/10.1016/j.jbusres.2022.01.082>>.

⁴⁷ Tahiru Azaaviele Liedong and others, 'Corporate Political Activity and Bribery in Africa: Do Internet Penetration and Foreign Ownership Matter?', *Journal of Business Research*, 154 (2023), 113326 <<https://doi.org/10.1016/j.jbusres.2022.113326>>.

⁴⁸ Peter Leasure, 'Combating the Global Crime of Bribery: A Report on Canadian Foreign Official Anti-Bribery Policy', *Journal of Financial Crime*, 24.4 (2017), 496–512 <<https://doi.org/10.1108/JFC-11-2015-0065>>.

⁴⁹ Noura Taha Aloumi, 'Corporate Criminal Liability for Bribery in Kuwait: Issues in Disclosing Commissions', *Journal of Financial Crime*, 29.3 (2022), 1102–13 <<https://doi.org/10.1108/JFC-04-2021-0081>>.



efforts, inconsistent evidence handling, and jurisdictional issues. A consolidated anti-corruption database that includes financial intelligence, procurement data, and court outcomes would make things more open and efficient. A formal Memorandum of Understanding (MoU) between law enforcement agencies could also facilitate the sharing of real-time information, ease case referrals, and establish clear lines of responsibility.⁵⁰ In addition to institutional independence, strengthening the skills of investigators and prosecutors should be a top priority. A lot of corruption investigations don't work out because the investigators lack sufficient forensic or financial knowledge, or because they didn't prepare the case well enough. Law enforcement officers could better address the growing complexity of these corruption schemes if they received specialized training in digital forensics, asset tracing, and global bribery investigations. Working with regional partners such as the Malaysian Anti-Corruption Commission (MACC) and Singapore's Corrupt Practices Investigation Bureau (CPIB) could help you learn from others' mistakes and access technical support.⁵¹

Along with legal and structural measures, cultural and preventive tactics are necessary for achieving long-lasting anti-corruption achievements. Indonesia must allocate resources to education programs that prioritize integrity and foster ethical consciousness among students, corporate leaders, and public officials. It will become more common for people to expect integrity as a societal norm rather than a legal requirement if anti-corruption elements are incorporated into corporate governance curricula, civil service training, and higher education. This kind of moral reinforcement, when combined with formal prevention, encourages long-term changes in behavior.⁵² It is also essential to have a robust whistleblower protection system to identify and address problems early. Indonesia has laws that allow corruption disclosures, but its protection systems are not strong enough to prevent insiders from exposing bribery. Strengthening confidentiality rules, giving whistleblowers legal immunity, and protecting their careers or finances would all make it much more likely that they will disclose wrongdoing. A comprehensive reporting ecosystem also makes law enforcement authorities more trustworthy by holding both the public and private sectors accountable.⁵³

Indonesia's preventive approach should place great emphasis on increasing business transparency and compliance with the rules. The government should encourage companies to develop internal anti-bribery policies that comply with ISO 37001. The government should also execute frequent compliance audits and make political donations or facilitation payments public. Reforms to corporate governance that link compliance performance to getting governmental contracts or investment incentives would encourage honesty in business. In this case, ethical business practices are not only required by law, but they also give you an edge over your competitors.⁵⁴ To improve the enforcement of corruption sanctions in Indonesia, a broad plan that includes legal rigor, institutional resilience, and cultural change is needed. Institutional reforms will provide for autonomous and coordinated law enforcement, legal harmonization will clarify the parameters of bribery charges, and artistic initiatives will cultivate public opposition to corruption. These changes will all make Indonesia more committed to the UNCAC framework, foster a legal environment that values honesty, and increase people's confidence in the justice system.⁵⁵

⁵⁰ Imelda Suardi and others, 'The Acceptance of Procurement System in Affecting Corruption in the Indonesian Government: User Perspective', *Journal of Entrepreneurship and Public Policy*, 14.4 (2025), 561–83 <<https://doi.org/10.1108/JEPP-05-2024-0077>>.

⁵¹ Lidya Agustina, SeTin SeTin, and Debbianita Debbianita, 'University Mission Statements and Anti-Fraud Disclosures: Public vs Private Universities in Indonesia', *Journal of Financial Crime*, 32.4 (2025), 790–803 <<https://doi.org/10.1108/JFC-06-2024-0185>>.

⁵² Kiky Srirejeki and Khairurizqo Khairurizqo, 'The Role of Community Engagement as Corruption Control Strategy in Local Governments: Insights from Indonesia', *International Journal of Public Sector Management*, 38.7 (2025), 872–94 <<https://doi.org/10.1108/IJPSM-12-2024-0407>>.

⁵³ Wahyu Wisnu Wardana and others, 'Does Improved Accessibility Translate into Tourism Growth? A Difference-in-Differences Analysis of Bridge Infrastructure in Indonesia', *Annals of Tourism Research Empirical Insights*, 6.2 (2025), 100189 <<https://doi.org/10.1016/j.annale.2025.100189>>.

⁵⁴ Kartini Laras Makmur, 'Why Only Scrutinise Formal Finance? Money Laundering and Informal Remittance Regulations in Indonesia', *Journal of Economic Criminology*, 6 (2024), 100111 <<https://doi.org/10.1016/j.jeconc.2024.100111>>.

⁵⁵ Julien Hanoteau, Jason Miklian, and Ralf Barkemeyer, 'Business and Violent Conflict as a Multidimensional Relationship: The Case of Post-Reformasi Indonesia', *Business Horizons*, 68.4 (2025), 425–38 <<https://doi.org/10.1016/j.bushor.2025.02.014>>.



Conclusion

A society that encourages pleasure, has poor coordination between institutions, and inconsistent punishment makes criminal law less effective as a deterrent. In this context, Article 12C of the Corruption Law, which allows officials to report bribery, is often ignored in practice. This shows a gap between the law and its enforcement. The overlap between Articles 5, 6, and 12B of the Corruption Law creates a vague line between bribery and gratification, leading to various interpretations and legal confusion. The principles of *lex scripta*, *lex certa*, and *lex stricta* require that criminal norms be clear, specific, and firm. This is the exact opposite of what this is. A lack of public understanding of how bribery offenses work and insufficient legal socialization are to blame for the low number of reports and for the lack of public supervision of bribery cases. In the meantime, moral sensitivity to corruption is diminished by external norms and a culture that condones "giving" from a cultural perspective. In the meantime, Malaysia's anti-corruption laws have made significant progress thanks to major reforms to the laws and institutions. The Malaysian Anti-Corruption Commission Act 2009 (MACC Act) and its conformity with international standards through the United Nations Convention Against Corruption (UNCAC) were two examples of this progress. Malaysia has built a more unified and prevention-focused system than Indonesia by strengthening institutions, clarifying rules, and ensuring that the law is enforced fairly consistently, even if it still has many problems. Legal reform must begin with the harmonization and codification of provisions concerning bribery and gratuities in the Corruption Crimes Act (UUTPK). This should be accompanied by rigorous regulations governing corporate criminal liability and a redefinition of the elements of the bribery offense to conform to the principles of *lex certa* and *lex stricta*. Strategic actions to create effective, non-overlapping law enforcement include making the Corruption Eradication Commission (KPK) more independent and improving communication among the KPK, the Prosecutor's Office, and the Police. Also, to address the problems that arise in modern bribery cases, it is essential to provide investigators and prosecutors with more tools, leverage technology, and work together across regions.

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