

A Progressive Approach to Corruption Law Enforcement by the Corruption Eradication Commission in Indonesia

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Abstract

This article critically evaluates the extent to which the Corruption Eradication Commission (KPK) of Indonesia continues to embody progressive law principles in corruption enforcement following the controversial 2019 revision of its founding law. Employing a juridical-empirical approach within a critical qualitative framework, this study interrogates the interplay between Satjipto Rahardjo's progressive law theory, KPK's institutional performance, and actual policy outcomes. While the KPK has historically demonstrated progressive traits through harsh sanctions, integration of anti-money laundering mechanisms, aggressive asset recovery, and revocation of political rights, the 2019 amendments 2024 period reveals a significant regression. Quantitative indicators (declining sting operations, fluctuating asset recovery, and stagnant Corruption Perception Index scores) and qualitative evidence suggest that structural constraints imposed by Law No. 19/2019 have transformed KPK's "courage to be different" into selective and politically vulnerable enforcement. The article argues that progressive law at the KPK has increasingly become rhetorical rather than substantive, illustrating the limits of progressive legal theory when confronted with deliberate institutional weakening. Findings contribute to the growing critical literature on the political capture of anti-corruption agencies in semi-consolidated democracies.

INTRODUCTION

The phenomenon of corruption within nations globally is not a contemporary issue, especially in the Indonesian context. From the colonial era to the present, corruption has been a persistent challenge, prompting the Indonesian government to implement various regulations aimed at combating this violation. The Indonesian state's dedication to eradicating corruption is manifested in the political arena, and concomitantly, the term "corruption" was first codified in Indonesian law, specifically in the Military Control Regulation No.: PRT/PM-06/1957, which was promulgated on April 9, 1957.¹

The evolution of corruption practices over the past few years has escalated, both in terms of the magnitude of financial losses to the state and in the increasingly systematic and sophisticated nature of these activities. The escalating severity of uncontrolled corruption has resulted in significant losses to the national economy and social interaction. Therefore, corruption offenses can no longer be categorized as ordinary crimes but have risen to the status of extraordinary crimes.²

Currently, in Indonesia, many corruption cases have been discovered that have directly pushed the country's economy into a state of decline and have had a significant impact on various crises, especially the economic crisis and the decline in the level of trust. Along with the increasing spread of criminal acts of corruption that threaten economic stability and have begun to penetrate various sectors of life that have become hotbeds of corrupt practices, provisions in laws related to corruption have undergone changes to adapt to developments in social conditions and the dynamics of corruption crimes. These regulatory changes began with Law Number 3 of 1971 concerning the Eradication of Criminal Acts of Corruption, then revised through Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, and then further amended by Law Number 20 of 2001 as an amendment to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption.³

History has proven that adequate legal regulations alone are insufficient to eradicate corruption. Various regulations related to the eradication of criminal acts of corruption in Indonesia have undergone several revisions and refinements, but these efforts have

¹ Tomagola, Ardy Gunawan, Wahid Yaurwarin, Jakobus Anakletus Rahajaan, Agustinus Jonas Sahetapy, and Reni Wahyuni Kalauw, trans. 2024. "The Effectiveness of Indonesia's Anti-Corruption Law on Legal Reform and Implementation". *West Science Law and Human Rights* 2 (03): 251-58. <https://doi.org/10.58812/wslhr.v2i03.1129>.

² Edita Elda (2020). The Direction of Corruption Eradication Policy in Indonesia: A Post-Amendment Study of the Corruption Eradication Commission Law. *Lex Lata Scientific Journal of Legal Studies*, 1 (2), 154-170. <https://doi.org/https://doi.org/10.28946/lexl.v1i2.477>

³ Edita Elda (2020). The Direction of Corruption Eradication Policy in Indonesia: A Post-Amendment Study of the Corruption Eradication Commission Law.

not been effective in preventing or combating corruption. Indonesia is even categorized as a country with a high level of corruption, while the number of perpetrators who are successfully convicted is relatively small. One of the main factors hampering corruption eradication is the inconsistency in law enforcement by law enforcement officials, who still tend to apply a purely legalistic, formalistic, and procedural paradigm.⁴

Based on these issues, the idea emerged that efforts to prevent and address corruption through conventional methods carried out by authorized law enforcement officials, namely the Police and the Prosecutor's Office, are considered to have not produced optimal results in handling corruption cases. The slow law enforcement process prioritizes legal formalities over the substance of the law itself. ⁵Likewise, the professionalism of law enforcement officers is not yet visible. The average prosecutor's demands for corruptors tend to be light, coupled with judges' light sentences, and even acquittals are often handed down. The sentences given to these corruptors are lighter than those for ordinary thefts committed by ordinary citizens. Thus, law enforcement is said to be blunt at the top and sharp at the bottom.

A multitude of reasons are often cited, such as the lack of improvement in the professionalism of law enforcement officers, the low commitment of those in power, and law enforcement officers trapped in rigid and unprogressive interpretations of legal principles. This is further compounded by the erosion of morality within law enforcement officers, which has led to dirty and corrupt practices across nearly all institutions.

Recently, a phenomenon that is no less worrying and has the potential to trigger corrupt behavior has emerged, such as the hedonistic (luxurious) lifestyles of officials, a tolerant and permissive attitude toward violations, and a culture of bribery in filling certain positions perceived to provide financial benefits, which has yet to be addressed. More serious and equally dangerous is the emergence of new innovations in the form of policy corruption.

Based on this reality, the existing legal institutions, namely the Police, the Prosecutor's Office, and the Courts, have provided a less than favorable image in handling corruption cases, thus giving rise to public dissatisfaction with the sense of justice. To realize the sense of justice in society and optimal public services, the government deemed it

⁴Rahmat Aiman (2024). Law and Corruption: Challenges and Solutions in Eradicating Corruption in Indonesia. *Peradaban Journal of Law and Society*, 3(no. 1), 16–30. <https://doi.org/https://doi.org/10.59001/pjls.v3i1.170>

⁵Muhammad Yusni (2020). *Justice and Eradication of Corruption from the Prosecutor's Perspective*. Airlangga University Press.

necessary to establish a new institution. Therefore, in order to achieve optimal, intensive, effective, professional, and sustainable efforts to eradicate criminal acts of corruption for the sake of realizing the supremacy of law in Indonesia, a commission known as the Corruption Eradication Commission, hereinafter abbreviated as KPK, was established.

The Corruption Eradication Commission (KPK) is a commission in Indonesia that was established in 2003 to address, overcome, and eradicate corruption in Indonesia. This commission was established based on the Law of the Republic of Indonesia Number 30 of 2002 concerning the Corruption Eradication Commission (KPK Law). With the birth of a special institution for eradicating corruption, in this case the KPK institution, in carrying out its duties and authorities, it is regulated more broadly and specifically as regulated in Article 6 of the KPK Law, namely, the KPK coordinates, supervises with agencies authorized to eradicate corruption, conducts investigations, inquiries, and prosecutions of corruption, takes preventive measures against corruption, and monitors the implementation of state governance. These provisions indicate that in handling corruption, the duties and authorities of the KPK are broader than those of the Police and the Prosecutor's Office.⁶

Currently, the Corruption Eradication Commission (KPK)'s handling of corruption cases is increasingly demonstrating progressive law enforcement efforts to prevent and eradicate corruption, including through new breakthroughs in law enforcement. Since 2013, the KPK has applied money laundering laws in nearly all cases handled by the KPK, uncovering and dismantling attempts to conceal the proceeds of crime. To "impoverish corruptors," the Corruption Eradication Commission (KPK) actively and progressively investigates the wealth of perpetrators and confiscates assets suspected of being obtained through criminal activity. If convincing evidence is found that the assets were obtained through corruption, the KPK will request for confiscation to be handed over to the state.⁷

The Corruption Eradication Commission (KPK) prosecutors also demonstrated progressive law enforcement by imposing high criminal penalties on defendants brought to court. These high penalties include corporal punishment and fines. Another breakthrough implemented by the KPK is the use of additional punishment provisions, such as requiring restitution equal to the amount of the stolen assets, as a deterrent.

⁶ Aryas Adi Suyanto. (2020). The Corruption Eradication Commission as a corruption institution in eradicating criminal acts of corruption in Indonesia. *USM Law Review Journal*, 1 (1), 39–67. <https://doi.org/10.26623/julr.v1i1.2231>

⁷Corruption Eradication Commission. (2022). *2022 Annual Report*. Jakarta: KPK.

Additional penalties include the revocation of political rights, such as not voting or being elected in general elections.⁸

Through this progressive step in law enforcement, the Corruption Eradication Commission (KPK) has transformed conventional legal practices into more creative ones. The KPK is not merely using legalistic, formalistic, and procedural paradigms, but has made several breakthroughs to build a law enforcement culture that aligns with the substance of law in eradicating corruption. Because if we want to escape the current legal downturn, we must free ourselves from the shackles of formalism and positivity. Relying solely on legalistic-positivist theories and understandings of law based solely on written regulations will never be able to grasp the essence of truth, justice, and humanity.⁹

Amidst the Corruption Eradication Commission (KPK)'s enthusiasm for progressive law enforcement through several breakthroughs to prevent and eradicate corruption, which are considered effective and successful in ensnaring corruptors today, problems have finally arisen in law enforcement against the breakthroughs that have been made by the KPK. For example, the KPK's authority to investigate and prosecute money laundering in the Corruption Crime Court (TIPIKOR). The use of this Money Laundering Law will have a major impact on the confiscation of assets carried out by the KPK. Furthermore, the problem of the use of additional penalties such as having to pay compensation equal to the amount of corruption, as well as the revocation of political rights, which are considered excessive and violate human rights.¹⁰

The problems that arise are not limited to the breakthroughs made by the Corruption Eradication Commission (KPK) in handling corruption cases, as described above. The special authority granted to the KPK by law also contributes to the problems in law enforcement. The special authority at issue concerns the KPK's actions in wiretapping corruptors and its lack of authority to issue Orders to Terminate Investigations (SP3) and Prosecutions.¹¹

The issue of wiretapping conducted by the Corruption Eradication Commission (KPK) is feared to be misused by the KPK, potentially leading to human rights violations in obtaining freedom of communication, thus creating a sense of insecurity in carrying

⁸Ewaprilyandi Fahmi Saputra, Hery Firmansyah. (2023). Legal policy in efforts to eradicate criminal acts of corruption through updating the regulation of criminal acts of corruption as an extraordinary crime in the national Criminal Code. *Unes Law Review Journal*, 6 (2), 4493–4504. <https://doi.org/10.26623/julr.v1i1.2231>

⁹Abdullah, S. (2021). *Judicial Activism*. Deepublish.

¹⁰Santi Dwi Kartika, Noverdi Puja Saputra. (2021). *State Responsibility in Handling Criminal Assets*. Publica Indonesia Utama.

¹¹Rahmat Madani, Datir Siregar. (2022). The influence of wiretapping on corruption cases. *Jurnal Publika*, 10 (2), 487–498. <https://doi.org/10.33603/publika.v10i2.7844>

out activities. In fact, wiretapping is a weapon of the KPK to conduct sting operations against corruptors and is an effective way for the KPK to prove the prosecutor's charges during the trial stage in court. Likewise, the issue of the KPK's lack of authority to issue SP3s can be detrimental to someone who is not yet a suspect but is still in the investigation stage. If in the event of a situation where the alleged crime suspected by the KPK is not accompanied by sufficient evidence when the process has entered the investigation stage, while the KPK does not have the authority to issue SP3s, then automatically when the person is in the investigation stage will be named a suspect. Due to these various issues, the current KPK Law has been highlighted for revision of the KPK's authority.¹² The problem is how the progressive legal substance and the quality of the KPK institution in handling corruption cases.

Literature Review

Law enforcement against corruption crimes in Indonesia by the Corruption Eradication Commission (KPK) has become a primary focus in anti-corruption efforts, with a progressive approach being one of the strategies continuously developed. In this context, a progressive approach refers to innovative, proactive law enforcement methods that are oriented toward prevention and holistic handling of corruption cases. Several previous studies have examined the dynamics of law enforcement by the KPK, particularly following the revision of regulations governing its authority. The following literature highlights the implications of the revised law, legal politics, and the KPK's progressive role in eradicating corruption.

Labib Muttaqin et al. (2022) in their work entitled "Implications of Revision of Law No. 19 of 2019 concerning the Corruption Eradication Commission for Handling Corruption" conducted a study, the results of which showed that the revision of Law No. 19 of 2019 brought significant changes to the authority of the Corruption Eradication Commission (KPK). This revision requires the KPK to obtain prior permission to conduct wiretapping and searches, which has an impact on reducing the effectiveness of law enforcement. This limitation of authority is considered to hamper the KPK's progressive approach, which has relied on speed and accuracy in gathering evidence to handle corruption cases. This study confirms that these limitations weaken the KPK's ability to act proactively, which is the core of a progressive approach to eradicating corruption in Indonesia.¹³

¹²Rahmat Madani, Datir Siregar. (2022). The influence of wiretapping on corruption cases.

¹³ Muttaqin, LF, & Adzkiyaa, AIE (2022). Implications of Revision of Law No. 19 of 2019 concerning the Corruption Eradication Commission for Handling Corruption. *International Journal of Social Science Research and Reviews* , 5 (10), 232-239. <https://doi.org/10.47814/ijssrr.v5i10.589>

Muhammad Rajab Fadli et al. (2022) in their work entitled "Legal Politics of Corruption Eradication After the Prevail of the Amendment Act of the Corruption Eradication Commission" *conducted* a study that focused more on changes in the structure and functions of the Corruption Eradication Commission (KPK) following the amendment to the law. This study found that these changes affected the KPK's independence and strengthened internal oversight through the establishment of a Supervisory Board. While this oversight aims to increase accountability, this study also highlights that these changes can strengthen the KPK's ability to implement a progressive approach. With a more organized structure, the KPK can develop more targeted law enforcement strategies, including through better coordination with other stakeholders, such as local governments and other law enforcement agencies.¹⁴

While the existing literature provides valuable insights into the implications of the 2019 KPK Law amendment and the broader legal politics of anti-corruption efforts in Indonesia (e.g., Muttaqin et al., 2022; Fadli et al., 2022; Fernanda & Rishan, 2024), it predominantly adopts a normative or structural perspective, focusing on reductions in KPK's authority, institutional independence, and oversight mechanisms without deeply integrating empirical evaluations of progressive legal substance in practice. Recent studies, such as Haling et al. (2024) on paradigm shifts in corruption resolution and Tanlim et al. (2024) on progressive law in the industrial 4.0 era, emphasize theoretical advancements but fall short in analyzing how institutional quality encompassing human resources, infrastructure, and innovative enforcement mechanisms like asset recovery via anti-money laundering provisions directly enhances progressive outcomes. Moreover, emerging works like "The Progressive Legal Paradigm as a Strategy for Transforming Anti-Corruption Law Enforcement in Indonesia" (2025) and "Rethinking Anti-Corruption Law Enforcement in Indonesia" (2025) explore transformative strategies, yet they overlook the interplay between progressive principles (e.g., shock therapy, deterrence, and restitution) and KPK's operational challenges post-amendment, such as limited regional presence and internal integrity issues.

This study fills this gap by offering a juridical-empirical analysis that not only assesses the substantive application of progressive legal principles in KPK's corruption handling but also evaluates the institutional quality supporting these efforts. Drawing on Satjipto Rahardjo's progressive law theory, which prioritizes law as a tool for human welfare and

¹⁴Fadli, MR, Kusumawati, EV, Mazaya, SS, Hidayat, S., & Hariyanto, H. (2022). Legal Politics of Corruption Eradication After the Prevail of the Amendment Act of Corruption Eradication Commission. *Unram Law Review*, 6(1). <https://doi.org/10.29303/ulrev.v6i1.217>

justice over rigid formalism, this paper advances the discourse by proposing actionable reforms to bolster KPK's

RESEARCH METHODS

This study adopts a qualitative design with a juridical-empirical approach, combining normative analysis of legal statutes and doctrines with empirical examination of their application in societal contexts, focusing on the Corruption Eradication Commission (KPK)'s anti-corruption operations. This method enables a deep exploration of progressive legal principles' interaction with institutional realities, using legal texts and real-world evidence.

RESULTS AND DISCUSSION

1. Progressive Legal Substance and the Quality of the KPK Institution in Handling Corruption Cases.

a. Theoretical Framework: Satjipto Rahardjo's Progressive Law Revisited

Progressive law, as conceptualized by Rahardjo (2009, 2010), rests on two pillars: (1) law serves human dignity and justice, not the reverse, and (2) law is always "in the making" and requires courage (*berani*) from law enforcers to transcend positivist-formalist constraints. Progressive law enforcement is therefore characterized by affirmative action, substantive over procedural justice, and willingness to engage in legal breakthrough (*terobosan hukum*) when existing rules hinder justice. Rahardjo explicitly criticized the "blunt upward, sharp downward" nature of Indonesian law enforcement – a critique the KPK was originally designed to overcome. The question now is whether the KPK still possesses the institutional courage Rahardjo deemed essential¹⁵

b. Empirical Findings: KPK Performance 2020–2024

Table 1. KPK Key Performance Indicators Pre- and Post-2019 Revision

Indicator	2015–2019 (avg/year)	2020–2023 (avg/year)	2024	Source
Sting Operations (OTT)	23	12	5	KPK Annual Reports
Conviction Rate	100%	97%	94%	KPK 2024
Asset Recovery (Rp trillion)	~1.9 T	~0.52 T	2.4 T	KPK Press Release Dec 2024

¹⁵ Mardona Siregar. "Teori Hukum Progresif dalam Konsep Negara Hukum Indonesia." *Muhammadiyah Law Review* (2024). <https://doi.org/10.24127/mlr.v8i2.3567>.

Number of Investigations	118	89	77	ICW & PSHK 2024
CPI Indonesia Score (TI)	37 (2019)	34 (2020–2023)	37 (2024)	Transparency Int. 2025

Despite the impressive Rp 2.4 trillion asset recovery in 2024, the dramatic decline in proactive sting operations and investigations indicates risk-averse behavior induced by the requirement to seek Supervisory Board permission for wiretapping and searches (Article 12B Law No. 19/2019).¹⁶

Critical Analysis: Progressive Law or Institutional Capture. The KPK continues to employ several progressive instruments:

- 1) Integrated use of TPPU (Money Laundering) charges in almost every major case (e.g., the 2024 Haji quota corruption case involving asset seizures in Jabodetabek).
- 2) Imposition of restitution equivalent to state losses and revocation of political rights (e.g., former Minister Juliari Batubara, sentenced to 12 years + revocation of political rights).
- 3) Aggressive asset tracing abroad through mutual legal assistance.

However, when viewed through Rahardjo's lens, these practices no longer fully qualify as progressive. Progressive law requires courage to differ. Since 2019, the KPK has lost precisely that courage in high-risk political cases. The agency has not touched a single serving minister or president's close ally since the Syahrul Yasin Limpo case (2023), despite numerous credible reports. The Supervisory Board, dominated by former police and prosecutor generals, has become a de facto veto player, transforming progressive law into "permission-based law."

Moreover, the conversion of KPK investigators into ASN (civil servants) in 2021 via the controversial TWK (Tes Wawasan Kebangsaan) resulted in the dismissal or sidelining of 75 progressive-minded investigators, including Novel Baswedan the very embodiment of Rahardjo's "courageous law enforcer." This constitutes a deliberate depoliticization of progressive elements within the institution.

Thus, while rhetorical commitment to "impoverishing corruptors" remains, substantive progressive law enforcement has been significantly curtailed. The KPK has shifted from being an agent of legal breakthrough to a reactive agency that must negotiate every bold move with political overseers. This confirms Rahardjo's warning: when law

¹⁶ I. Budiana, Mila Rahayu Damayanti and N. Budiana. "Authority of the Corruption Eradication Commission After the Promulgation of Law Number 19 of 2019 About the Eradication Commission Corruption Crime." *Asian Journal of Engineering, Social and Health* (2024). <https://doi.org/10.46799/ajesh.v3i10.421>.

enforcers lose their spirit and courage, law becomes merely an instrument of the status quo.

Progressive is a term derived from the English word "progress," meaning progress. Progressive law refers to law that is progressive. Thus, it is hoped that such law will be able to keep pace with the times, respond to changes in the times and all their foundations, and serve the community based on the moral aspects of the human resources who carry out law enforcement. ¹⁷Satjipto Rahardjo, in his concept of progressive law, emphasizes a willingness to free oneself from the status quo. This idea of self-liberation is closely related to the psychological factor or spirit within legal actors, namely courage (dare).

The inclusion of this courage factor broadens the legal landscape, prioritizing not only rules but also behavior. Legal practice becomes more than just textual, but also involves personal predisposition. Courageous legal practitioners are not merely talk or abstract, but rather something that exists in society.

Progressive Law, initiated by Sadjipto Rahardjo, is based on two basic assumptions:

1) Progressive law is the law that exists for humans. Based on this assumption, the presence of law is not for itself, but for something broader and greater. Therefore, if there is a problem within and with the law, it is the law that must be reviewed and then corrected, and not humans who are forced to be included in the legal scheme. 2) Law is not an absolute and final institution because law does not exist for itself, but law is always in the process of continuing to become (Law as a process, law in the making). It is humans who are the determinants, not the law.¹⁸

Thus, law is encouraged to become an institution that aims to lead humans to a just, prosperous life and make humans happy. In other words, progressive law can be described as law that is on the side of the people and also justice (law that is pro-people and pro-justice).

Progressive law can also be interpreted as changing rapidly, making fundamental changes in legal theory and practice, and making various breakthroughs. This liberation is based on the principle that law is for humans and not the other way around, and that law does not exist for itself, but for something broader, namely human dignity, happiness, welfare, and human glory. The concept of progressive law was born and developed, not free from dissatisfaction among legal circles with the theory and practice

¹⁷M. Yasin al Arif (2019). Law Enforcement from a Progressive Law Perspective. *Undang: Jurnal Hukum, Scientific Journal of Legal Studies*, 2 (1), 170–192. <https://doi.org/10.22437/ujh.2.1.169-192>

¹⁸M. Zulfa Aulia. (2018). Progressive law from Satjipto Rahardjo: History, urgency, and relevance. *Undang: Jurnal Hukum*, 1(1), 159-185. <https://doi.org/10.22437/ujh.1.1.159-185>

of traditional law that developed and criticized the existence of a large gap between law in theory (law books) and law in reality (law in action) as well as the failure of the law to provide responses to problems that occur in society.¹⁹

As explained, the concept of progressive law emerged from concern over the legal system in Indonesia, which, according to legal observers both domestically and internationally, is considered one of the worst legal systems in the world. Therefore, Indonesian law has made minimal contributions to helping the nation emerge from its current slump. Yet, law is an institution aimed at leading people toward a just, prosperous, and happy life. Progressive law offers a form of thinking and law enforcement that is not submissive to the existing system, but rather affirmative (affirmative law enforcement). Affirmative action implies the courage to exercise freedom from conventional practices and assert a different approach. This affirmative action will result in a liberal-type change, more commonly known as a breakthrough.²⁰

Progressive law is not intended to encourage individuals to challenge the existing legal system. The law still has its own structure and system, but that system does not operate as understood by legal formalism.²¹

Progressive law embodies profound human moral values. If individual ethics or morality decline, law enforcement will be ineffective, thus hindering efforts to build a prosperous and happy society. This foundation of mental awareness must be built through moral improvement, moral development, and the development of individual character within society, fostering a civilized society with high morals, thus creating a peaceful, just, and prosperous society.²²

Progressive Law Enforcement Simply put, law enforcement can be defined as an effort to uphold legal norms and rules along with their underlying values. Law enforcement officers should have a deep understanding of the legal spirit that underlies the legal regulations that must be enforced, especially in relation to the various dynamics that occur in the lawmaking process. Progressive law enforcement must pay attention to the principles of legal application, including the principle of benefit, the principle of unity, equality before the law, and other principles. In addition, law enforcement officers who

¹⁹ M. Zulfa Aulia. (2018). Progressive law from Satjipto Rahardjo: History, urgency, and relevance.

²⁰ Kiki Tanlim, Surya Nita, Al Badry. (2024). Dynamics of Progressive Law Implementation in Indonesia: Prospects and Challenges of Law in the Era of Industrial Society 4.0. *Pena Justisia: Media Communication and Legal Studies* . <https://doi.org/10.31941/pj.v23i1.4203>

²¹ Anisa Rizki Fadhila Anisa Rizki Fadhila. (2021). PROGRESSIVE LEGAL THEORY (Prof. Dr. Satjipto Rahardjo, SH). *SINDA: Comprehensive Journal of Islamic Social Studies* . <https://doi.org/10.28926/sinda.v1i1.966>

²² Setyawan, V., & Halim, C. (2024). The Importance of Law Enforcement Based on Progressive Law in Realizing Community Welfare. *UNES Law Review*. <https://doi.org/10.31933/unesrev.v6i3.1797> .

carry out their duties must possess good morals, high integrity, and the courage to make decisions that may differ from the provisions of applicable positive law.

The idea of progressive law enforcement in relation to the realization of justice was once put forward by a Supreme Court judge, Bismar Seregar, who stated:

"...if in order to uphold justice I have to sacrifice legal certainty, then I am willing to sacrifice the law. The law is only a tool, while the main goal is justice; why should the goal be sacrificed for the sake of the tool?"

Therefore, law enforcers in implementing progressive legal principles to realize social justice as substantive justice must have the courage to ignore legal substances that are considered bad and hinder the achievement of social justice for society.²³

Legal Substance: The increasingly diverse range of motives and methods used by perpetrators of corruption must be balanced with diverse approaches to countermeasures and the application of sanctions, in order to adapt to the dynamics of societal developments. Given that the law is dynamic and always adapts to the times, new innovations are also needed if conventional methods are no longer effective in handling corruption cases. The handling of corruption cases by the Corruption Eradication Commission (KPK) has three main objectives: upholding the rule of law, providing a deterrent effect and shock therapy, and returning misappropriated state assets. In order to achieve these three objectives, the KPK carries out progressive handling of corruption cases while still prioritizing the principle of prudence and adhering to applicable legal corridors. ²⁴In this regard, to provide an explanation of the substance of progressive law in handling corruption cases carried out by the KPK, it is necessary to understand that progressive law is an approach that positions the law as a means to realize substantive justice and social benefits, not merely as a formalistic instrument. In the context of eradicating corruption, progressive law requires law enforcers to go beyond textual interpretation and also consider the spirit, purpose, and social impact of a legal provision.

²⁵This approach aligns with Satjipto Rahardjo's view that progressive law demands laws

²³ A. Runturambi, Munarni Aswindo, Eliza Meiyani. (2024). No Viral No Justice: A Criminological Review of Social Media-Based Law Enforcement from the Perspective of Progressive Law. *IUS Journal of Law and Justice Studies*. <https://doi.org/10.29303/ius.v12i1.1361> .

²⁴ Auly Pradini, Emilia Susanti. (2025). Analysis Of Kpk Policy On Corruption Eradication In Indonesia In The Review Of The Corruption Criminal Law. *SEHASSEN LAW JOURNAL*, 11(1), 103 -. <https://doi.org/10.37676/jhs.v11i1.7637> .

²⁵ Syamsul Haling, Purnawati, A., Irmawaty, L., Lestiwati, I., & Maisa. (2024). The paradigm shift in corruption case resolution in Indonesia: A study on the progressive legal approach. *Evolutionary Studies in Imaginative Culture*, 8 (2), 1202–1213. <https://doi.org/10.70082/esiculture.vi.1370>

that consistently favor the people and justice, while remaining flexible in the face of changing times.

The Corruption Eradication Commission (KPK) is given a strong mandate to handle corruption crimes involving public officials at both the central and regional levels. In addition, the KPK has the authority to conduct investigations, inquiries, and prosecutions of corruption cases, as well as implement prevention efforts through various established programs and policies.²⁶ Overall, the performance of the Corruption Eradication Commission (KPK) is assessed based on various aspects, including the number of cases successfully handled, success in prosecuting corruption perpetrators, and the KPK's contribution to building an effective prevention system. Over the past two decades, the KPK has achieved various significant achievements in prosecuting officials involved in corruption, including the implementation of sting operations (OTT) against high-ranking officials in the legislative and executive branches, reflecting the institution's effectiveness in eradicating corruption in Indonesia.²⁷

The Corruption Eradication Commission (KPK) also plays a crucial role in uncovering high-profile corruption cases and implementing prevention strategies through public education. However, the KPK's performance is not without challenges and criticism. Issues focused on in every evaluation of the institution include its independence, human resources, regulations, and its relationship with other state institutions. The ongoing political pressure and intervention faced by the KPK pose significant challenges. Previous research has warned that political intervention has the potential to undermine the KPK's authority. The²⁸ 2019 revision of Law Number 30 of 2002 concerning the KPK has sparked debate regarding the potential reduction of the KPK's authority and its implications for the institution's future performance. These changes are seen as significantly reducing the institution's legal standing, resulting in a reduction in the number of proactive investigations conducted.

²⁶ Lidia Vega Randongkir, Veithzal Rivai Zainal, Aziz Hakim. (2025). Performance of the Corruption Eradication Commission of the Republic of Indonesia. *Indonesian Journal of Social Sciences* , 6 (4), 1120–1127. <https://doi.org/10.59141/jiss.v6i4.1695> .

²⁷ Alwi, Helmi. (2022). LEGAL IMPLICATIONS OF THE LOSS OF AUTHORITY TO INVESTIGATE AND PROSECUTE THE LEADERSHIP OF THE CORRUPTION ERADICATION COMMISSION. *Mimbar Keadilan*. pp. 149-163. <https://doi.org/10.30996/mk.v15i1.5889> .

²⁸ Sultan Zora Fernanda, Idul Rishan. (2024). The impact of the revision of the Corruption Eradication Commission Law on the independence and effectiveness of the Corruption Eradication Commission in eradicating corruption. *PALAR (Pakuan Law Review)* , 10 (2), 133–141. <https://doi.org/10.33751/palar.v10i2.10251>

Prior to the enactment of Law No. 19 of 2019, the KPK leadership was explicitly designated as investigators and public prosecutors, as well as the highest-ranking officials in the institution. However, following the revision, the KPK leadership's roles as investigators and public prosecutors were abolished, leaving them with the status of state officials and administrative figures. This change resulted in the KPK leadership losing effective control over the investigation and prosecution process, potentially leading to delays or even termination of case handling, given that the KPK leadership is required to obtain permission from the Supervisory Board before conducting investigations and inquiries.²⁹ Under Law No. 19 of 2019, the Supervisory Board holds a higher position than the KPK leadership and is given broader duties and authority in law enforcement, including the authority to grant permission for wiretapping, searches, and seizures. There are concerns that this situation could become a means of intervention by other authorities, lengthen the bureaucratic chain, and potentially lead to information leaks.³⁰

Limited Human Resources and Infrastructure: The Corruption Eradication Commission (KPK) faces challenges related to limited human resources and infrastructure, including a limited budget, which hinders its effectiveness in optimally handling cases across Indonesia. The KPK's centralized location in Jakarta is considered inefficient in eradicating corruption in the regions.

Lack of Support from the Public and Other Institutions: The Corruption Eradication Commission (KPK) also faces challenges in the form of minimal support from the public and other institutions. Public involvement plays a crucial role in corruption eradication efforts, and minimal public participation has the potential to reduce the effectiveness of corruption prevention strategies. Despite its role as an anti-corruption agency, the Corruption Eradication Commission (KPK) has been tarnished by the unethical actions of one of its employees, namely the theft of gold evidence by an employee in 2021.³¹

This case is currently being investigated by the Corruption Eradication Commission (KPK) Supervisory Board, which has revealed that factors such as the perpetrator's lack of integrity, greed, opportunities arising from their role in supervising evidence, urgent

²⁹ Cicik Nawang Putri, Helmi Alwi, Budi Suharto. (2020). Conspiracy to Disband the Corruption Eradication Commission. *ADALAH: Bulletin of Law & Justice*, 4(3), 73–83. <https://doi.org/10.15408/adalah.v4i3.16271>

³⁰ Olivia Umar. (2020). The existence of the supervisory board of the Corruption Eradication Commission according to Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002. *DINAMIKA: Scientific Journal of Legal Science*, 26(14), 1756–1764. <https://jim.unisma.ac.id/index.php/jdh/article/view/7123/6438>

³¹ Romi Suryana. (2023). I'M GONE (Minimum Integrity, Greed, Opportunity, Need, Exposure) as the Causes of the Collapse of the KPK's Anti-Corruption Goal. *Asia Pacific Fraud Journal*. <https://doi.org/10.21532/apfjournal.v8i1.267>.

financial needs (such as high-risk investments), and the perception that the penalties imposed are disproportionate are the causes of internal corruption. Corruption at the regional level has increased significantly, with local governments being the institutions most frequently implicated in such cases. Common *modus operandi* include misappropriation of regional budgets and revenues (APBD), as well as collaborative corruption practices between the executive and legislative branches.³²

The presence of a centralized KPK leadership in the nation's capital has proven ineffective in eradicating corruption at the regional level. Therefore, the gradual establishment of KPK representatives in the regions is considered crucial to optimize the implementation of the corruption eradication agenda at the regional level, while taking into account the KPK's internal capacity, human resources, and budget. Overall, the KPK's performance in eradicating corruption in Indonesia has demonstrated success in prosecuting major cases and raising public awareness. However, its sustainability and effectiveness are highly dependent on political commitment, public support, and ongoing institutional reform, particularly in addressing challenges such as reduced authority due to changes in legislation and limited resources. This study highlights the importance of strengthening legislative support, implementing a transparent governance system, and strategic investment in institutional capacity development to increase the effectiveness of sustainable corruption eradication efforts in Indonesia.³³

CONCLUSION

This study reveals a critical paradox: the more the Corruption Eradication Commission (KPK) continues to invoke the rhetoric of progressive law, the more it has been structurally prevented from practising it. The empirical evidence from 2020–2024, when analysed through Satjipto Rahardjo's theoretical lens, demonstrates that progressive law is not merely a set of innovative legal instruments, but first and foremost an act of institutional courage. When that courage is systematically curtailed, as has occurred through the 2019 legal revision and the establishment of a politically appointed Supervisory Board, progressive law rapidly degenerates into selective enforcement and symbolic politics. The core analytical insight of this article is therefore that progressive

³² Muhammad Taufiq Firdaus, *Artike History*. (2023). The Theory of State Auxiliary Bodies and the Corruption Eradication Commission's Trigger Mechanism in Handling Corruption in the Regions. *QISTHOSIA: Journal of Sharia and Law*. <https://doi.org/10.46870/jhki.v4i2.750>.

³³ Putriyana, A., & Rochaeti, N. (2021). The impact of enforcement of corruption law by the Corruption Eradication Commission after the ratification of the latest KPK law. *Journal of De Jure Legal Research*, 21 (3), 299–310. <http://dx.doi.org/10.30641/dejure.2021.V21.299-310>

law cannot survive in an institution that has been deliberately subordinated to the very power it was created to control.

This finding enriches Rahardjo's original theory by exposing its institutional prerequisite: progressive law requires not only courageous individuals but, more crucially, an autonomous institutional space shielded from political capture. In the absence of such autonomy, even the most sophisticated legal breakthroughs (asset confiscation, money-laundering charges, revocation of political rights) lose their progressive essence and become mere technical exercises.

For policy and legal reform, the implications are unambiguous: the continued existence of the Supervisory Board with veto power over investigations and the status of KPK employees as civil servants under executive control constitute structural barriers that must be dismantled if Indonesia seriously intends to revive progressive anti-corruption governance. Partial amendments will not suffice; what is required is a fundamental redesign that restores the KPK's supra-executive character and eliminates political oversight mechanisms that have proven to be instruments of neutralisation rather than accountability.

Future research should therefore shift from celebrating KPK's remaining "progressive tools" to rigorously examining the conditions under which anti-corruption agencies in semi-consolidated democracies can preserve genuine institutional courage against executive and legislative encroachment.

In the final analysis, Indonesia stands at a crossroads. Progressive law, as Satjipto Rahardjo envisioned, is not a luxury nor an academic ornament; it is the only antidote to a legal system that has long been "blunt upward and sharp downward". Restoring the KPK's ability to be courageously different is not merely an institutional reform; it is a litmus test for whether Indonesia still possesses the political will to choose justice over the preservation of corrupt power.

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