AL RISALAH: Jurnal Ilmu Syariah dan Hukum

VOLUME 26 NO 1, MAY 2026
P-ISSN: 2252-8334 / E-ISSN: 2550-0309
This work is licensed under a Creative Commons Attribution 4.0 International License
https://doi.org/10.24252/al-risalah.vi.64865

A Comparison of the Legal Process for Determining Suspects in Corruption Cases in Indonesia and Thailand

Mohammad Haikal Athallah Siregar[1*], Rachmad Abduh[2]
[1]*E-mail : haikalath3@gmail.com*
[2]*E-mail : rachmadabduh@umsu.ac.id*
[1,2]*Universitas Muhammadiyah Sumatera Utara, Indonesia*
*corresponding author

Article history:
Received in revised form: 21 January 2026
Acceptance date: 10 February 2026
Available online: 21 February 2026

Keywords:
Corruption; Determination of Suspects; Criminal Procedure Code (KUHAP); Comparative Law.

How to Cite:
Siregar, M. H. A., & Abduh, R. (2026). A Comparison of the Legal Process for Determining Suspects in Corruption Cases in Indonesia and Thailand. Al-Risalah Jurnal Ilmu Syariah Dan Hukum.
https://doi.org/10.24252/al-risalah.vi.64865

License:
Copyright (c) The authors (2026)
This work is licensed under a Creative Commons Attribution 4.0 International License.

Abstract
Corruption is an extraordinary crime with serious implications for state stability, social justice, and public trust, requiring effective legal mechanisms that also safeguard human rights. A crucial stage in corruption law enforcement is the determination of suspects, as it initiates formal legal proceedings and carries significant legal consequences. This study analyzes and compares the mechanisms for determining suspects in corruption cases in Indonesia and Thailand, as well as the role of specialized institutions in each system. Using normative legal research with statutory and comparative approaches, this study examines primary, secondary, and tertiary legal materials through qualitative analysis. The findings show that Indonesia applies a formal procedural mechanism under the Criminal Procedure Code (KUHAP), combined with judicial oversight through pretrial review to protect suspects' rights. In contrast, Thailand centralizes authority in the National Anti-Corruption Commission (NACC) through a preliminary inquiry mechanism that prioritizes institutional effectiveness but provides limited judicial oversight at the early stage. These differences reflect distinct legal policy choices in balancing anti-corruption effectiveness and human rights protection. This study highlights the trade-off between procedural safeguards and institutional efficiency in the two systems.

INTRODUCTION

Corruption remains one of the most serious challenges faced by many countries, including Indonesia and Thailand.[1] As an extraordinary crime, corruption not only causes substantial financial losses to the state but also undermines institutional integrity, weakens public trust, distorts economic development, and exacerbates social inequality.[2] Its systemic nature places corruption not merely as a criminal offense, but as a structural threat to democratic governance and the rule of law.

Conceptually, corruption refers to the abuse of entrusted power for private gain. Black's Law Dictionary defines corruption as conduct that impairs integrity, virtue, or moral principle, especially the misuse of public office through bribery.[3] Similarly, the Oxford Unabridged Dictionary describes corruption as the perversion of public duty accompanied by violations of integrity and the acceptance of unlawful benefits.[4] These definitions underline that corruption constitutes both a legal violation and a breach of public ethical standards.

Empirically, corruption continues to pose serious problems in Indonesia.[5] Data released by the Corruption Eradication Commission (KPK) in 2025 indicate that private sector actors were involved in 485 cases, echelon I–IV officials in 443 cases, and members of the DPR/DPRD in 364 cases.[6] Cumulatively, from 2004 to the second quarter of 2025, 1,878 individuals have been prosecuted based on professional classification.[7] These figures demonstrate that corruption permeates various layers of governance and the private sector.

A comparable situation can be observed in Thailand. According to Transparency International's Corruption Perceptions Index (CPI) 2024 report, Thailand scored 34 out

---

[1] Rachmad Abduh, "Intellectual Property Rights Protection Function in Resolving Copyright Disputes," *International Journal Reglement & Society (IJRS)* 2, no. 3 (2021): 170–78.
[2] Dewi Asri Puanandini, Vita Suci Maharani, and Putri Anasela, "Korupsi Sebagai Kejahatan Luar Biasa : Analisis Dampak Dan Upaya Penegakan Hukum," *PUBLIC SPHARE: Jurnal Sosial Politik, Pemerintahan Dan Hukum* 4, no. 1 (2025): 44–52, https://doi.org/10.59818/jps.v3i3.1173.
[3] Indonesian Procedures and Penal Code, "Analisis Yuridis Penetapan Tersangka Dalam Pembuktian Kerugian Keuangan Negara Berdasarkan Pasal 183 KUHAP Analyzing the Suspected State Financial Loss Based on Article 183 of the Indonesian Procedures Penal Code," *Oleo Law Review* 6, no. 2 (2022): 189–207.
[4] Galih Saputra M Fadhel Izta Ghani, "Tindak Pidana Korupsi Sebagai Kejahatan Luar Biasa Dan Strategi Pemberantasannya Di Indonesia," *Journal Terekam Jejak (JTJ)* 3, no. 2 (2025): 23–32.
[5] Fakultas Hukum and Universitas Borobudur, "Analisis Penanganan Korupsi Dalam Sistem Civil Law Dengan Perbandingan Hukum Dan Belanda," *Judge : Jurnal Hukum* 06, no. 04 (2025): 1110–24.
[6] Jelly Leviza, Hasil Corruption, and Perception Index, "Perbandingan Hukum Perampasan Aset Hasil Tindak Pidana Korupsi Di Indonesia, Singapura Dan Hongkong," *JURNAL NORMATIF FAKULTAS HUKUM UNIVERSITAS AL AZHAR* 3, no. 4 (2023): 329–35.
[7] Komisi Pemberantasan Korupsi, "Laporan Tahunan Dan Data Statistik Penindakan 2025." (2025), https://kpk.go.id/id/publikasi-data/laporan/laporan-tahunan.

of 100 and ranked 107th among 180 countries.[8] Furthermore, the National Anti-Corruption Commission (NACC) reported more than 1,500 corruption cases between 2022 and 2024, involving audited public project values amounting to approximately 140 billion baht.[9] These statistics illustrate that corruption remains a structural challenge in both jurisdictions.

However, despite the abundance of empirical data and institutional reports, existing academic studies on corruption law enforcement in Indonesia and Thailand predominantly focus on institutional performance, prosecutorial effectiveness, conviction rates, and anti-corruption policy frameworks.[10] Comparative discussions generally examine the role of anti-corruption bodies such as the KPK and the NACC, sentencing policies, or broader governance reforms.

Limited scholarly attention has been devoted to the procedural threshold and judicial control mechanisms at the suspect determination stage, particularly in comparative perspective.[11] The process of naming a suspect is a crucial procedural moment because it formally triggers the criminal justice process and directly affects fundamental rights, including the presumption of innocence and due process guarantees.[12] Errors or premature determinations may lead to reputational harm, rights violations, and procedural invalidity.

In Indonesia, which adheres to a civil law tradition, the determination of a suspect must be based on at least two valid pieces of evidence as stipulated in Article 184 of the Criminal Procedure Code (KUHAP),[13] and it may be challenged through a pre-trial

[8] Transparency International, "Corruption Perceptions Index 2024" (Berlin, 2024), https://www.transparency.org/en/cpi/2024.
[9] National Anti-Corruption Commission, "Overview of Anti-Corruption Cases and Institutional Role" (Thailand, n.d.).
[10] Saradiba Keysha and Rachmad Abduh, "Esensi Delik Obstruction of Justice Dalam Konstruksi Hukum Pidana," *UNES Law Review* 6, no. 3 (2024): 8289–98.
[11] Iman Elfino Putra Wijaya, "Proses Penetapan Tersangka Dalam Tindak Pidana Korupsi Di Indonesia," *Jurnal Hukum Dan Kewarganegaraan* 7, no. 4 (2024): 1–12, https://doi.org/10.8734/CAUSA.v1i2.365.
[12] Aisha Mutiara; Andriana Kusumawati; Oki Giri Pamungkas Safitri, "Komparasi Hukum Pidana Korupsi : Studi Perbandingan Hukum Pidana Korupsi Di Indonesia Dan Singapura," *Journal Humaniora: Jurnal Hukum Dan Ilmu Sosial* 01, no. 04 (2023): 105–9.
[13] Erwin Adinda Farah Anisya, Hafrida, "Studi Perbandingan Penuntutan Perkara Pidana Dalam Perspektif Sistem Pembuktian Menurut Hukum Acara Pidana Indonesia Dan Thailand," *PAMPAS: Journal Of Criminal* 2, no. 3 (2021): 59–75.

mechanism (praperadilan).[14] The suspect determination is part of the investigation stage as defined in Article 1(2) KUHAP, emphasizing a structured evidentiary process.[15]

By contrast, Thailand applies a mixed legal system influenced by civil law and common law traditions. The National Anti-Corruption Commission (NACC), under the Organic Act on Counter-Corruption B.E. 2561, possesses broad authority to conduct preliminary inquiries and determine whether sufficient grounds exist to proceed against a public official.[16] While the NACC functions as an independent constitutional body, debates persist regarding evidentiary thresholds, procedural safeguards, and the extent of judicial oversight during the early stages of corruption proceedings.

This article addresses the identified academic gap by comparatively analyzing the legal basis, evidentiary threshold, and judicial oversight mechanisms governing suspect determination in corruption cases in Indonesia and Thailand. Rather than focusing on institutional performance or prosecution outcomes, this study centers on the procedural architecture at the pre-prosecution stage. By doing so, it contributes to the discourse on legal certainty, due process protection, and the balance between effective anti-corruption enforcement and individual rights within different legal system traditions.

Through normative juridical and comparative legal analysis, this study seeks to evaluate how each jurisdiction conceptualizes the threshold of suspicion, structures oversight mechanisms, and safeguards procedural fairness. The findings are expected to provide theoretical enrichment in comparative criminal procedure law and practical insights for strengthening legal certainty in corruption law enforcement.

METHODS

This research is a normative legal research that focuses on the study of legal norms governing the process of determining suspects in corruption crimes in Indonesia and Thailand. Normative legal research examines law as a system of norms embodied in legislation, court decisions, and legal doctrines.[17] Accordingly, this study does not rely on empirical field data, but on the analysis and interpretation of secondary legal materials

[14] Anita Carolina, "Sistem Anti Korupsi: Suatu Studi Komparatif Di Indonesia, Hongkong, Singapura Dan Thailand," *Jurnal InFestasi* 8, no. 1 (2012): 107–22.
[15] Galin Zaihan Muzakki, "Perbandingan Lembaga Pemberantasan Tindak Pidana Korupsi (Studi Komparatif : Komisi Pemberantasan Korupsi Indonesia Dan Thailand)," *Jurnal Ilmu Hukum, Humaniora Dan Politik (JIHHP)* 5, no. 3 (2025): 2183–93.
[16] *Ibid.*
[17] Abdulkadir Muhammad, "Hukum Dan Penelitian Hukum," *LAW REFORM* 8, no. 1 (2004): 134, https://doi.org/10.20961/hpe.v6i2.1769.

to construct a comprehensive understanding of the applicable legal framework and its coherence within each legal system.

This research is descriptive-analytical in nature. It aims to provide a systematic and structured description of the mechanisms for determining suspects in corruption crimes as regulated and implemented in the Indonesian and Thai legal systems.[18] The analysis not only identifies similarities and differences between the two systems but also evaluates them normatively in light of the principles of legal certainty, due process of law, and the protection of suspects' rights. As a normative legal study, this research includes normative justification by assessing whether the existing legal arrangements are consistent with fundamental principles of criminal procedure and human rights protection.

This research employs both a statutory approach and a comparative approach. The statutory approach is conducted by examining various laws and regulations directly related to the process of determining suspects in corruption crimes in both jurisdictions.[19] This includes analyzing the normative structure of criminal procedure law, the evidentiary standards required for suspect determination, and the authority granted to law enforcement agencies. Through this approach, the internal coherence and systematic construction of each legal system are assessed.

The comparative approach is conducted using a functional comparative law framework. The comparison is conducted using functional comparative law, focusing on:[20] (1) legal basis, (2) evidentiary threshold, (3) authorized institutions, (4) judicial oversight, and (5) legal remedies. This functional framework allows the study to compare how each legal system addresses the same legal function namely, the formal determination of suspect status in corruption cases despite differences in institutional design and legal traditions. Through this structured comparison, the research identifies the strengths and weaknesses of each system in balancing effective corruption eradication with the protection of human rights.

The data sources used in this study consist exclusively of secondary legal materials, categorized into primary, secondary, and tertiary legal materials. Primary legal materials include the Criminal Procedure Code (KUHAP), Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 of 2001, Law Number 19 of 2019 concerning the Corruption Eradication Commission, the Constitution of the Kingdom of Thailand (B.E. 2560/2017), the Criminal Procedure Code of Thailand, and

[18] Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2016).
[19] Ahmad Nizar Rangkuti, *Metode Penelitian Pendidikan Pendekatan Kualitatif, Kuantitatif, PTK Dan Penelitian Pengembangan* (Bandung: Citapustaka Media Perintis, 2016).
[20] Nana Syaodih, *Metode Penelitian Pendidikan* (Jakarta: Remaja Rosdakarya, 2010).

the Organic Act on Counter-Corruption B.E. 2561. Secondary legal materials include textbooks, scientific journal articles, prior research, and relevant court decisions. Tertiary legal materials include legal dictionaries and other credible supporting references.

Data collection was conducted through library research by identifying, inventorying, and systematically reviewing relevant legal materials. All materials were critically examined to ensure relevance and consistency with the research problem.

The data analysis was carried out qualitatively through in-depth legal interpretation and systematic comparison. The analysis focused on identifying normative consistency, potential legal gaps, institutional design differences, and the adequacy of procedural safeguards in each system. The findings were then synthesized to draw conclusions regarding the degree of legal certainty and the level of protection afforded to suspects in the process of determining suspect status in corruption cases in Indonesia and Thailand.

RESULTS AND DISCUSSION

1. Legal Procedure Mechanism in the Process of Determining Suspects in Corruption Crimes in Indonesia and Thailand

The determination of a suspect is a central stage in the law enforcement process for corruption crimes, as it is at this stage that an individual is officially designated as a legal subject suspected of being responsible for a crime. This stage not only determines the direction of subsequent investigations but also has serious implications for the protection of human rights, the presumption of innocence, and the principle of due process of law. Therefore, the procedural legal mechanism for determining a suspect is a crucial indicator in assessing the quality of a country's criminal justice system.

This research finds that Indonesia and Thailand adopt fundamentally different procedural mechanisms for determining suspects in corruption cases, shaped by their respective legal traditions, institutional designs, and oversight models. These differences do not merely reflect technical procedural variations, but also reveal contrasting legal policy orientations in balancing effectiveness in combating corruption with the protection of individual rights.

In Indonesia, the determination of a suspect in corruption cases is regulated primarily by the Criminal Procedure Code (KUHAP), complemented by Law Number 31 of 1999 as amended by Law Number 20 of 2001.[21] Within this framework, suspect determination is inseparable from the investigation stage as defined in Article 1 point 2 of the KUHAP,

[21] Undang-Undang, "Undang-Undang Nomor 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi" (2001).

which requires investigators to collect and evaluate evidence to clarify a criminal act and identify the alleged perpetrator.

Importantly, Indonesian law imposes a clear evidentiary threshold. Article 184 of the KUHAP mandates that suspect determination must be based on at least two valid pieces of evidence, including witness testimony, expert opinions, documents, indications, or the suspect's own statement. This requirement aims to prevent arbitrary criminalization and to ensure that suspect designation is grounded in objective and verifiable facts. From the perspective of legal certainty, this formal evidentiary standard provides a clear procedural benchmark for both investigators and suspects.

A distinctive feature of the Indonesian system is the availability of judicial oversight through the pretrial (praperadilan) mechanism. Following Constitutional Court Decision No. 21/PUU-XII/2014, suspects are entitled to challenge the legality of their designation before a district court. In practice, pretrial proceedings have frequently resulted in the annulment of suspect determinations due to insufficient evidence or procedural defects.[22] While this mechanism strengthens legal certainty and human rights protection by subjecting investigative actions to judicial scrutiny, it also generates practical consequences. Repeated annulments of suspect determinations may delay investigations, require investigators to restart evidentiary processes, and potentially weaken public confidence in anti-corruption enforcement if cases appear to stagnate.

In contrast, Thailand applies a different procedural approach within its mixed legal system. The handling of corruption cases is centralized under the National Anti-Corruption Commission (NACC), an independent constitutional body authorized by the Organic Act on Counter-Corruption B.E. 2561.[23] The NACC conducts preliminary inquiries to assess whether allegations meet the threshold for further investigation and prosecution. At this stage, evidence collection and evaluation are carried out internally, without a fixed evidentiary standard equivalent to Indonesia's two-evidence rule.

The preliminary inquiry mechanism grants the NACC broad authority, particularly in cases involving high-ranking officials. From an effectiveness standpoint, this model enables swift institutional coordination and reduces procedural fragmentation. However, the absence of external judicial oversight during the early stages produces significant implications for legal certainty. Individuals under investigation may remain subject to prolonged preliminary inquiries without a clear legal status, creating a condition in

[22] Putusan Mahkamah Konstitusi, "Putusan Mahkamah Konstitusi Nomor 21/PUU-XII/2014" (2014).
[23] Organic Act on Counter Corruption, "Organic Act on Counter Corruption B.E. 2561" (2018).

which their rights and reputations are adversely affected despite the absence of formal suspect designation.

Moreover, unlike Indonesia, Thailand does not provide an equivalent pretrial mechanism through which the legality of suspect-related decisions can be challenged before an independent court at an early stage. Oversight is largely administrative and internal to the NACC, with limited avenues for immediate legal remedies. As a result, while Thailand's system may enhance institutional effectiveness in combating corruption, it risks undermining legal certainty by allowing investigatory processes to extend without clear procedural deadlines or judicial control.

From a comparative perspective, Indonesia's system tends to increase legal certainty through formal evidentiary thresholds and judicial review, albeit at the cost of procedural efficiency. Conversely, Thailand's model prioritizes administrative effectiveness and centralized authority, but may reduce legal certainty due to the potentially indefinite status of individuals subject to preliminary inquiry. This contrast illustrates a fundamental trade-off between procedural safeguards and enforcement efficiency in corruption law enforcement.

To clarify these differences, the following table presents a systematic comparison of the legal procedural mechanisms for determining suspects in corruption cases in Indonesia and Thailand:[24]

Table 1. Comparison of the Mechanism for Determining Suspects in Corruption Crimes in Indonesia and Thailand

Comparative Aspects	**Indonesia**	**Thailand**
Legal System	Civil law	Mixed legal system (civil law and common law)
Primary Legal Basis	Criminal Procedure Code; Law No. 31 of 1999 in conjunction with Law No. 20 of 2001	Organic Act on Counter-Corruption B.E. 2561; Criminal Procedure Code of Thailand
Suspect Determination Stage	Conducted during the investigation stage after sufficient preliminary evidence has been obtained	Not always determined directly; through a preliminary inquiry by the NACC

[24] Muzakki, "Perbandingan Lembaga Pemberantasan Tindak Pidana Korupsi (Studi Komparatif : Komisi Pemberantasan Korupsi Indonesia Dan Thailand)."

Initial Proof Standard	Minimum of two valid pieces of evidence under Article 184 of the Criminal Procedure Code	Initial evidence assessed internally by the NACC
Authorized Institutions	National Police, Prosecutor's Office, and Corruption Eradication Commission (KPK)	National Anti-Corruption Commission (NACC) in coordination with the Office of the Attorney General
Oversight Mechanism	Judicial oversight through pretrial proceedings	Administrative and internal oversight
Legal Remedies	Pretrial motion to challenge suspect determination	Very limited; no equivalent pretrial mechanism
Legal Certainty	Relatively higher due to clear evidentiary standards and judicial review	Potentially lower due to prolonged preliminary inquiry and limited judicial control
Legal Policy Orientation	Balancing law enforcement effectiveness and protection of suspects' rights	Emphasis on effectiveness through specialized institutional authority

Compiled by authors from statutory sources (2026)

Based on this analysis, it can be concluded that Indonesia adopts a procedurally formal model that emphasizes legal certainty and judicial oversight, while Thailand applies an administrative-institutional model that prioritizes effectiveness in corruption eradication. These differing approaches reflect distinct legal policy choices regarding the balance between due process protection and institutional efficiency in the suspect-determination process.

2. The Role of Special Justice Institutions in Handling Corruption Cases in Indonesia and Thailand in the Process of Determining Suspects

The existence of a specialized justice institution is a strategic element in the corruption eradication system, particularly in ensuring that the suspect-naming process is carried out effectively, accountably, and respects human rights principles. Research shows that Indonesia and Thailand both established specialized anti-corruption institutions, but differences in the design of their authority, working mechanisms, and oversight patterns lead to fundamental differences in the suspect-naming process in the two countries.

In Indonesia, the role of a specialized justice institution is performed by the Corruption Eradication Commission (KPK), an independent state institution established under Law Number 30 of 2002,[25] as amended by Law Number 19 of 2019.[26] The KPK is vested with authority to conduct investigations, inquiries, and prosecutions in corruption cases that meet particular criteria, including those involving state officials, law enforcement officers, or significant state financial losses.

With regard to suspect determination, the KPK remains fully bound by the Indonesian Criminal Procedure Code (KUHAP), especially the requirement of a minimum of two valid pieces of evidence. In practice, the KPK applies relatively stringent evidentiary standards and emphasizes the prudential principle when naming suspects. This approach reflects an awareness of the serious social, political, and reputational consequences that accompany suspect designation in corruption cases. One practical implication of this model is that suspect determinations can be subjected to pretrial review (praperadilan). While this mechanism strengthens legal certainty and procedural fairness by allowing judicial scrutiny of investigative actions, it also carries institutional risks. Pretrial decisions that annul suspect determinations may disrupt ongoing investigations, delay case resolution, and, in some instances, undermine public confidence in corruption law enforcement.[27]

Following the enactment of Law Number 19 of 2019, the establishment of the KPK Supervisory Board introduced an additional layer of internal oversight. Normatively, this body was intended to reinforce accountability and prevent abuse of authority. However, from a practical standpoint, it has also generated debate regarding potential constraints on institutional independence and procedural efficiency. In the context of suspect determination, supervisory approval requirements may lengthen investigative processes, creating a trade-off between enhanced accountability and enforcement effectiveness.

In addition, Indonesia's corruption justice architecture includes the Corruption Court (Pengadilan Tipikor), which, although not directly involved in the determination of suspects, plays a crucial role in safeguarding procedural legality through open and adversarial trials. Combined with the pretrial mechanism, this institutional configuration enhances legal certainty by ensuring that suspect determinations can be reviewed at an

[25] Undang-Undang, "Undang-Undang Nomor 30 Tahun 2002 Tentang Komisi Pemberantasan Tindak Pidana Korupsi" (2002).
[26] Undang-Undang, "Undang-Undang Nomor 19 Tahun 2019 Tentang Komisi Pemberantasan Tindak Pidana Korupsi" (2019).
[27] Rhendra Kusuma, "Perbandingan Komisi Pemberantasan Tindak Pidana Korupsi Indonesia Dengan Lembaga Pemberantasan Tindak Pidana," *University of Bengkulu Law Journal* 7, no. 1 (2022): 71–83.

early stage, thereby providing stronger protection for the rights of individuals subjected to criminal investigation.

In contrast, Thailand entrusts the handling of corruption cases primarily to the National Anti-Corruption Commission (NACC), an independent institution with constitutional standing under the Constitution of the Kingdom of Thailand B.E. 2560 (2017). The NACC possesses extensive authority, encompassing preliminary inquiries, investigations, and determinations regarding whether cases should proceed to prosecution. In cases involving high-ranking public officials or political office holders, the NACC may even refer cases directly to the Supreme Court's Criminal Division for Persons Holding Political Positions.

The NACC's authority is further detailed in the Organic Act on Counter-Corruption B.E. 2561, which grants it discretion to assess the sufficiency of evidence during preliminary inquiries. Functionally, this positions the NACC as a quasi-judicial body with substantial control over the early stages of corruption proceedings. While this centralized authority enhances institutional effectiveness and enables swift action against powerful actors, it also raises concerns regarding legal certainty and procedural rights.[28]

One significant consequence of the Thai model is the absence of a judicial oversight mechanism equivalent to Indonesia's pretrial process. Individuals subjected to prolonged preliminary inquiries may remain in an ambiguous legal status for extended periods without effective means to challenge investigative actions. This situation potentially affects reputational interests, professional standing, and psychological well-being, even before formal suspect designation occurs. Consequently, although the Thai system may be more efficient in consolidating investigative authority, it risks generating legal uncertainty due to the lack of early-stage judicial review.[29]

Comparatively, Indonesia's framework prioritizes judicial oversight and procedural safeguards, thereby enhancing legal certainty through formal review mechanisms, albeit at the cost of potential delays in law enforcement. Thailand, on the other hand, emphasizes institutional effectiveness and centralized authority, which may accelerate corruption handling but simultaneously reduce procedural protection and transparency

[28] Ravindo Agung; I Dewa Gede Dana Sugama Darmawan, "Perbandingan Pengaturan Penerapan Pidana Mati Terhadap Pelaku Korupsi Dengan Negara Lain Sebagai Extraordinary Crime," *Jurnal Kertha Wicara* 11, no. 06 (2022): 1282–96.
[29] The Constitution of the Kingdom of Thailand, "The Constitution of the Kingdom of Thailand B.E. 2560" (2017).

at the preliminary stage. This contrast illustrates a clear trade-off between efficiency and rights protection in the suspect-determination process.[30]

Accordingly, the role of specialized justice institutions in Indonesia and Thailand reflects divergent legal policy choices. Indonesia adopts a model that strengthens legal certainty and human rights protection through judicial control, while Thailand prioritizes enforcement effectiveness by empowering its anti-corruption agency with broad quasi-judicial authority. This comparative analysis underscores that the effectiveness of corruption eradication cannot be assessed solely by institutional strength, but must also be evaluated in terms of procedural fairness and the protection of fundamental rights during suspect determination.[31]

To illustrate these differences more clearly, the following table presents a systematic comparison of the role of specialized justice institutions in the suspect-determination process in Indonesia and Thailand:

Table 2. Comparison of the Role of Special Justice Institutions in the Process of Determining Suspects in Corruption Crimes

Comparative Aspects	Indonesia (KPK)	Thailand (NACC)
Basis for Establishment	Law No. 30 of 2002 in conjunction with Law No. 19 of 2019	Constitution of the Kingdom of Thailand B.E. 2560 and Organic Act on Counter-Corruption B.E. 2561
Position of the Institution	Independent state institution	Independent institution with constitutional standing
Scope of Authority	Investigation, prosecution, and prosecution of certain corruption cases	Preliminary inquiry, investigation, and determination of case continuation
Role in Determining Suspects	Determining suspects based on at least two valid pieces of evidence in accordance with the Criminal Procedure Code	Determining legal status through preliminary inquiry and internal evaluation

[30] Wawan Prasetyo, "Metode Pembuktian Terbalik Pada Tindak Pidana Korupsi," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 5, no. 2 (2015): 1–49.
[31] Jevan Edberd Harefa et al., "Pidana Korupsi Di Indonesia Dengan Singapura : Pendekatan Normatif Terhadap Kriteria Keberhasilan," *Jurnal Ilmu Hukum Prima* 7, no. 1 (2024): 97–109.

Standard of Initial Evidence	Minimum of two valid pieces of evidence (Article 184 of the Criminal Procedure Code)	Initial evidence deemed sufficient by the commission
Internal Oversight	KPK Supervisory Board	Internal oversight of the commission
External/Judicial Oversight	Can be tested through a pretrial motion	Very limited; no pretrial mechanism
Legal Remedies for Parties Under Investigation	Pretrial motion to test the validity of suspect determination	Limited to administrative mechanisms
Role of the Special Court	Corruption Court examines and decides cases	Supreme Court's Criminal Division for Persons Holding Political Positions
Policy Orientation	Balance between the effectiveness of law enforcement and human rights protection	Emphasis on effectiveness and outreach to high officials

Compiled by authors from statutory sources (2026)

Based on the comparison table, it is clear that the role of specialized justice institutions in the suspect-determination process in Indonesia and Thailand is based on different legal philosophies and policy orientations. Indonesia places the Corruption Eradication Commission (KPK) within a criminal justice system that remains subject to judicial oversight mechanisms, primarily through pretrial proceedings and trials at the Corruption Court. This model provides greater scope for human rights protection and legal certainty for suspects, although in practice it can slow down the case handling process.

In contrast, Thailand grants extensive authority to the National Anti-Corruption Commission (NACC) as an anti-corruption agency with quasi-judicial functions. The NACC's strong position allows for more effective and centralized handling of corruption cases involving high-ranking state officials. However, the limited external oversight mechanisms and the absence of pretrial proceedings have the potential to create legal uncertainty and risk violations of procedural rights for those being investigated. Thus, this comparison highlights the differences in approaches between the two countries in balancing the effectiveness of corruption eradication and human rights protection in the suspect-determination process.

CONCLUSION

Based on the results of research and discussion on the comparative legal process for determining suspects in corruption crimes in Indonesia and Thailand, the following conclusions can be drawn. First, the procedural legal mechanisms for determining suspects in corruption crimes in Indonesia and Thailand show significant differences as a consequence of variations in legal systems and the design of law enforcement institutions. In Indonesia, suspect determination is conducted within a formal criminal procedure framework based on the Criminal Procedure Code (KUHAP), requiring at least two valid pieces of evidence and allowing judicial review through a pretrial mechanism. This model reflects a strong commitment to due process of law and human rights protection, although in practice it may slow down the handling of corruption cases. In contrast, Thailand applies a suspect-determination mechanism within a hybrid legal system, where the National Anti-Corruption Commission (NACC) plays a central role through a preliminary inquiry process. Legal status is determined gradually through administrative and institutional procedures, enabling more centralized and efficient case handling, particularly for high-ranking officials, but potentially generating legal uncertainty due to limited early-stage judicial oversight.

Second, the role of specialized justice institutions in handling corruption cases in the two countries also differs significantly in the suspect-naming process. In Indonesia, the Corruption Eradication Commission (KPK) operates as an independent institution with investigative and prosecutorial powers that remain subject to internal supervision and external judicial control, including pretrial review and adjudication before the Corruption Court. This framework demonstrates an institutional effort to balance effective corruption eradication with the protection of suspects' procedural rights. Conversely, in Thailand, the National Anti-Corruption Commission (NACC) exercises a dominant quasi-judicial role in directing and determining the progress of corruption cases. While this authority enhances effectiveness and enables action against powerful actors, the limited availability of judicial remedies and oversight mechanisms has raised concerns regarding procedural fairness and legal certainty.

Overall, this study confirms that differences in suspect-determination mechanisms and the roles of specialized justice institutions in Indonesia and Thailand reflect distinct legal policy choices in combating corruption. Indonesia tends to prioritize procedural safeguards and judicial oversight, whereas Thailand emphasizes institutional effectiveness and centralized authority. These differing approaches illustrate the inherent

trade-off between enforcement efficiency and the protection of individual rights in corruption law enforcement.

From a policy perspective, this comparative analysis suggests that Indonesia may draw lessons from Thailand in strengthening the effectiveness and timeliness of specialized anti-corruption institutions, particularly by minimizing procedural delays without compromising evidentiary standards. At the same time, Thailand could benefit from Indonesia's experience in embedding judicial control mechanisms—such as pretrial review—to enhance legal certainty and protect procedural rights during the early stages of investigation. Incorporating limited but effective judicial oversight into Thailand's preliminary inquiry process may reduce the risk of prolonged legal uncertainty, while preserving institutional effectiveness. Ultimately, an optimal anti-corruption framework should integrate both strong institutional capacity and robust judicial control, ensuring that the determination of suspects is not only effective but also consistent with the principles of legal certainty, due process of law, and human rights protection.

REFERENCES

Abduh, Rachmad. "Intellectual Property Rights Protection Function in Resolving Copyright Disputes." *International Journal Reglement & Society (IJRS)* 2, no. 3 (2021): 170–78.

Adinda Farah Anisya, Hafrida, Erwin. "Studi Perbandingan Penuntutan Perkara Pidana Dalam Perspektif Sistem Pembuktian Menurut Hukum Acara Pidana Indonesia Dan Thailand." *PAMPAS: Journal Of Criminal* 2, no. 3 (2021): 59–75.

Ali, Zainuddin. *Metode Penelitian Hukum*. Jakarta: Sinar Grafika, 2016.

Carolina, Anita. "Sistem Anti Korupsi: Suatu Studi Komparatif Di Indonesia, Hongkong, Singapura Dan Thailand." *Jurnal InFestasi* 8, no. 1 (2012): 107–22.

Commission, National Anti-Corruption. "Overview of Anti-Corruption Cases and Institutional Role." Thailand, n.d.

Corruption, Organic Act on Counter. Organic Act on Counter Corruption B.E. 2561 (2018).

Darmawan, Ravindo Agung; I Dewa Gede Dana Sugama. "Perbandingan Pengaturan Penerapan Pidana Mati Terhadap Pelaku Korupsi Dengan Negara Lain Sebagai Extraordinary Crime." *Jurnal Kertha Wicara* 11, no. 06 (2022): 1282–96.

Harefa, Jevan Edberd, Evan Vaskal, Ateta Pandia, Andrean Stefhan Situmorang, and Mazmur Septian Rumapea. "Pidana Korupsi Di Indonesia Dengan Singapura : Pendekatan Normatif Terhadap Kriteria Keberhasilan." *Jurnal Ilmu Hukum Prima* 7, no. 1 (2024): 97–109.

Hukum, Fakultas, and Universitas Borobudur. "Analisis Penanganan Korupsi Dalam Sistem Civil Law Dengan Perbandingan Hukum Dan Belanda." *Judge : Jurnal Hukum* 06, no. 04 (2025): 1110–24.

International, Transparency. "Corruption Perceptions Index 2024." Berlin, 2024. https://www.transparency.org/en/cpi/2024.

Keysha, Saradiba, and Rachmad Abduh. "Esensi Delik Obstruction of Justice Dalam Konstruksi Hukum Pidana." *UNES Law Review* 6, no. 3 (2024): 8289–98.

Konstitusi, Putusan Mahkamah. "Putusan Mahkamah Konstitusi Nomor 21/PUU-XII/2014," 2014.

Korupsi, Komisi Pemberantasan. Laporan Tahunan dan Data Statistik Penindakan 2025. (2025). https://kpk.go.id/id/publikasi-data/laporan/laporan-tahunan.

Kusuma, Rhendra. "Perbandingan Komisi Pemberantasan Tindak Pidana Korupsi Indonesia Dengan Lembaga Pemberantasan Tindak Pidana." *University of Bengkulu Law Journal* 7, no. 1 (2022): 71–83.

Leviza, Jelly, Hasil Corruption, and Perception Index. "Perbandingan Hukum Perampasan Aset Hasil Tindak Pidana Korupsi Di Indonesia, Singapura Dan Hongkong." *JURNAL NORMATIF FAKULTAS HUKUM UNIVERSITAS AL AZHAR* 3, no. 4 (2023): 329–35.

M Fadhel Izta Ghani, Galih Saputra. "Tindak Pidana Korupsi Sebagai Kejahatan Luar Biasa Dan Strategi Pemberantasannya Di Indonesia." *Journal Terekam Jejak (JTJ)* 3, no. 2 (2025): 23–32.

Muhammad, Abdulkadir. "Hukum Dan Penelitian Hukum." *LAW REFORM* 8, no. 1 (2004): 134. https://doi.org/10.20961/hpe.v6i2.1769.

Muzakki, Galin Zaihan. "Perbandingan Lembaga Pemberantasan Tindak Pidana Korupsi (Studi Komparatif : Komisi Pemberantasan Korupsi Indonesia Dan Thailand)." *Jurnal Ilmu Hukum, Humaniora Dan Politik (JIHHP)* 5, no. 3 (2025): 2183–93.

Nana Syaodih. *Metode Penelitian Pendidikan*. Jakarta: Remaja Rosdakarya, 2010.

Prasetyo, Wawan. "Metode Pembuktian Terbalik Pada Tindak Pidana Korupsi." *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 5, no. 2 (2015): 1–49.

Procedures, Indonesian, and Penal Code. "Analisis Yuridis Penetapan Tersangka Dalam Pembuktian Kerugian Keuangan Negara Berdasarkan Pasal 183 KUHAP Analyzing the Suspected State Financial Loss Based on Article 183 of the Indonesian Procedures Penal Code." *Oleo Law Review* 6, no. 2 (2022): 189–207.

Puanandini, Dewi Asri, Vita Suci Maharani, and Putri Anasela. "Korupsi Sebagai Kejahatan Luar Biasa : Analisis Dampak Dan Upaya Penegakan Hukum." *PUBLIC SPHARE: Jurnal Sosial Politik, Pemerintahan Dan Hukum* 4, no. 1 (2025): 44–52. https://doi.org/10.59818/jps.v3i3.1173.

Rangkuti, Ahmad Nizar. *Metode Penelitian Pendidikan Pendekatan Kualitatif, Kuantitatif, PTK Dan Penelitian Pengembangan*. Bandung: Citapustaka Media Perintis, 2016.

Safitri, Aisha Mutiara; Andriana Kusumawati; Oki Giri Pamungkas. "Komparasi Hukum Pidana Korupsi : Studi Perbandingan Hukum Pidana Korupsi Di Indonesia Dan Singapura." *Journal Humaniora: Jurnal Hukum Dan Ilmu Sosial* 01, no. 04 (2023): 105–9.

Thailand, The Constitution of the Kingdom of. The Constitution of the Kingdom of Thailand B.E. 2560 (2017).

Undang-Undang. Undang-Undang No. 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi (1999).

———. Undang-Undang Nomor 19 Tahun 2019 tentang Komisi Pemberantasan Tindak Pidana Korupsi (2019).

———. Undang-Undang Nomor 20 Tahun 2001 tentang Pemberantasan Tindak Pidana Korupsi (2001).

———. Undang-Undang Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi (2002).

Wijaya, Iman Elfino Putra. "Proses Penetapan Tersangka Dalam Tindak Pidana Korupsi Di Indonesia." *Jurnal Hukum Dan Kewarganegaraan* 7, no. 4 (2024): 1–12. https://doi.org/10.8734/CAUSA.v1i2.365.