

## Comparative Legal Analysis of Indonesia & Denmark Corruption Law

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**ABSTRACT;** *This research was conducted to examine the differences between Indonesia's and Denmark's corruption laws and anti-corruption institutions to identify the factors contributing to Indonesia's ineffective action towards corruption. Focusing on the Danish Criminal Code (DCC) and Indonesia's Act Number 20/2001, this research employs a normative-qualitative approach to analyze the legal substance, frameworks, and social factors. Research reveals that despite having comprehensive regulations, Indonesia's enforcement mechanisms are weaker than Denmark's, leading to ineffective law implementation. Poor coordination among law enforcement institutions, imbalance execution of prevention and prosecution, and external influence further caused ineffective anti-corruption efforts. Applying Denmark's anti-corruption system might revolutionize Indonesia's corruption policy implementation.*

**Keywords:** *Comparative Analysis, Corruption Law, Anti Corruption, Indonesia, Denmark*

**ABSTRAK;** Penelitian ini dilakukan untuk menguji perbedaan antara undang-undang korupsi dan lembaga antikorupsi di Indonesia dan Denmark untuk mengidentifikasi faktor-faktor yang berkontribusi terhadap tidak efektifnya tindakan Indonesia terhadap korupsi. Berfokus pada KUHP Denmark (DCC) dan Undang-Undang Indonesia Nomor 20/2001, penelitian ini menggunakan pendekatan normatif-kualitatif untuk menganalisis substansi hukum, kerangka hukum, dan faktor sosial. Penelitian menunjukkan bahwa meskipun memiliki peraturan yang komprehensif, mekanisme penegakan hukum di Indonesia lebih lemah dibandingkan Denmark, sehingga menyebabkan penerapan hukum tidak efektif. Buruknya koordinasi antar lembaga penegak hukum, ketimpangan pelaksanaan pencegahan dan penindakan, serta pengaruh eksternal semakin menyebabkan tidak efektifnya upaya pemberantasan korupsi. Penerapan sistem antikorupsi Denmark mungkin akan merevolusi penerapan kebijakan korupsi di Indonesia.

**Kata Kunci:** Analisis Komparatif, Hukum Tipikor, Anti Korupsi, Indonesia, Denmark.

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## INTRODUCTION

In general, corruption is an act of power abuse by an authority or powerful individual for their personal interest.<sup>1</sup> It is caused by a failure of personal ethics when vulnerable individuals are put in a tempting position to be corrupted.<sup>2</sup> To begin with, this phenomenon had started a long time ago, even bribery & abuse of power were categorized as the norm itself.<sup>3</sup> One of the early scandals was the Scandal of Harpalus Gold Erupted where Demosthenes was allegedly accused of taking portions of treasure from the deposit of Acropolis by Alexander Treasurer.<sup>4</sup> There are several forms of corruption including bribery, funds misappropriation, extortion, deception, conflict of interest, and gratification.<sup>5</sup> Corruption leads to an ineffective economy, healthcare, safety, education development & fair distribution of resources.<sup>6</sup>

Corruption is a widespread issue in the global community that hugely impacts the economy, holds developments, and dispels investors. It contrasts with the systems that ought to benefit public interests.<sup>7</sup> In 2010, the Corruption Perceptions Index (CPI), the measure of corruption, showed that 131 of the total 178 nations were below 10-point scale on the index whereas the higher the points, the lower the corruption rates.<sup>8</sup> This indicates that corruption has breached global major issues. It was estimated that US\$ 2.6 trillion is lost annually due to corruption, and at least US\$ 500 billion in corruption in the health sector. This amount was more than enough to cover global health coverage.<sup>9</sup> Corruption mainly has a large impact on a nation's economy, it creates significant issues for wealth

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<sup>1</sup> Hughes, R. (2010). CORRUPTION. In A. Jowitt & T. N. Cain (Eds.), *Passage of Change: Law, Society and Governance in the Pacific* (pp. 35–50). ANU Press. <http://www.jstor.org/stable/j.ctt24h3jd.11>

<sup>2</sup> Clammer, J. (2012). Corruption, Development, Chaos and Social Disorganisation: Sociological reflections on corruption and its social basis. In M. Barcham, B. Hindess, & P. Larmour (Eds.), *Corruption: Expanding the Focus* (pp. 113–132). ANU Press. <http://www.jstor.org/stable/j.ctt24hbwc.11>

<sup>3</sup> MacMullen, R. (1988). Corruption and the decline of Rome.

<sup>4</sup> Brioschi, C. A., & Shugaar, A. (2017). DEMOCRACY AND DECADENCE. In *Corruption: A Short History* (pp. 29–38). Brookings Institution Press. <http://www.jstor.org/stable/10.7864/j.ctt1hfr1sk.5>

<sup>5</sup> Yogi Prabowo, H. (2014). To be corrupt or not to be corrupt. *Journal of Money Laundering Control*, 17(3), 306–326. <https://doi.org/10.1108/jmlc-11-2013-0045>

<sup>6</sup> Clammer, J. Corruption. (2012) *Supra* (n 2) 113

<sup>7</sup> (2023, August 31). UN News. <https://news.un.org/en/story/2023/08/1140282>

<sup>8</sup> Uslaner, E. M., & Rothstein, B. (2016). The Historical Roots of Corruption: State Building, Economic Inequality, and Mass Education. *Comparative Politics*, 48(2), 227–248. <http://www.jstor.org/stable/24886174>

<sup>9</sup> International anti-corruption day 2020. (n.d.). UNDP. <https://www.undp.org/speeches/international-anti-corruption-day-2020>

distribution in a nation's economy. Based on research, a unit increase in corruption reduces GDP per capita by up to 1.5%.<sup>10</sup> For instance, Operation Car Wash in Brazil, one of the most controversial bribe & corruption cases resulted in losses estimated as high as \$42 Billion.<sup>11</sup> In 2015, the Central Bank of Brazil showed that Brazil's GDP had fallen by 3.05% resulting in a crisis that affected many Brazilian companies.<sup>12</sup> It appears that corruption hugely impacts the nation's economy.

Indonesia, as a developing country, has a huge problem of corruption in its structure. In 2023, with 34 scores on the Corruption Perception Index (CPI), Indonesia ranked 115 out of 180 nations.<sup>13</sup> Corruption has long existed in Indonesia and for the most part, the root of corruption in Indonesia is a combination of business and politics.<sup>14</sup> This can be proved by recent Corruption Watch (ICW) research data that reveals 61% of The House of Representatives of the Republic of Indonesia (DPR) for the 2024-2029 period were affiliated with business.<sup>15</sup>

For an introduction, Indonesia's corruption law begins with Law Number 3/1971 of the Eradication of Corruption in President Soeharto's Era and is replaced by Law Number 31/1999 which is revised into Law Number 20/2001.<sup>16</sup> In President Megawati's era, the Corruption Eradication Commission was initiated under Law Number 30/2002 as an independent anti-corruption institution and made to eradicate corruption.<sup>17</sup> The Law Number 30/2002 had been updated twice in which, Law Number 10/2015 and the most

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<sup>10</sup> Spyromitros, E., & Panagiotidis, M. (2022). The impact of corruption on economic growth in developing countries and a comparative analysis of corruption measurement indicators. *Cogent Economics & Finance*, 10(1).

<https://doi.org/10.1080/23322039.2022.2129368>

<sup>11</sup> Operation car wash. (2023, June 1). Harvard Law School Center on the Legal Profession. <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/brazilian-legal-profession/operation-car-wash/>

<sup>12</sup> PADULA, A. J., & ALBUQUERQUE, P. H. (2018). Corrupção GOVERNAMENTAL no Mercado de CAPITAIS: Um ESTUDO ACERCA Da OPERAÇÃO lava jato. *Revista de Administração de Empresas*, 58(4), 405-417.

<https://doi.org/10.1590/s0034-759020180406>

<sup>13</sup> Indonesia. (2019, November 1). Transparency.org. <https://www.transparency.org/en/countries/indonesia>

<sup>14</sup> Syarif, L. M., & Faisal, F. (2019). Addressing the Root of Political Corruption in Indonesia. *Integritas : Jurnal Antikorupsi*, 5(2), 191-198.

<https://doi.org/10.32697/integritas.v5i2.487>

<sup>15</sup> 61 Persen Anggota DPR 2024-2029 Merupakan Politisi Pebisnis. (n.d.). Anti Korupsi | ICW. <https://www.antikorupsi.org/id/61-persen-anggota-dpr-2024-2029-merupakan-politisi-pebisnis>

<sup>16</sup> Kenali Dasar Hukum Pemberantasan Tindak Pidana Korupsi Di Indonesia. (n.d.). Pusat Edukasi Antikorupsi. <https://aclc.kpk.go.id/aksi-informasi/Eksplorasi/20220510-kenali-dasar-hukum-pemberantasan-tindak-pidana-korupsi-di-indonesia>

<sup>17</sup> *ibid*

recent Law Number 19/2019 as the second amendment.<sup>18</sup> Under Law Number 31/1999 and revised into Law Number 20/2001 Anti-Corruption Law defines corruption as every person who unlawfully enriches themselves or others or a corporation in a manner that can harm the state finances or the economy of the state, shall be punished with imprisonment for life or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years, and a fine of at least Rp 200,000,000.00 (two hundred million rupiah) and a maximum of Rp 1,000,000,000.00 (one billion rupiah).<sup>19</sup> It also divides corruption into 7 corruption acts including state financial losses, bribery, embezzlement, extortion, fraud, conflict of interest, and gratification.<sup>20</sup>

In comparison, Denmark's Corruption Perception Index (CPI) score reached 90 points in 2023 and ranked as the least corrupted country.<sup>21</sup> Denmark is a unitary parliamentary government with a constitutional monarch.<sup>22</sup> Similar to Indonesia, Denmark has a civil law system that emphasizes written law as its legal source. The main sources of Denmark law are the Constitutional Act, Statutory Legislation, Regulatory Statutes, Precedent, and Customary laws.<sup>23</sup> The Constitutional Act of Denmark (Danmarks Riges Grundlov) acts at the top of Denmark's legal system.<sup>24</sup> Denmark's corruption laws are stated in the Danish Criminal Code (DCC) which has been active since 1930.<sup>25</sup> It consists of 29 chapters and 306 sections. Section 122 regulates active bribery to public officials such as giving and offering gifts, section 144 regulates passive bribery which includes receiving and accepting gifts, and section 299(2) regulates active and passive bribery in the private sector.<sup>26</sup> There's no specific law to regulate corruption

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<sup>18</sup> *Undang-Undang NOMOR 19 TAHUN 2019 TENTANG PERUBAHAN KEDUA ATAS UNDANG-UNDANG NOMOR 30 TAHUN 2002 TENTANG KOMISI PEMBERANTASAN TINDAK PIDANA KORUPSI*. p. 2.

<sup>19</sup> Ardisasmita, S. (2006). *Definisi Korupsi Menurut Perspektif Hukum dan EAnnouncement untuk Tatakelola Pemerintahan yang Lebih Terbuka, Transparan dan Akuntabel*. Seminar Nasional Upaya Perbaikan Sistem Penyelenggaraan Pengadaan Barang/Jasa Pemerintah. Retrieved from <http://www.kppu.go.id/docs/Artikel/Seminar PBJ.pdf>

<sup>20</sup> *ibid*

<sup>21</sup> Denmark. (2019, November 1). Transparency.org. <https://www.transparency.org/en/countries/denmark>

<sup>22</sup> Siagian, F. S., Lubis, A. H., Salwa, N. A., & Firouzfar, S. (2024). Justice based corruption eradication policy: A comparison between Indonesia and Denmark. *Integritas : Jurnal Antikorupsi*, 10(1), 29–52. <https://doi.org/10.32697/integritas.v10i1.1134>

<sup>23</sup> Kodeks. (2023, June 6). One minute guide to Danish law. Nordia Law. <https://nordialaw.com/one-minute-guide-to-danish-law/>

<sup>24</sup> Hierarchy of Norms. (2013, December 18). ACA Europe Seminar

<sup>25</sup> Indonesia and Denmark policy. (n 24). 38

<sup>26</sup> *ibid*

unlike Law Number 20/2001 on the Amendment of Law Number 31/1999 on the Eradication of Corruption.

In conclusion, the main focus of this study is to compare Denmark's and Indonesia's corruption laws to analyze the differences and point out factors that may contribute to the ineffectiveness of Indonesia's corruption policy.

#### **A. Problem Statement**

1. Why does Indonesia have a high corruption rate despite its similarity to Denmark's corruption law?
2. How could Indonesia strengthen the implementation of its corruption laws and institutions?

#### **RESEARCH METHOD**

This research used the normative-qualitative method, using data from the literature study and legal theory. The research data were obtained from laws and regulations, statistics, and related studies. This research will conduct a legal analysis of both nations' corruption laws and institutions by understanding both corruption laws under the Danish Criminal Code and Law Number 20/2001 on the Amendment of Law Number 31/1999 on the Eradication of Corruption.

#### **RESULT AND DISCUSSION**

Denmark and Indonesia have a similar legal system. Both are implementing civil law systems which can be seen in both criminal codes. The Danish Criminal Code (DCC) originated from the Danish Code of King Christian V in 1683 which was later revised multiple times. The code was the result of the codification of several regional laws and the influence of Roman law on Danish law is very limited.<sup>27</sup> Unlike Denmark, Indonesia used the *Wetboek van Strafrecht voor Nederlandsch Indië* (WvS) through Dutch colonization in the 20th Century which was later adopted into the Indonesian Code of Criminal Law (*Kitab Undang-Undang Pidana*) after the Independence.<sup>28</sup>

But unlike Denmark, Indonesia has suffered a corruption emergency because of its long-standing culture of corruption. As explained before, corruption is an act of power

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<sup>27</sup> Thuesen, E., Tamm, D., Latrup-Pedersen, T., Christensen, B., The Development of the Legal System.

<sup>28</sup> Butt, S. (2023). Indonesia's new Criminal Code: indigenising and democratising Indonesian criminal law. *Griffith Law Review*, 32(2), 190–214.  
<https://doi.org/10.1080/10383441.2023.2243772>

abuse by an authority or powerful individual for their interest<sup>29</sup> which results in an ineffective economy, healthcare, safety, education development & unfair distribution of resources.<sup>30</sup> In comparison, Indonesia's Corruption Perception Index (CPI) is 34 in 2024 and Denmark's CPI is 90 in 2024.<sup>31</sup> These contrasts emerged from the differences in enforcement and political factors.

Lawrence M. Friedman's Legal System explains that law is not a strong independent force but always responds to the external pressure of social forces, and the legal behaviors themselves are responses to social motives.<sup>32</sup> From Friedman's perspective, law never stood as an independent power and was always afflicted with social interests. In his book on *the legal system* was mentioned that the legal system consisted of legal structure, legal substance, and legal culture.<sup>33</sup> Legal Structure is the machine of the system that maintains the process of the judicial system, such as legal institutions and law enforcers. Legal Substance is the substantive rule that rules how the institution should behave. Legal Culture is the embodiment of social attitude toward the law and sometimes, invokes the legal process.<sup>34</sup>

In terms of Legal System, Indonesia's law hierarchy consists of *Undang-Undang Dasar 1945, Ketetapan MPR, Undang-Undang/Peraturan Pemerintah Pengganti Undang-Undang, Peraturan Pemerintah, Peraturan Presiden, Peraturan Daerah Provinsi, and Peraturan Daerah Kabupaten*<sup>35</sup> meanwhile Denmark's law hierarchy consists of Constitutional Acts (*Danmarks Riges Grundlov*), Statutory Legislation, Regulatory Statutes, and Case Law.<sup>36</sup> The Statutory Legislation held the same level hierarchy as the *Undang-Undang*. The corruption law in Denmark was regulated under the Danish Criminal Code meanwhile Indonesia's corruption law was regulated under specific Law Number 31/1999 and revised into Law Number 20/2001 Anti-Corruption Law. Denmark has no specific regulation regarding corruption law.

In comparison, Indonesia Law Number 20/2001 Article 12 (b) stated:

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<sup>29</sup> CORRUPTION. *supra* (n 1)

<sup>30</sup> Clammer, J. Corruption. (2012) *Supra* (n 2) 113

<sup>31</sup> Transparency *Supra* (n 13)

<sup>32</sup> Friedman, L. M. (1975). *The legal system: A social science perspective*. Russell Sage Foundation. p. 4.

<sup>33</sup> *ibid*

<sup>34</sup> *ibid*

<sup>35</sup> *Undang-Undang Nomor. 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan*

<sup>36</sup> Hierarchy of Norms. (2013, December 18). ACA Europe Seminar



*“A civil servant or state official who receives a gift, while it is known or should be suspected that the gift was given as a result of or due to their actions or omissions in office that contradict their duties. shall be punishable by life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years, and a fine of at least Rp 200,000,000 (two hundred million rupiah) and at most Rp 1,000,000,000 (one billion rupiah).”*

meanwhile, Danish Criminal Code (DCC) Chapter 16, Article 144 stated:

*“Any person who in the pursuit of Danish, foreign or international public officials wrongly received demands or accepts the promise of a gift or other advantage, punishable by fine or imprisonment for up to six years.”*

Under the legal substance theory, Indonesia held superior regulations regarding corruption actions which can be seen by the detailed corruption law under Law Number 31/1999 and revised into Law Number 20/2001. in comparison, Denmark's anti-corruption policies are only stated as a part of the Danish Criminal Code. Furthermore, the Law Number 20/2001 regulates various criminal acts of corruption such as bribery, fraud, misuse of public funds, falsification of documents, and unlawful actions by officials meanwhile DCC only regulates bribery of public officials, private sector corruption, and abuse of office.

Even despite Indonesia's superiority in law certainty, there often is a gap in the charging authority of state institutions by the Corruption Eradication Commission. For comparison, Article 122 of the DCC ensures all parties of public officials are free from corruption, collusion, and nepotism where a violation could lead to a penalty and imprisonment for six years. Meanwhile, the authority of the Corruption Eradication Commission on Military Institutions in Indonesia wasn't clearly regulated.<sup>37</sup> This was further shown by the fact that anti-corruption institutions aren't allowed to investigate corruption cases against military personnel.<sup>38</sup>

Regarding legal structure, Indonesia's main actors in anti-corruption institutions are the police, prosecutors, and the Corruption Eradication Commission (KPK). In 2023, 76% of people trust the police performance.<sup>39</sup> In Indonesia, the police have the right to

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<sup>37</sup> Justice. *Supra* (n 22). 39.

<sup>38</sup> *Ibid*

<sup>39</sup> RILIS TEMUAN SURVEI NASIONAL: EVALUASI PUBLIK ATAS KINERJA KEPOLISIAN, KEAMANAN DAN MASALAH-MASALAH SOSIAL KEMASYARAKATAN. Tuesday, 06 November 2023. 11. <https://indikator.co.id/rilis-indikator-06-november-2023/>

maintain law supremacy, protect human rights, protect public interests, and investigate any crimes including corruption.<sup>40</sup> Police action toward corruption acts is often deemed ineffective since there are several factors behind it such as political intervention, limited resources, and internal conflict of interests.<sup>41</sup> Besides that, public trust in law enforcement has declined due to ineffective anti-corruption policies and continued failure to address corruption would further reduce public confidence in the law enforcement system.<sup>42</sup> One of the internal bribe cases was the bribe of First Brigadier Police D of Central Sulawesi District Police which accepted a bribe of Rp. 4.4 Billion and two cars from 18 candidates in 2022.<sup>43</sup> This further underscores the persistent issue of internal corruption and conflict of interest within the Indonesian National Police.

Denmark's police is considered one of the least corrupt institutions.<sup>44</sup> In 2023, 86% of people trust the police.<sup>45</sup> Denmark police are trained to build trust and emphatic interaction with the citizens.<sup>46</sup> The police recruitment process emphasizes a candidate's emotional intelligence and ethical conduct which reduces the chances of corruption and misuse of power.<sup>47</sup> In conclusion, Danish Police recruitment standards which emphasize more into individual character rather than formality requirements produce higher competencies of professionals.

Indonesia's independent anti-corruption institution, *Komisi Pemberantasan Korupsi (KPK)* or Corruption Eradication Commission stated under Law Number 30/2002 on the Eradication of Corruption Crimes has the obligation to:<sup>48</sup>

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<sup>40</sup> Putri Afra Salsabila, Shinda Zahra Gelista, Sulistiasih. (2024). *EFEKTIVITAS WEWENANG POLISI DALAM MENANGANI TINDAK PIDANA KORUPSI DI INDONESIA*. Journal of Law and Nation, 3(3), 511. <https://joln.org/index.php/joln/article/view/138>

<sup>41</sup> *ibid*

<sup>42</sup> Ngatikoh, Siti & Kumorotomo, Wahyudi & Retnandari, Nunuk. (2020). Transparency in Government: A Review on the Failures of Corruption Prevention in Indonesia. 10.2991/aebmr.k.200301.010.

<sup>43</sup> TRI ANDITA, A. (2023). *TINJAUAN YURIDIS TERHADAP TINDAK PIDANA SUAP OLEH PEJABAT POLRI DALAM PENERIMAAN BINTARA POLRI (Studi kasus: Putusan No. 36/PI.d.SUS-TPK/2020/ PN.PLG)* [Thesis, Universitas Hasanuddin]. [https://repository.unhas.ac.id/id/eprint/29481/2/B011191218\\_skripsi\\_04-08-2023%201-2.pdf](https://repository.unhas.ac.id/id/eprint/29481/2/B011191218_skripsi_04-08-2023%201-2.pdf)

<sup>44</sup> *Ibid*

<sup>45</sup> Denmark: Trust in police 2023. (2024, April 28). Statista. <https://www.statista.com/statistics/1464859/denmark-trust-police/>

<sup>46</sup> Bloksgaard, L., & Priour, A. (2021). Policing by social skills: The importance of empathy and appropriate emotional expressions in the recruitment, selection and education of Danish police officers. *Policing and Society*, 31(10), 1232-1247. 6. <https://doi.org/10.1080/10439463.2021.1881518>

<sup>47</sup> *ibid*

<sup>48</sup> Akhmaddhian, S., Fitra, D. H., & Andriyani, Y. (2022). *Kewenangan Komisi Pemberantasan Korupsi (KPK) dalam Penanggulangan Tindak Pidana Korupsi*. *Logika : Journal of Multidisciplinary Studies*, 13(01), 8-18.



1. Coordinate with the authorized institution in the eradication of corruption.
2. Supervise institutions authorized to combat corruption
3. Conduct investigations, inquiries, and prosecutions related to corruption crimes.
4. Take preventive measures against corruption crimes.
5. Monitor the administration of state governance.

Also under Law Number 19/2019, KPK was obliged to prevent and combat corruption through efforts of coordination, supervision, monitoring, investigation, prosecution, and examination in court proceedings, with community participation in accordance with the provisions of the law.

Since Firli Bahuri was employed as the director of KPK (2019-2023), the Operasi Tangkap Tangan (OTT) or Operation of Arresting has decreased significantly compared to the previous director Agus Rahardjo.<sup>49</sup> Furthermore, KPK has several issues with eradication such as avoiding action against politicians, limited protection for KPK officials, minimal planning on actions, internal conflict of interests, and weak supervision on other institutions.<sup>50</sup> During his regime, KPK focused more on prevention rather than eradication.<sup>51</sup> KPK's failure to fulfill its six obligations led to the weak execution of the corruption act.

Denmark didn't have any centralized anti-corruption institution in contrast to Indonesia but was integrated across various legal frameworks. The main body of anti-corruption frameworks is The Ministry of Justice, which handles the tasks of the entire judicial system including the prosecutor and police.<sup>52</sup> The judiciary system's independence and public support can be attributed to the merit-based selection of judges, unlike Indonesia, where political influence often plays a significant role in judicial appointments, leading to internal political conflicts within the judiciary.<sup>53</sup>

In Indonesia, the law development often wasn't in line with the social demands in which the modern legal system made by the authority wasn't accepted by traditional

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<https://doi.org/10.25134/logika.v11i02.2870>

<sup>49</sup> LAPORAN EVALUASI KINERJA KOMISI PEMBERANTASAN KORUPSI PERIODE 2019 - 2024. INDONESIA CORRUPTION WATCH DAN PUSAT STUDI HUKUM & KEBIJAKAN INDONESIA. 2024. 32.

<sup>50</sup> *Ibid*

<sup>51</sup> *Ibid*

<sup>52</sup> Ministry of justice | Drupal. (n.d.). Anklagemyndigheden | Anklagemyndigheden. <https://anklagemyndigheden.dk/en/ministry-of-justice>

<sup>53</sup> Justice. *Supra* (n 22). 39.

norms embraced by the society.<sup>54</sup> In terms of history, corruption has long occurred in Indonesia, from the Dutch colonial era to the New Order era.<sup>55</sup> Indonesian society shows a two-sided coin stance on corruption. While publicly condemning corrupt officials, many still engage in bribery, reflecting an established acceptance of corruption as part of daily life.<sup>56</sup> This is supported by the Anti-Corruption Behaviour Index (ACBI), which measures society's response to corruption, showing a score of only 3.85 out of 5 in 2024, a decline from 3.92 in 2023.<sup>57</sup> The culture of reluctance also plays a huge role in the growing corruption culture in which Indonesian often deem themselves as “*Wong Cilik*” or ordinary people who lack the power to criticize the authority and support the culture that places superior infallible.<sup>58</sup>

In Denmark, there was a strong established culture of lawfulness supported by a strong sense of shame culture. Public officials found guilty of serious misconduct often resign voluntarily, without any external pressure.<sup>59</sup> This concludes that Denmark has a better legal culture than Indonesia towards corruption.

## CONCLUSION

Despite Indonesia's comprehensive regulation of anti-corruption policies, it lacks coordination in the execution by law enforcement, particularly when compared to Denmark. Weak law implementation and societal ignorance led to this regulation undermining their effectiveness. KPK failed to fulfill its mandates as stated in Law Number 19/2019 and standing alone as an independent institution led to its failure to effectively implement the corruption law. KPK needs to reform its policy by increasing coordination with other law enforcers, balancing the Prevention and Combat Act, and

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<sup>54</sup> Fithriatus Shalihah, *Sosiologi Hukum* (Depok: PT RajaGrafindo Persada, 2017), P. 62-64.

<sup>55</sup> Mukartono, A., Hartiwiningsih, & Rustamaji, M. (2019). The development of corruption in Indonesia (is corruption a culture of Indonesia?). Proceedings of the 3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019). <https://doi.org/10.2991/icglow-19.2019.36>

<sup>56</sup> Wulandari, Laely, and Lalu Parman. "The Role of Legal Culture in Corruption Eradication Effort (A Comparative Study of Indonesian and Japanese Corruption Crime Handling)." *Unram Law Review*, vol. 3, no. 1, 2019, pp. 25-34, doi:10.29303/ulrev.v3i1.65.

<sup>57</sup> BPS-Statistics Indonesia. (July 15, 2024). The Indonesia Anti-Corruption Behavior Index (ACBI) 2024 is 3.85, indicating a decrease from ACBI 2023. Retrieved on November 6, 2024. <https://www.bps.go.id/en/pressrelease/2024/07/15/2374/anti-corruption-behavior-index.html>

<sup>58</sup> *Ibid*

<sup>59</sup> Justice. *Supra* (n 22). 42.

avoiding any political influence to strengthen the law implementation. Indonesia could strengthen its corruption law implementation by ensuring that KPK stands as an independent institution and conducts efficient communication with other legal institutions to ensure the law's execution.

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