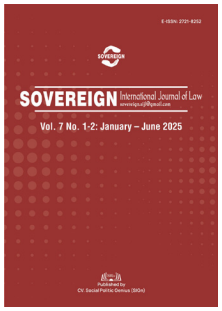

SOVEREIGN International Journal of Law
E-ISSN: 2721-8252
https://sovereignjournal.penerbitsign.com/index.php/sijl/article/view/v7n1-2-1

Vol. 7 No. 1-2: January - June 2025 Published Online: June 13, 2025

Article Title

# The Paradox of a Rule of Law State: A Critical Reflection on the Dialectic between Discourse and Reality in the Eradication of Corruption in Indonesia

Author(s)

**Taufan Pawe***
*Universitas Muslim Indonesia, Indonesia || taufan.pawe@umi.ac.id*
**Corresponding Author*

**La Ode Husen**
*Universitas Muslim Indonesia, Indonesia || laode.husen@umi.ac.id*

**Abd. Kahar Muzakkir**
*Sri Amanah Law Firm and Partners, Indonesia || muzakkir.abd.kahar@gmail.com*

How to cite:

Pawe, T., Husen, L. O., & Muzakkir, A. K. (2025). The Paradox of a Rule of Law State: A Critical Reflection on the Dialectic between Discourse and Reality in the Eradication of Corruption in Indonesia. *Sovereign: International Journal of Law, 6*(1-2), 1-17. https://doi.org/10.37276/sijl.v7i1-2.56

**ABSTRACT**

*Although Indonesia is constitutionally a rule-of-law state as enshrined in Article 1(3) of the 1945 Constitution, the persistence of systemic corrupt practices, as reflected in the stagnant Corruption Perception Index score, indicates a fundamental paradox. This article aims to conduct an in-depth critical analysis of this paradox by dissecting the dialectic between the normative anti-corruption discourse and the realities of political pragmatism and socio-cultural logic. Employing a normative legal research method enriched by an interdisciplinary approach—encompassing constitutional philosophy, political law, and the sociology of law—this study analyzes legal products such as Law Number 31 of 1999 and Law Number 30 of 2002 as manifestations of the existing tension. The analysis reveals that contesting interests in the legislative and political process has produced a normative ambivalence. This ambivalence, in turn, leads to neutralizing the effectiveness of Law Number 31 of 1999 when it confronts socio-cultural realities, thereby creating a systemic law enforcement anomaly. In conclusion, the resolution to this paradox demands a reconstruction of the meaning of a rule of law state transcending juridical formalism, requiring a progressive synthesis that revitalizes the spirit of substantive justice within the constitution as the foundation for all policy and law enforcement.*

*Keywords:* *Corruption; Legal Paradox; Political Law; Progressive Law; Rule of Law.*

## INTRODUCTION

The Unitary State of the Republic of Indonesia has firmly and solemnly established its philosophical foundation as a rule of law state, as enshrined in Article 1(3) of the 1945 Constitution. This solemn mandate constitutes a fundamental social contract that demands the supremacy of law over power and positions justice as the ultimate guiding principle in the life of the nation and state (Karianga et al., 2021). Nevertheless, this collective constitutional idealism is confronted by a dim reflection of empirical reality, particularly when faced with the challenge of eradicating criminal acts of corruption (Lubis & Nelson, 2024). The release of the 2024 Corruption Perception Index by Transparency International, which placed Indonesia with a score of 37 out of 100 (KPK, 2025), serves as a quantitative proxy reflecting a far more profound and systemic qualitative challenge. At an alarming level, the stagnation of this score is not merely a statistical figure but rather an open invitation for honest contemplation and a critical reflection on how we comprehend and implement the very conception of a rule of law state.

This fundamental paradox manifests tangibly in the legislative and law enforcement arenas of anti-corruption. On the one hand, Indonesia has constructed a legal architecture that is theoretically robust, marked by the existence of Law Number 31 of 1999[1] as a comprehensive *lex specialis*, as well as the establishment of the Corruption Eradication Commission as a vanguard institution with extraordinary powers. Both instruments were designed as ultimate weapons to combat corruption, which has been deemed an extraordinary crime. However, at the same time, within

[1]Law Number 31 of 1999, as amended by Law Number 20 of 2001.

the dynamics of legislative politics, we also witness the birth of various sectoral laws whose implementation has the potential to create gray areas (Rosyid, 2024), jurisdictional overlaps (Desianto, 2022), and even disharmony (Imran & Koswara, 2023) that can weaken the effectiveness of the established anti-corruption regime. This phenomenon indicates that the problem of corruption eradication in Indonesia lies not in a legal vacuum but in the tension and conflict of norms within the body of the legal system itself.

Furthermore, this conflict of legal norms is, in fact, the external facade of a more fundamental dialectic: that between discourse and reality on the Indonesian political stage (Muzakkir et al., 2021). Discursively, the narrative of a war against corruption consistently serves as the primary rhetoric employed by the political elite to gain and maintain public legitimacy (Sadeadema, 2019). This discourse is massively produced and presented as an absolute commitment to clean governance (Muhtar, 2019). However, this normative discourse often collides with the reality of political pragmatism (Marua & Muzakkir, 2023), where calculations of power (Muzakkir et al., 2023), coalition interests (Muzakkir & Bailusy, 2023), and high political costs (Hasibuan, 2020) create different game logic. This discursive gap between what is proclaimed on the front stage and what is negotiated backstage is the primary source of policy inconsistencies and institutional weaknesses in combating corruption.

The gap between legal idealism and political pragmatism resonates powerfully in the sociological dimension, influencing how society perceives law and corruption. When the public is continuously presented with the contradictory spectacle of anti-corruption rhetoric alongside corrupt practices involving elite actors, trust in formal law is eroded (Rompegading, 2022). Consequently, law is no longer viewed as a sacrosanct order of values but merely as a negotiable instrument of power. This condition slowly gives rise to a culture of cynicism and apathy (Yuwanto, 2016), where corruption is no longer seen as a shocking deviation but is normalized as a commonplace occurrence in the socio-political landscape. In this context, the norms within Law Number 31 of 1999 are neutralized, as their imperative force is weakened not by other legal norms but by a socio-cultural logic that has accepted corrupt practices as a part of reality.

Proceeding from this complexity, this article is written as a critical reflection aimed at dissecting the paradox of a rule of law state in eradicating corruption through a multidisciplinary lens. By integrating the perspectives of constitutional philosophy, political law, and the sociology of law, this paper does not intend to merely present a portrait of failure but to profoundly understand the roots of the structural dilemma we collectively face. The analysis will focus on how the spirit of Article 1(3) of the 1945 Constitution is negotiated in the formulation and implementation of Law Number 31

of 1999 and Law Number 30 of 2002[2], and their intersection with various sectoral laws. Thus, this paper hopes to offer a synthesis of thought capable of transcending the trap of legal formalism and encouraging the revitalization of the spirit of a rule-of-law state that is both substantive and just for all the people of Indonesia.

## METHOD

Fundamentally, this is a normative legal research that seeks to conduct an in-depth analysis of the norms, principles, and legal conceptions within eradicating criminal acts of corruption in Indonesia. However, this study does not confine itself solely to a dogmatic-positivist approach to address the multidimensional research questions. Instead, this research consciously applies an interdisciplinary approach, enriching the normative analysis by utilizing lenses from other disciplines, namely philosophy, politics, and sociology (Irwansyah, 2020). This approach is based on the conviction that a legal phenomenon such as corruption does not exist in a vacuum but is intricately intertwined with the philosophical, political, and social contexts surrounding it. Thus, a comprehensive analysis demands an analytical framework that transcends the confines of legal positivism.

The research is operationalized through three primary, complementary approaches to sharpen this analysis (Qamar & Rezah, 2020). *First*, a philosophy of law approach is utilized to deconstruct and reflect upon the foundational ideas behind the concept of a rule of law state (*rechtsstaat*), as enshrined in Article 1(3) of the 1945 Constitution, and to examine the values of substantive justice that should be the spirit of every law enforcement effort. *Second*, a political law approach is used to analyze every legal product, particularly Law Number 30 of 2002 and various sectoral laws, as outcomes of contesting interests and power relations rather than as neutral and autonomous texts. *Third*, a sociology of law approach plays a crucial role in dissecting the gap between law in books, such as the ideal norms in Law Number 31 of 1999, and law in action in its social reality, including how these legal norms interact with and are negated by socio-cultural logics within society.

This interdisciplinary analytical framework is subsequently supported by a relevant theoretical foundation, such as the theory of a rule of law state in contrast to a power state (*machtstaat*), the theory of discursive hegemony, the sociology of patronage, and specifically utilizes Rahardjo's (2009) theory of Progressive Law as a critical analytical lens and as a basis for formulating a constructive synthesis. The primary data sources in this research are legal materials collected through library and documentary study methods. These materials include primary legal materials consisting of binding laws and regulations, such as the 1945 Constitution, Law

[2]Law Number 30 of 2002, as amended several times, lastly by Law Number 19 of 2019.

Number 31 of 1999, Law Number 30 of 2002, and various other sectoral laws, as well as secondary legal materials in the form of scholarly doctrines, scientific journals, books, and relevant prior research findings. Tertiary legal materials, such as legal dictionaries and encyclopedias, are also employed to clarify technical terms.

All collected legal materials are subsequently analyzed qualitatively using methods of legal interpretation (Sampara & Husen, 2016). The interpretive process is not limited to grammatical interpretation but extensively employs systematic interpretation to observe the coherence and disharmony among legal norms and teleological or sociological interpretation to understand a norm's purpose and social impact. Through this series of systematic and reflective methodological steps, this research aims to produce a holistic and in-depth legal construction capable of comprehensively addressing the paradox of a rule of law state in the eradication of corruption, transcending analysis that is merely procedural and formalistic.

## RESULTS AND DISCUSSION

### A. Constitutional Tension: The Facade of a Rule of Law State in the Vortex of Legislative Politics

The solemn mandate enshrined in Article 1(3) of the 1945 Constitution is a fundamental postulate establishing Indonesia as a rule-of-law state (*rechtsstaat*). Philosophically, the meaning of this conception transcends the mere understanding of a state based solely on regulations (rule by law); rather, it is an order that demands the limitation of power, the guarantee of human rights protection, and, most importantly, the realization of substantive justice for all citizens (Busthami, 2022). However, this constitutional idealism is not self-executing and cannot materialize independently. It requires a process of translation or politicization into concrete legal instruments—a legislative process that is inherently a political arena where various interests and ideologies contest one another (Qamar & Rezah, 2022). Within this arena, the facade of a rule of law state is genuinely at stake, where the sublime idealism of the constitution must engage in a dialectic, negotiate, and often experience intense tension with the reality of political pragmatism, which is fraught with short-term power calculations.

This constitutional tension manifests most vividly in the dynamics of legal politics surrounding the existence of the Corruption Eradication Commission. As an institution born from the spirit of reform to become the vanguard of anti-corruption law enforcement, the independence of the Corruption Eradication Commission is an absolute prerequisite for it to function without intervention. However, this independence has continuously been an object of contestation within the vortex of legislative politics. It culminated in enacting Law Number 19 of 2019,

which triggered a significant paradigm shift. Establishing a Supervisory Board and changing employment status to State Civil Apparatus normatively represent a pull that draws the institution closer into the orbit of executive power (Einstein & Ramzy, 2020). Regardless of the debate over its effectiveness, this change factually reflects the victory of the logic of political coalition pragmatism over the logic of strengthening institutional independence—a compromise that directly tests and reshapes the facade of the rule of law state in the context of corruption eradication.

Furthermore, this disharmony occurs vertically between constitutional idealism and the laws beneath it and extends horizontally among the laws themselves. The anti-corruption regime, built through Law Number 31 of 1999 as a *lex specialis*, often confronts various sectoral laws born from different political and economic agendas. This clash between legal regimes becomes an arena where anti-corruption law enforcement is tested and weakened, creating a gray area that erodes the supremacy of Law Number 31 of 1999 itself.

One of the clearest manifestations of this disharmony is seen in the natural resources sector, particularly through Law Number 4 of 2009[3]. Within the legal regime for mineral and coal mining, the failure of a business permit holder to fulfill crucial obligations such as reclamation and post-mining activities is primarily categorized as an administrative violation, with sanctions ranging from fines to license revocation (Verensia et al., 2024). However, from the perspective of criminal corruption law, the allowance of massive environmental damage due to such negligence is, in fact, a source of state financial loss, the value of which far exceeds the potential administrative fines. It is here that the tension arises: law enforcers attempting to apply Article 2 or Article 3 of Law Number 31 of 1999 will be met with the corporation's defense that its actions are purely an administrative matter, the resolution of which is subject to the mechanisms within Law Number 4 of 2009. Thus, the legal regime of mineral and coal mining has the potential to become a juridical shield that reduces corporate crime, which harms the state ecologically and financially, to a mere administrative violation.

Disharmony driven by a similar logic also appears vividly in Law Number 6 of 2023. Enacted with the primary goal of accelerating investment through licensing simplification, this law fundamentally alters various provisions in sectoral laws, including those related to environmental protection (Sebastian et al., 2025). With the weakening of the Environmental Impact Analysis (AMDAL) instrument as the frontline of preventing environmental damage, a public official can issue a permit for a project under the pretext of procedural compliance with the risk-based licensing regime mandated by Law Number 6 of 2023. If the project

[3]Law Number 4 of 2009, as amended several times, lastly by Law Number 2 of 2025.

is later proven to cause significant state financial loss, a complex conflict of legal interpretation arises. The official will seek refuge behind the formal legality of their actions according to Law Number 6 of 2023, while anti-corruption law enforcers could potentially view it as a criminal act of abuse of authority as regulated in Article 3 of Law Number 31 of 1999, committed to benefit a specific corporation by disregarding long-term impacts.

Even more fundamentally, this weakening comes from sectoral laws and judicial interpretations of other laws that directly erode the striking power of Law Number 31 of 1999. The Constitutional Court Decision Number 25/PUU-XIV/2016 concerning Article 3 of Law Number 31 of 1999 has drastically changed the landscape of enforcing the offense of abuse of authority following the enactment of Law Number 30 of 2014[4]. The decision effectively created a procedural firewall, wherein the "abuse of authority" criminal element can only be investigated after a flaw in authority has been proven in the administrative law domain. Consequently, law enforcement officials no longer have the discretion to directly apply Article 3 of Law Number 31 of 1999 to allegedly corrupt officials. However, they must instead await an administrative process that is often slow and susceptible to intervention. It demonstrates how one legal regime, genuinely intended to protect officials from the criminalization of policy, has instead become an instrument that can hinder and weaken the prosecution of corrupt acts disguised as administrative decisions.

From these various manifestations, a clear pattern emerges where political logic consistently dominates legal-constitutional logic in Indonesia's legislative process. Lawmaking is often interpreted more as an effort to fulfill procedural formalism and accommodate political agreements, while questions regarding the fidelity of the legal product to the substance of justice and the spirit of the rule of law state enshrined in the constitution become a secondary consideration. This phenomenon indicates a subtle shift from the essence of a *rechtsstaat*, oriented towards material justice, to a veiled practice of a *machtstaat*, where law becomes an instrument that legitimizes and serves the interests of the power holders (Simbolon, 2020). As a result, the legislative products are often ambivalent: on the one hand, they carry the rhetoric of law enforcement, but on the other, they insert compromising clauses that ultimately weaken law enforcement itself.

Ultimately, this vortex of legislative politics produces a facade of a rule-of-law state that is not monolithic but rather fraught with internal tensions and contradictions. The current legal framework for corruption eradication is not a coherent and unified structure but a mosaic composed of the idealism of reform, political compromises, and competing sectoral interests. The normative

[4]Law Number 30 of 2014, as amended by Article 175 of Government Regulation in Lieu of Law Number 2 of 2022.

ambivalence from this process is the foundation for the various anomalies that will occur at the implementation level. Therefore, a profound understanding of this constitutional tension at the upstream level is the crucial first step before we can effectively dissect why law enforcement at the downstream level so often fails to proceed as envisioned.

## B. Anomalies in Law Enforcement: Law Number 31 of 1999 Confronts Socio-Cultural Reality

As previously described, the constitutional tension occurring in the legislative and political domain inevitably seeps down and culminates in the emergence of various anomalies at the law enforcement level. This anomaly becomes apparent when a legal instrument normatively designed with extraordinary power, Law Number 31 of 1999, confronts Indonesia's socio-cultural reality, which operates on its logic. On paper, Law Number 31 of 1999 stands as a formidable legal fortress, bearing the status of *lex specialis* and armed with offenses that cover a broad spectrum, from acts causing state financial loss in Articles 2 and 3 to bribery and gratification, which is strictly regulated in Article 12B. The law even introduces a reversal of the burden of proof mechanism as stipulated in Article 37, a breakthrough that theoretically should provide the adequate striking power needed to ensnare perpetrators of corruption. However, this impressive normative power is often subject to reduction and even neutralization upon direct contact with deeply entrenched social practices.

This anomaly in law enforcement stems from a fundamental clash between formal legal rationality—impersonal, universal, and based on written rules—(Qamar, 2021), and a socio-cultural logic that is personal, particular, and founded upon informal relational networks (Lubis et al., 2024). Modern legal systems, including Law Number 31 of 1999, operate on the assumption of autonomous individuals who are subject to the same rules regardless of social status (Pamungkas et al., 2024). Conversely, the socio-political reality in Indonesia is, in many aspects, still heavily colored by patron-client logic (Ramadhan & Oley, 2019), a relational system built upon personal loyalty and reciprocity or the exchange of favors. Within this logical framework, an act defined as corruption by formal law may be viewed differently—for instance, as a form of returning a favor (Maradona, 2021), a manifestation of loyalty to a superior or group (Mochtar, 2019), or even as an informal mechanism to streamline a rigid bureaucracy (Butarbutar, 2016).

This clash of logic can be seen concretely in the difficulty of enforcing norms regarding gratification. The provision in Article 12B of Law Number 20 of 2001 strictly categorizes any receipt of gifts related to one's official position as an act that must be reported and can potentially become a criminal act of bribery.

However, this rigid legal norm directly confronts social practices that view gift-giving or "tokens of gratitude" as a part of etiquette, a way to maintain good relations, or an expression of respect (Aurelius et al., 2024). The thin line between what is considered cultural courtesy and what is categorized as illegal gratification becomes exceedingly blurred in practice. Consequently, the enforcement of this article faces severe challenges, not due to weaknesses in the legal text itself, but because it attempts to intervene in a domain governed by social norms that are far older and more closely adhered to in daily interactions.

A similar anomaly also occurs in proving the element of "state financial loss," which is the core of Articles 2 and 3 of Law Number 31 of 1999. Juridically, this element requires meticulous and measurable proof. However, in a political context colored by network interests, a policy that demonstrably harms the state can be framed and defended as a legitimate "policy discretion" (Anwary & Putra, 2020). The political actors can argue that the decision was the best course of action based on the information available at the time, even if the decision factually benefits their political group or network. This politicization of the "state financial loss" concept transforms the debate from a legal domain to a political one, where objective legal proof becomes difficult to establish, obscured by political arguments that are subjective and partisan.

Ultimately, this series of anomalies culminates in a severe consequence for the legal system itself: the erosion of the law's moral authority (*gezag*) in the eyes of the public. When the public repeatedly witnesses that a law that appears formidable on paper can be paralyzed by political forces and negotiated by social norms, faith in the supremacy of law fades. This condition gives rise to a culture of public cynicism and apathy, where law is no longer seen as a representation of justice but merely as a tool in the game of power—one that is sharp against the common populace but blunt against the elite. It is the vicious cycle that perpetuates corrupt practices, where the weakening of law enforcement due to socio-cultural factors, in turn, further diminishes the binding force and honor of the law itself within society.

## C. Reconstructing the Meaning of a Rule of Law State: A Progressive Synthesis Beyond Legal Formalism

The analysis of the constitutional tension in the legislative domain and the anomalies of law enforcement in the socio-cultural sphere ultimately converges on one fundamental conclusion: the dominant approach to viewing and implementing law in Indonesia has been trapped within the shackles of juridical formalism. This paradigm views law as a logical, autonomous system, complete in and of itself, where truth and justice are considered identical to the precise application of the

statutory text. Consequently, eradicating corruption is more often understood as a technical-procedural matter—namely, how to correctly apply the articles within Law Number 31 of 1999—without profoundly questioning whether the process genuinely produces substantive justice as felt by the people. This limitation of the formalistic approach is the very root of the law's paralysis when confronted with pragmatic political realities and complex social logic, as a rigid legal text will never be able to capture and respond to the dynamic realities of life.

This limitation of the formalistic approach inherently demands a paradigm shift, a courage to reconstruct the meaning of a rule of law state itself. The way out of the existing paradox lies not merely in adding articles or forming new institutions but in revitalizing the way of thinking and legal reasoning. Here, the idea of Progressive Law, as conceived by Rahardjo (2009), offers a relevant and urgent synthesis. Progressive Law refuses to deify statutes and procedures; instead, it places humanity and justice as the central point and ultimate goal of all legal processes. This paradigm posits that law is a means, not an end; it is an institution that must actively and continuously strive for its people's emancipation, welfare, and happiness, especially when faced with systemic crimes such as corruption.

This progressive synthesis is not an invitation to abandon positive law but to interpret and implement it with spirit and conscience. Its ultimate foundation returns to the highest source of law: revitalizing the true meaning of Article 1(3) of the 1945 Constitution. The mandate that "The State of Indonesia is a state based on law" must be interpreted teleologically, not merely as a state that possesses regulations but as a state committed to realizing the sublime ideals of law itself: justice, utility, and just certainty. The spirit of the Constitution must become the compass for every legislator in formulating laws and for every law enforcer in making decisions. Thus, Progressive Law becomes the bridge that reconnects the frozen text of statutes with the living spirit of the Constitution, which sides with public justice.

By implication, this means reconstruction demands a transformation at the actor level. A progressive legislator, for instance, will not only ask, "Does this draft law comply with technical drafting procedures?" but will reflect further, "Will this draft law strengthen or instead erode the foundations of social justice and the eradication of corruption?". Similarly, a progressive law enforcer—be it a prosecutor or a judge—when faced with a conflict between the rigidity of an article in Law Number 31 of 1999 and the effort to pursue a corruptor's assets hidden through sophisticated means, will dare to make a legal breakthrough (*rechtsvinding*) to achieve a greater goal: the recovery of state losses and the impoverishment of corruptors. This courage to engage in an interpretation that transcends the text distinguishes an ordinary law apparatus from a champion of justice.

In essence, the reconstruction of the meaning of a rule of law state is a collective intellectual, moral, and political project. It demands a shift from a bureaucratic and procedural legal culture to an empathetic and substantive one. This effort must begin with a legal education that no longer only teaches articles but also instills ethics and social sensitivity. Thus, the eradication of corruption can be put back on its proper track: not as a mere spectacle of formalistic law enforcement, but as a relentless struggle to realize the promises of independence and the constitutional mandate—that is, the realization of clean and authoritative governance for the greatest prosperity of the people. The final synthesis can bridge the dialectic between discourse and reality and transform the facade of a rule of law state from merely procedural to a reality grounded in justice.

## CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that the persistence of corruption in Indonesia is not merely a problem of weak law enforcement or low individual morality but rather a manifestation of a fundamental and systemic paradox of the rule of law state. The foundation of this paradox lies in the constitutional tension that occurs at the upstream level, namely in the arena of legislative politics, where the solemn mandate of Article 1(3) of the 1945 Constitution is continuously negotiated and often reduced by the logic of power pragmatism. The normative ambivalence born from the contestation during the formulation of Law Number 30 of 2002 and the disharmony with various sectoral laws directly becomes the primary cause of anomalies at the downstream level. Thus, neutralizing the juridical power of Law Number 31 of 1999 when confronting a complex socio-cultural reality is not a standalone phenomenon but a logical consequence of law operating upon a fragile regulatory foundation fraught with political compromise from its inception.

Confronting a problem rooted at a conceptual and paradigmatic level, the conclusion of this research asserts that any remedial efforts that are partial, technical, and trapped within the framework of juridical formalism will never be adequate to address the root of the issue. What is needed is not merely the addition or amendment of articles but the courage to reconstruct the meaning of a rule of law state itself. The most fundamental way out lies in a paradigm shift from understanding law as a lifeless text and a set of rigid procedures to understanding law as a living force endowed with conscience aimed at the ultimate goal of realizing substantive justice for society. A progressive synthesis, which places humanity and human dignity at the center of all legal processes, becomes an intellectual and moral imperative to revitalize the true spirit of Article 1(3) of the 1945 Constitution.

Therefore, the first implication of this conclusion demands a transformation in the practice and ethics of politics within the legislative sphere. Legislators, as representatives of the people's sovereignty, bear a historic duty not only to be formulators of statutes but also to be the primary guardians of the Constitution's dignity. Every legislative process, particularly those related to strategic sectors and law enforcement, must be based on a profound constitutional reflection, constantly posing the fundamental question: will this draft law strengthen or erode the foundations of a just rule of law state? The institutionalization of a rigorous "anti-corruption impact assessment" mechanism in formulating every sectoral law could be a concrete first step to ensure legislative harmonization and close loopholes for potential corruption in the future.

Furthermore, this reconstruction of the meaning of a rule of law state also implies the necessity of revitalization within the judicative sphere and other law enforcement institutions. Law enforcers, particularly prosecutors and judges, can no longer position themselves as passive mouthpieces of the law (*bouche de la loi*). Instead, they are called upon to become active champions of justice, possessing the intellectual courage and moral integrity to make legal breakthroughs (*rechtsvinding*) when faced with textual deadlocks or systemic anomalies. A teleological interpretation oriented towards punishment—namely, providing deterrent effects, recovering state losses, and, above all, realizing justice as felt by the public—must be prioritized over fulfilling formal requirements in indictments or verdicts.

Ultimately, the reconstruction of the meaning of a rule of law state is a collective and continuous civilizational project. This effort will not succeed if it remains a discourse among the political and legal elite. It demands the active involvement of the academic world to continuously develop critical and progressive legal thought and to foster a legal education curriculum that instills ethics and social sensitivity, not just technical skills. On the other hand, it also requires strengthening awareness and civic ethics among civil society to reject all forms of normalization of corrupt practices and consistently demand the highest standards of integrity from state officials. Only through the synergy and shared commitment of all elements of the nation can the dialectic between discourse and reality be bridged, and the sublime ideals of a just rule of law state be substantively realized.

## REFERENCES

The 1945 Constitution of the Republic of Indonesia. https://www.dpr.go.id/dokumen/jdih/undang-undang-dasar

Anwary, I., & Putra, D. P. (2020). Diskresi dalam Perspektif Tindak Pidana Korupsi. *Badamai Law Journal, 5*(1), 1-20. https://doi.org/10.32801/damai.v5i1.9734

Aurelius, A. T., Wijayanto, B. F., & Haryanto, M. (2024). Beban Pembuktian Pasal 12 B Undang-Undang Nomor 20 Tahun 2001 tentang Perubahan atas Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi. *Jurnal Ilmu Hukum The Juris, 8*(2), 510-516. https://doi.org/10.56301/juris.v8i2.1344

Busthami, D. S. (2022). The Principles of Good Legislation Forming: A Critical Review. *SIGn Jurnal Hukum, 4*(2), 308-319. https://doi.org/10.37276/sjh.v4i2.223

Butarbutar, R. (2016). Pertanggungjawaban Pidana Partai Politik dalam Tindak Pidana Korupsi dan Pencucian Uang. *Padjadjaran: Jurnal Ilmu Hukum, 3*(2), 351-371. https://doi.org/10.22304/pjih.v3n2.a7

Decision of the Constitutional Court of the Republic of Indonesia Number 25/PUU-XIV/2016 on the Judicial Review of Law Number 31 of 1999 juncto Law Number 20 of 2001. https://tracking.mkri.id/index.php?page=web.TrackPerkara&id=25/PUU-XIV/2016

Desianto, R. (2022). Sengketa Kewenangan Penyidikan dalam Rangka Pemberantasan Korupsi. *Kertha Wicaksana: Sarana Komunikasi Dosen dan Mahasiswa, 16*(2), 123-139. https://doi.org/10.22225/kw.16.2.2022.123-139

Einstein, T., & Ramzy, A. (2020). Eksistensi Komisi Pemberantasan Korupsi Berdasarkan Undang- Undang Nomor 19 Tahun 2019 tentang Perubahan Kedua atas Undang-Undang Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi. *National Journal of Law, 3*(3), 303-321. https://doi.org/10.47313/njl.v3i2.919

Government Regulation in Lieu of Law of the Republic of Indonesia Number 1 of 2015 on Amendment to Law Number 30 of 2002 on the Corruption Eradication Commission (State Gazette of the Republic of Indonesia of 2015 Number 31, Supplement to the State Gazette of the Republic of Indonesia Number 5661). https://peraturan.go.id/id/perppu-no-1-tahun-2015

Government Regulation in Lieu of Law of the Republic of Indonesia Number 2 of 2022 on Job Creation (State Gazette of the Republic of Indonesia of 2022 Number 238, Supplement to the State Gazette of the Republic of Indonesia Number 6841). https://peraturan.go.id/id/perppu-no-2-tahun-2022

Hasibuan, A. K. (2020). Tanggungjawab Hukum Partai Politik terhadap Kader Partai sebagai Anggota Dewan Perwakilan Rakyat Terkait Tindak Pidana Korupsi. *Jurnal SOMASI (Sosial Humaniora Komunikasi), 1*(2), 186-199. https://doi.org/10.53695/js.v1i2.96

Imran, I., & Koswara, I. Y. (2023). The Problematics of Determining Investigators for the Corruption Eradication Commission. *SIGn Jurnal Hukum, 5*(2), 235-248. https://doi.org/10.37276/sjh.v5i2.257

Irwansyah. (2020). *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*. Mirra Buana Media.

Karianga, I., Arsalan, H., & Yubagyo, L. J. (2021). Pencabutan Hak Politik Terpidana Korupsi dalam Perspektif Social Contract Theory. *Arena Hukum, 14*(3), 500-522. https://doi.org/10.21776/ub.arenahukum.2021.01403.5

Komisi Pemberantasan Korupsi Republik Indonesia. (2025, February 11). *Skor IPK 2024 Meningkat, KPK Dorong Penguatan Pemberantasan Korupsi*. https://kpk.go.id/id/ruang-informasi/berita/skor-ipk-2024-meningkat-kpk-dorong-penguatan-pemberantasan-korupsi

Law of the Republic of Indonesia Number 31 of 1999 on the Eradication of Corruption Crimes (State Gazette of the Republic of Indonesia of 1999 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 3874). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/432

Law of the Republic of Indonesia Number 20 of 2001 on Amendment to Law Number 31 of 1999 on the Eradication of Corruption Crimes (State Gazette of the Republic of Indonesia of 2001 Number 134, Supplement to the State Gazette of the Republic of Indonesia Number 4150). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/351

Law of the Republic of Indonesia Number 30 of 2002 on the Corruption Eradication Commission (State Gazette of the Republic of Indonesia of 2002 Number 137, Supplement to the State Gazette of the Republic of Indonesia Number 4250). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/329

Law of the Republic of Indonesia Number 4 of 2009 on Mineral and Coal Mining (State Gazette of the Republic of Indonesia of 2009 Number 4, Supplement to the State Gazette of the Republic of Indonesia Number 4959). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/520

Law of the Republic of Indonesia Number 30 of 2014 on Government Administration (State Gazette of the Republic of Indonesia of 2014 Number 292, Supplement to the State Gazette of the Republic of Indonesia Number 5601). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1612

Law of the Republic of Indonesia Number 10 of 2015 on Enactment of Government Regulation in Lieu of Law Number 1 of 2015 on Amendment to Law Number 30 of 2002 on the Corruption Eradication Commission Into Law (State Gazette of the Republic of Indonesia of 2015 Number 107, Supplement to the State Gazette of the Republic of Indonesia Number 5698). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1635

Law of the Republic of Indonesia Number 19 of 2019 on the Second Amendment to Law Number 30 of 2002 on the Corruption Eradication Commission (State Gazette of the Republic of Indonesia of 2019 Number 197, Supplement to the State Gazette of the Republic of Indonesia Number 6409). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1750

Law of the Republic of Indonesia Number 3 of 2020 on Amendment to Law Number 4 of 2009 on Mineral and Coal Mining (State Gazette of the Republic of Indonesia of 2020 Number 147, Supplement to the State Gazette of the Republic of Indonesia Number 6525). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1763

Law of the Republic of Indonesia Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation Into Law (State Gazette of the Republic of Indonesia of 2023 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6856). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1825

Law of the Republic of Indonesia Number 2 of 2025 on the Fourth Amendment to Law Number 4 of 2009 on Mineral and Coal Mining (State Gazette of the Republic of Indonesia of 2025 Number 29, Supplement to the State Gazette of the Republic of Indonesia Number 7100). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1996

Lubis, A. H., & Nelson, F. M. (2024). Analisis Perma Nomor 1 Tahun 2020 dalam Kaitannya dengan Penanggulangan Tindak Pidana Korupsi. *Jurnal Ilmu Hukum, Humaniora dan Politik, 4*(5), 1407-1418. https://doi.org/10.38035/jihhp.v4i5.2277

Lubis, R., Purnama, D., & Sulaiman, H. (2024). The Right to Equitable Access to Higher Education: An Analysis Based on the Philosophy of Pancasila. *SIGn Jurnal Hukum, 6*(2), 170-187. https://doi.org/10.37276/sjh.v6i2.381

Maradona, T. B. (2021). Tindak Pidana Gratifikasi di Indonesia Ditinjau dari Aspek Budaya Hukum. *Jurnal Hukum dan Pembangunan Ekonomi, 9*(1), 26-39. https://doi.org/10.20961/hpe.v9i1.52526

Marua, A., & Muzakkir, A. K. (2023). Fajar.co.id Political Reporting: A Study on Editorial Policy Related to the Makassar Mayoral Election. *SIGn Journal of Social Science, 3*(2), 75-87. https://doi.org/10.37276/sjss.v3i2.324

Mochtar, Z. A. (2019). Pertanggungjawaban Partai Politik yang Melakukan Tindak Pidana Korupsi. *Mimbar Hukum, 31*(2), 157-173. https://doi.org/10.22146/jmh.29199

Muhtar, M. H. (2019). Model Politik Hukum Pemberantasan Korupsi di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum. *Jambura Law Review, 1*(1), 68-93. https://doi.org/10.33756/jalrev.v1i1.1988

Muzakkir, A. K., Alhamid, M., & Kambo, G. A. (2021). Pembatalan Pembahasan Rancangan Undang-Undang tentang Penyelenggaraan Pemilihan Umum dan Keterkaitannya pada Pemilihan Umum Tahun 2024. *Pleno Jure, 10*(1), 54-67. https://doi.org/10.37541/plenojure.v10i1.560

Muzakkir, A. K., Alhamid, M., & Kambo, G. A. (2023). Split-Ticket Voting in Strategic Coordination Approach to General Election of Provincial – City House of Representatives of 2019 in Rappocini Sub-District, Makassar City. In *Hasanuddin Conference on Social and Political Sciences (HICOSPOS) 2021* (pp. 8-14). Sciendo. https://doi.org/10.2478/9788366675667-002

Muzakkir, A. K., & Bailusy, U. S. F. (2023). The Split-Ticket Voting Phenomenon: Analyzing Internal Voter Factors in the Central–Provincial House of Representatives Election. *SIGn Journal of Social Science, 4*(1), 69-86. https://doi.org/10.37276/sjss.v4i1.333

Pamungkas, S., Novitasari, S., Dwiyatmi, S. H., Imananta, Y., & Maabuat, M. D. (2024). Akulturasi Budaya Hukum dalam Pendidikan Anti Korupsi bagi Siswa Sekolah. *Jurnal Hukum Lex Generalis, 5*(10), 1-26. https://doi.org/10.56370/jhlg.v5i10.888

Qamar, N. (2021). Theory Position in the Structure of Legal Science. *SIGn Jurnal Hukum, 3*(1), 52-64. https://doi.org/10.37276/sjh.v3i1.126

Qamar, N., & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. CV. Social Politic Genius (SIGn).

Qamar, N., & Rezah, F. S. (2022). The Dichotomy of Approach in the Study of Legal Science: A Critical Review. *SIGn Jurnal Hukum, 4*(2), 191-201. https://doi.org/10.37276/sjh.v4i2.162

Rahardjo, S. (2009). *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*. Genta Publishing.

Ramadhan, M. N., & Oley, J. D. B. (2019). Klientelisme sebagai Perilaku Koruptif dan Demokrasi Banal. *Integritas: Jurnal Antikorupsi, 5*(1), 169-180. https://doi.org/10.32697/integritas.v5i1.379

Rompegading, A. M. (2022). Deterrence and Eradication of Gratification Crime. *SIGn Jurnal Hukum, 3*(2), 151-162. https://doi.org/10.37276/sjh.v3i2.161

Rosyid, H. (2024). Positioning Media Baru dalam Menekan Pembiayaan Politik Elektoral melalui Pendekatan Psikologi Politik. *Madani: Jurnal Politik dan Sosial Kemasyarakatan, 16*(3), 481-503. https://doi.org/10.52166/madani.v16i03.9121

Sadeadema, V. M. (2019). Pemilu dan Korupsi: Dilema Konstestasi Caleg Mantan Napi Korupsi Pada Pileg 2019. *Jurnal Transformative, 5*(2), 52-72. https://doi.org/10.21776/ub.transformative.2019.005.02.4

Sampara, S., & Husen, L. O. (2016). *Metode Penelitian Hukum*. Kretakupa Print.

Sebastian, R. R., Wisatrioda, B., Sami'an, S., & Hardjomuljadi, S. (2025). Resolving Construction Disputes through Negotiation: A Case Study of Amendments to the Environmental Impact Assessment for an Electricity Infrastructure Project. *SIGn Jurnal Hukum, 6*(2), 282-295. https://doi.org/10.37276/sjh.v6i2.389

Simbolon, N. Y. (2020). Politik Hukum Penanganan Korupsi oleh Komisi Pemberantasan Korupsi Pasca Disahkannya Undang-Undang No. 19 Tahun 2019. *Jurnal Mercatoria, 13*(2), 157-177. https://doi.org/10.31289/mercatoria.v13i2.3740

Verensia, V., Rusdiana, S., & Hutauruk, R. H. (2024). Perbandingan Pengaturan Pengelolaan Ekosistem Pascatambang di Kepulauan Riau dan Jambi Mana yang Lebih Baik. *Jurnal Komunikasi Hukum, 10*(2), 215-228. https://doi.org/10.23887/jkh.v10i2.93268

Yuwanto, L. (2016). Kinerja Penanganan Tindak Pidana Korupsi Sumber Daya Alam dan Kepercayaan terhadap Komisi Pemberantasan Korupsi. *Integritas: Jurnal Antikorupsi, 2*(1), 25-41. https://doi.org/10.32697/integritas.v2i1.137