



COMBATTING CORRUPTION IN INDONESIAN REGIONAL GOVERNANCE: STRATEGIES, CHALLENGES, AND PATHWAYS TO STABILITY

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ABSTRACT

This study investigates initiatives aimed at the local government level to end criminal acts of corruption. The persistence challenge of corruption in Indonesia especially within the regional governance still happening despite extensive anti-corruption initiatives in the country. By examining the multifaceted modus operandi across the local government it will uncovering the menacing threat that corruption poses to the stability of the regional governance, if not, the country. Analyzing how well local governments use procedures and techniques to combat corruption is the primary goal of their research. The study results offer a comprehensive understanding of the difficulties and roadblocks encountered in attempts to end corruption on a regional scale. Furthermore, this study also finds contributing elements that can boost anti-corruption initiatives' efficacy. The anticipated outcomes are anticipated to enhance comprehension of the mechanisms involved in eliminating corruption at the local government level and offer a foundation for enhancing policies and putting them into effect.

A. INTRODUCTION

The legal framework that specifies more particular restrictions pertaining to the elimination of corruption at the regional level is based on the *lex specialis derogat legi generalis* concept, which holds that special regulations take precedence over general regulations. The necessity of an integrated strategy and process for preventing corruption is underscored by the principle of *lex specialis*, which emphasizes the need for consistency and harmony within the legal system.¹ *Lex specialis*, or the principle that specific laws take precedence over general laws, calls for a systematic approach to

¹ Robert I. Rotberg and Fen Osler Hampson, eds. *Grand Corruption: Curbing Kleptocracy Globally*, (Taylor & Francis, 2024), 20.

ensure that legal frameworks are cohesive and mutually reinforcing.² However, the complexities of regional administration and policy, along with the intricacies of legal issues, pose significant challenges to this approach. Understanding how the *lex specialis derogat legi generalis* principle can provide a robust legal framework for tackling corruption is crucial.³ This principle implies that more specific regulations should override general ones, particularly when dealing with corruption cases related to the management of local funds and resources. Thus, the application of the *lex specialis* principle allows for more targeted and effective legal measures in combating corruption, especially at the regional government level, which often faces various administrative and legal complexities.⁴ To achieve effective anti-corruption measures, it is essential that laws and regulations are closely interconnected and form an integrated system.⁵ This integration ensures that legal mechanisms are not only comprehensive but also effective in curbing corruption. In practical terms, corruption allegations within local governments often revolve around the misuse of budgetary control, manipulation of procurement processes for goods and services, and the exercise of authority in ways that contradict legal mandates.⁶ These practices can severely undermine the integrity and efficiency of public administration, leading to significant financial losses and eroding public trust.⁷ Addressing these issues requires a well-coordinated legal framework that aligns specific regulations with broader laws, thereby creating a cohesive system for preventing and addressing corruption.

The *lex specialis* principle, which asserts that specific laws should take precedence over general ones in certain contexts, is crucial in this regard.⁸ By adhering to this principle, legal systems can ensure that anti-corruption

² Henrique Marcos, "From Fragmented Legal Order to Globalised Legal System: Towards a Framework of General Principles for the Consistency of International Law," *Athena: Critical Inquiries L. Phil. & Globalization* 3 (2023): 90.

³ Naufal Ilham Ramadhan and Deddi Fasmadhy Satiadharmanto, "Kerangka Hukum Kontrak Tambang Batubara Di Indonesia: Studi Kasus Wanprestasi Perjanjian Kerjasama Tambang Batubara Pihak Swasta Pada Pemda Kabupaten Kota Baru, Kalsel," *Marwah Hukum* 2, no. 2 (2024): 57.

⁴ Hilaire Tegan et al., "Mining corruption and environmental degradation in Indonesia: Critical legal issues," *Bestuur* 9, no. 2 (2021): 90.

⁵ Denys Pudryk, Yaryna Bohiv and Nataliia Shpak, "Anti-corruption Agenda for State Geocadastre of Ukraine by 2030 in the Context of Transparency of Public Finance," *Baltic Journal of Economic Studies* 6, no. 1 (2020): 114.

⁶ V. Naidoo, Ps Reddy and S. Zondi, "Poverty And Corruption In The Provincial Government Of South Africa: The Case Of Kwazulu-Natal," *The Nexus between Poverty and Corruption: Quo Vadis?* (2023): 127.

⁷ Sa Mthuli, N. Singh and Ps Reddy, "Eroding Efficiency And Effectiveness: The Impact Of Corruption On Public Sector Performance In South Africa," *The Nexus between Poverty and Corruption: Quo Vadis?* (2023): 153.

⁸ Xuan Shao, "What we talk about when we talk about general principles of law," *Chinese Journal of International Law* 20, no. 2 (2021): 220.

measures are not only comprehensive but also tailored to the specific challenges faced by local governments. This approach enhances the effectiveness of the legal system in tackling corruption and promotes greater transparency in the administration of local resources. A clear illustration of how corrupt practices can become widespread is a corruption scandal involving an infrastructure project in a region.⁹ Such cases often reveal how deeply entrenched corruption can be, affecting various stages of the project, from planning and procurement to execution. The manipulation of procurement processes, for instance, can result in the selection of unqualified contractors or inflated project costs, ultimately harming public finances and delivering substandard infrastructure to the community. By applying the *lex specialis* principle, legal authorities can more effectively target and address the specific legal violations involved in these cases, ensuring that those responsible are held accountable.¹⁰ This targeted approach not only helps to mitigate the immediate damage caused by such scandals but also serves as a deterrent to future corrupt practices, reinforcing the rule of law and promoting accountability in public administration.¹¹

A number of court rulings have established legal enforcement against those who commit corruption in municipal government, highlighting the need for law enforcement to adhere to the *lex specialis derogat legi generalis* premise.¹² To guarantee that efforts to end corruption at the local government level are successful and efficient, it is imperative that these concepts are understood and put into practice.¹³ This study is to investigate how the use of the *lex specialis derogat legi generalis* principle and the *lex specialis* systematic principle can reinforce efforts to eradicate corruption in local government by examining the legal environment and specific case examples. It is anticipated that a thorough comprehension of these legal ideas will offer a solid basis for enhancing the laws and procedures that assist in the localized elimination of

⁹ Nicolás Campos et al., "The ways of corruption in infrastructure: Lessons from the Odebrecht case," *Journal of Economic Perspectives* 35, no. 2 (2021): 172.

⁹ Yuval Shany, "Co-application and harmonization of IHL and IHRL: are rumours about the death of *lex specialis* premature?," In *Research Handbook on Human Rights and Humanitarian Law*, Edward Elgar Publishing, (2022): 10.

¹⁰ Taryn Vian, "Anti-corruption, transparency and accountability in health: concepts, frameworks, and approaches," *Global health action* 13, no. sup1 (2020): 1694744.

¹¹ Massimo V. Benedettelli, "Determining the applicable law in commercial and investment arbitration: Two intertwined road maps for conflicts-solving," *ICSID Review-Foreign Investment Law Journal* 37, no. 3 (2022): 688.

¹² Muhammad Bagus Adi Wicaksono and Rian Saputra, "Building the eradication of corruption in Indonesia using administrative law," *J. Legal Ethical & Regul. Issues* 24 (2021): 3. See, Elita Purnamasari, "Kewenangan penyidik Polri dalam pemberantasan tindak pidana korupsi (Suatu tinjauan sosiologis)," *Lex Publica* 4, no. 1 (2017): 682.

¹³ Lorenzo Pasculli and Nicholas Ryder, eds, *Corruption in the global era: Causes, sources and forms of manifestation*, (Routledge, 2019), 12.

corruption.¹⁴ The problem in this writing is how the principle of *lex specialis derogat legi generalis* affects the effectiveness of efforts to eradicate corruption in local government environments, as well as how the principle of systematic *lex specialis* can improve the cohesiveness and integrity of corruption prevention strategies. The goal of this research is to determine the extent to which the principle of *lex specialis derogat legi generalis* influences the effectiveness of corruption-eradication efforts in local government. In order to offer a thorough understanding of the practical application of these legal principles, an evaluation will be conducted on the effects of applying the systematic *lex specialis* principle in promoting the coherence and integrity of corruption prevention strategies at the local government level. Additionally, specific cases of corruption in local government that have been adjudicated by the courts will be documented and examined. This study will provide a more thorough knowledge of the issues, barriers, and possibilities that exist in diverse local government situations by comparing different methods. A synthesis of the findings will be carried out to create a conceptual framework for putting the two concepts into practice in efforts to abolish corruption in local government. This synthesis will incorporate data from document analysis, case studies, and comparison analysis to present a more full and in-depth view of the dynamics of corruption eradication at the local level.

B. RESEARCH METHODS

This study used a conceptual legal research approach to explore how the legal principle helped fight corruption in local governments. Conceptual legal research focused on understanding legal ideas and their implications for legal ethics and systems. The study was qualitative and employed descriptive analysis to examine how effective specific laws is effective in preventing corruption. The research analyzed legal principles to address corruption issues in local governments. The study involved reviewing legal documents, regulations, and relevant articles to understand legal principle in anti-corruption efforts. Descriptive analysis was used to summarize findings. This helped in understanding how specific principle was applied in real situations, identifying challenges, and suggesting improvements for anti-corruption strategies, especially in Indonesia. The goal was to create a clear concept that combined these insights and provided practical recommendations to strengthen legal efforts against corruption in local governments.

C. RESULT AND DISCUSSION

The efficacy of initiatives to end criminal practices of corruption in local government is greatly impacted by the implementation of the legal premise

that special regulations should take precedence over general regulations.¹⁵ By adhering to this approach, cases involving corruption in local government can be resolved with a strong legal foundation, taking into account the particularities and complexity of corrupt crimes. Law enforcement officials can be given clear and consistent directions by more specific and detailed regulations, which will strengthen the foundation for locating, apprehending, and punishing corrupt individuals.¹⁶ By putting these ideas into practice, a regulatory framework that encourages accountability and openness in local government will be established. More detailed regulations give local governments the chance to put their implementation plans into action; nevertheless, this idea necessitates close collaboration and involvement from a range of stakeholders, including law enforcement, local government agencies, and civil society.¹⁷ To guarantee that the application of this principle yields the best outcomes and avoids any vulnerabilities in the anti-corruption system, interagency coordination is crucial. In the end, this idea leaves room for ongoing assessment and improvement of local government anti-corruption plans and initiatives. It is possible to measure the success of the restrictions put in place and pinpoint areas for improvement by conducting periodic reviews. The durability of anti-corruption initiatives in local government will depend on its capacity to adjust to shifting conditions and trends in corruption.¹⁸ A legal foundation is provided by the idea of enacting unique anti-corruption rules for local government, with a focus on preventative and law enforcement measures.¹⁹ Law enforcement officials can clarify how to understand and apply the law correctly while dealing corruption situations because to the comprehensive nature of these regulations. This makes it possible to pursue cases more successfully and concentrate efforts to end corruption. If put into practice, this idea may persuade municipal governments to impose more stringent financial management procedures. Provisions that are specific to financial accountability and transparency can promote the creation of regulations that reduce the likelihood of corrupt activities, like embezzlement and financial document fabrication.²⁰ As a result, this idea is essential to create an atmosphere that discourages unethical behavior.

¹⁵ Mushtaq Khan, Antonio Andreoni and Pallavi Roy, "Anti-corruption in adverse contexts: strategies for improving implementation," (2019): 30.

¹⁶ Larry E. Sullivan et al., eds. *Encyclopedia of law enforcement*, (Sage Publications, 2004), 2.

¹⁷ Peter G. Richards, *The reformed local government system*, (Taylor & Francis, 2024), 3.

¹⁸ Kendall D. Funk and Erica Owen, "Consequences of an Anti-Corruption Experiment for Local Government Performance in Brazil," *Journal of Policy Analysis and Management* 39, no. 2 (2020): 445.

¹⁹ Lijun Kong et al., "Basic Laws of Anti-Corruption in the Five ASEAN Countries: Models and Options," *Advances in Applied Sociology* 11, no. 12 (2021): 736.

²⁰ Bambang Waluyo, *Pemberantasan tindak pidana korupsi: Strategi dan optimalisasi*. (Sinar Grafika, 2022), 2.

Additionally, in the context of municipal government, this principle supports the bolstering of the internal audit structure and control function. More detailed rules might highlight these groups' power and obligation to examine and assess local government policies and procedures. To detect any corruption concerns and offer suggestions for required adjustments, an efficient audit framework must exist.²¹ The difficulty in putting this idea into practice, nevertheless, comes from local authorities' inconsistent interpretation and enforcement of the law. It is frequently challenging to unify effective legislation due to the distinctiveness and complexity of each region. Therefore, in order to guarantee that the regulations put into place are compliant with the spirit of anti-corruption, guidance and direction are required at the national level. In this instance, creating training and capacity-building programs for local government officials can be based on this idea. Through this training, employees of local government will be guaranteed to completely comprehend all applicable regulations and possess the necessary abilities to put them into practice in their day-to-day work environment. To eradicate corruption, human resources that have received education and training are essential. However, community involvement is also crucial to the successful application of this idea. Local governments need to make room for community involvement in overseeing and monitoring anti-corruption laws and initiatives that have been put into place. At the local level, communities that are conscious of their rights and responsibilities can be valuable allies in upholding transparency and accountability. An essential first step in the fight against corruption is the regular assessment of the efficiency of laws that are put into place. Local governments can find areas for progress and areas for weakness in the application of this principle through this examination. An ongoing evaluation cycle will guarantee that anti-corruption initiatives are not only implemented legally but also have the flexibility to adjust to ever-changing conditions. Thus, efforts to prevent corruption in local government can be well-founded on the idea of enforcing particular legislation. The extent to which the law is implemented can lead to beneficial structural and cultural shifts that have a big influence on integrity, accountability, and transparency locally. Creating a corruption-free environment and enhancing governance in general are among the goals of putting particular management concepts into effect with the intention of ending illegal activities of corruption in local government. These guidelines are intended to give law enforcement officials, local governments, and the community strong, unambiguous direction for tackling different corruption-related issues. This principle's primary goal is to increase the efficacy of anti-corruption initiatives by implementing more specific and

²¹ Kim K. Jeppesen, "The role of auditing in the fight against corruption," *The British Accounting Review* 51, no. 5 (2019): 100798.

focused legislation.²² The idea tries to develop a legal framework that is more in line with the dynamics of corruption cases that may arise in local government by focusing legislation on particular components of corruption crimes. This strengthens the legal foundation for case management, clears up ambiguities in interpretation, and gives authorities precise direction. Establishing an accountable and transparent culture in local government is another goal of this approach. This goal makes sure local governments run with the utmost transparency and integrity by adopting rules governing financial reporting, ethics, and scrutiny. As a result, a more responsible system is created since the public may now actively monitor and assess local governments' performance. This approach also attempts to hold auditing and internal control agencies of local government responsible. The principle is to guarantee the successful execution of the control process by furnishing measures to reinforce the roles and jurisdictions of these establishments. Additionally, it makes local governments proactive in identifying and disclosing possible corrupt activities and incorporates them in anti-corruption initiatives. Additionally, the goal of this approach is to help local governments develop more potent preventive programs. This particular rule offers a solid foundation for creating preventative policies and plans to deal with possible corruption threats in different local government sectors. By doing this, the goal takes a proactive stance to reduce openings and gaps for unethical behavior. The difficulty in putting this idea into practice, despite its good intentions, is in coordinating local government regulations. In order to achieve this goal, the central and local governments must coordinate and work together to harmonize rules for efficiency and consistency. To guarantee that this idea can be implemented consistently and have the intended effect throughout the region, effective coordination is necessary. Another objective of this principle is the significance of training and competency. Human resources that are capable of comprehending and putting into practice relevant regulations are essential for local governments. As a result, efforts to increase local government officials' knowledge and proficiency in performing their tasks in line with established agreements are included in this purpose. The primary goal is to reduce the likelihood of corruption by means of thorough and specific legislation that give law enforcement officials, local governments, and the community clear instructions to follow in their collaborative endeavor to attain high integrity and clean governance. This principle seeks to establish a strong legal framework that will enable the consistent and equitable application of

²² Jupriyadi Jupriyadi, and Imroatul Hasanah. "In the Absence of Trading in Influence in Anti-corruption Laws: Legal Framework within the United Nations Convention against Corruption." *Lex Publica* 10, no. 2 (2023): 45-63. See, Anastasia Suhartati Lukito, "Building anti-corruption compliance through national integrity system in Indonesia: A way to fight against corruption," *Journal of financial crime* 23, no. 4 (2016): 932-947.

anti-corruption legislation. Local governments are able to detect, stop, and take more focused action against corruption when regulations are more explicit. Thus, the goals of this principle are to guarantee legal certainty, promote preventive actions, and establish a strong legal basis for the efficiency of law enforcement. Creating a culture of accountability and openness at all local government levels is another objective. Accountable government is made possible by certain laws pertaining to supervision, ethics, and financial reporting.²³ This goal will boost participation, foster public trust in local government actions, and lay the groundwork for the eventual abolition of corruption by fostering a transparent atmosphere. This approach also attempts to hold auditing and internal control agencies of local government responsible. The goal is to increase the efficacy of internal control mechanisms by fortifying the function and power of these organizations. To actively support efforts to end corruption in local government, these organizations must take the initiative in identifying and disclosing possible corrupt activities. The primary obstacle to achieving this goal, though, is coordinating local government laws. In order to harmonize regulations for consistency and efficiency, this goal highlights how crucial it is for the central and municipal governments to coordinate and cooperate. The effective application of this idea throughout the region depends on this cooperation. This idea also aims to emphasize the value of training and competence. Enhancing the expertise and abilities of local government representatives is a crucial measure in guaranteeing the appropriate implementation of the legislation that have been put in place.²⁴ As a result, this goal encompasses continuous initiatives to raise the capabilities of human resources engaged in the fight against corruption. Additionally, this principle aims to promote community involvement in proactive initiatives to combat corruption. This objective furthers the development of a more vibrant, more participatory, more intolerant society toward corruption by giving the community a direct voice in the monitoring, reporting, and evaluation of local government anti-corruption policies and activities. Developing a sustainable assessment system is the aim of this principle. An essential first step in making sure that these principles endure and can adequately adjust to environmental shifts and the forces propelling the fight against corruption is to assess the sustainability and efficacy of legislation that are enforced on a regular basis. Thus, the goal of this principle is to provide a legal and governance framework that can reduce the possibility of corruption, involve all relevant parties, and

²³ Ratna Juwita, "Good governance and anti-corruption: responsibility to protect universal health care in Indonesia," *Hasanuddin Law Review* 4, no. 2 (2018): 3.

²⁴ Hari Wahyono, and Bagus Shandy Narmaditya. "Structural model of the application of anti-corruption values to local government bureaucrats." *Social Sciences & Humanities Open* 6, no. 1 (2022): 100346.

actively support the development of an honest, open, and accountable local government. Society can benefit greatly from the implementation of more focused governance principles in the fight against corruption in local government. The public will gain from greater local government accountability and openness with more specific regulations, which will boost public confidence in political institutions. An improvement in the standard of public services is the first effect that the general public will notice. In order to improve the efficiency of the use of public funds, certain restrictions can aid in the prevention of harmful corrupt practices in the provision of public services. The community directly benefits from this in the form of improved and equitable public services. Additionally, this idea can boost community involvement in local government oversight and control. Transparency-focused rules will make it simpler for the public to obtain information about the policies, finances, and performance of local government. By making the community more involved in acting as gatekeepers, this improved accessibility puts constructive pressure on local governments to conduct themselves honestly and ethically. A further benefit is a rise in public confidence in government agencies. The public can be led to believe that local government policies and choices are done with honesty and due consideration by enacting stronger and more transparent rules. In this approach, the public's confidence in local government as an entity capable of managing public resources and delivering services can be strengthened. This idea can also aid in lessening the disparity in how advantages and resources are distributed throughout society. It is possible to lessen the chance that certain people will take undue personal advantage of local government policies and programs by enacting restrictions that guarantee these initiatives do not encourage dishonest behavior. The advantages of government initiatives can therefore be spread fairly and affect more societal strata. Increased investment and growth in the local economy are the benefits that result. When municipal administrations behave honorably, public confidence and investment confidence are increased. Sustainable, open, and anti-corruption laws and initiatives will foster an atmosphere that encourages investment, which will boost economic expansion and job development. Applying this approach can also lessen the social costs that society bears as a result of corruption. The prevention of corruption can lead to more efficient use of public funds for the development of infrastructure, provision of healthcare, and enhancement of societal welfare. It's crucial to remember that these advantages may work as catalysts for the development of a society that is more engaged and has more faith in governmental institutions. This idea can foster an atmosphere that promotes sustainable development and the welfare of the entire community when local governments are dedicated to upholding integrity and communities are more conscious of

their rights and responsibilities. The application of systematic anti-corruption concepts in local government has the potential to positively benefit society by fostering an environment that is more egalitarian and inclusive. Integrity-focused regulations aid in closing gaps and discrepancies in access to public services. The same advantages can be enjoyed by communities at all levels, lowering social inequality and promoting social fairness. Improvements can also be observed in the ability and proficiency of local government representatives. Detailed standards of ethics and integrity contribute to the development of more skilled and competent workers. Enhancing the caliber of public services will increase public satisfaction and boost public trust in local governments' capacity to perform their duties. Additionally, the systemic implementation of principles fosters local anti-corruption initiatives, which in turn has a cascading impact. Lower-level governments may be inspired to follow suit by the dedication of local governments to enforcing transparent regulations. This strengthens the system's ability to eradicate corruption and expands its beneficial effects throughout the entire government apparatus. The link between local governments and the media is further strengthened by its effects on accountability and transparency. The conviction that laws and legal protections will bolster their reporting encourages journalists to bravely look into and cover wrongdoing. This has a significant positive impact on upholding the public's access to accurate and impartial information. Furthermore, the community functions as a change agent and is increasingly conscious of its rights. Communities are empowered to demand their rights when they get anti-corruption education and actively participate in local government supervision. The interaction between local governments and their inhabitants becomes more dynamic as a result of this beneficial effect. The methodical application of principles in the educational setting enables the development of curricula that prioritize the virtues of ethics and integrity. The younger generation can have a stronger grasp of the significance of anti-corruption efforts for sustainable development through character education that promotes honesty, openness, and accountability. Improving local governments' standing and reputation on a national and worldwide scale is an inevitable benefit. The central government, foreign donors, and international financial institutions will provide greater help to local governments because of their well-known dedication to combating corruption.²⁵ Opportunities for help and support may arise as a result, which may encourage local growth. This beneficial effect also encourages creativity and entrepreneurship in the

²⁵ Ahmad Khoirul Umam, "Understanding the influence of vested interests on politics of anti-corruption in Indonesia," *Asian Journal of Political Science* 29, no. 3 (2021): 255-273. See, Kristian, and Lindawaty Sewu, "Pemberantasan tindak pidana korupsi pasca ratifikasi the United Nations Convention Against Corruption dan pembaharuan hukum pidana Indonesia," *Lex Publica* 1, no. 2 (2015): 101-118.

community. People will be more inclined to support regional economic development when they see that dishonest behaviors won't interfere with their commercial ventures or investments. Local communities' inventiveness and ingenuity may be the engine of long-term, steady economic progress. Additionally, the implementation of systematic principles strengthens ties between non-governmental groups and municipal governments. Local governments can benefit greatly from these groups' assistance in ensuring that anti-corruption laws are followed, as they frequently serve as impartial watchdogs. An integrated and more efficient supervision system is the result of this close cooperation.

D. CONCLUSION

In dealing with the issues of combating corruption in local government, the use of systemic principles has had a considerable positive influence. More precise and unambiguous regulations regarding integrity, openness, and accountability have laid the groundwork for clean and ethical governance. The impact extends beyond the legal sector to include social, economic, and cultural transformations at the local community level. The implementation of systemic principles allows the community to actively engage in decision-making, improving the connection between local government and stakeholders. As public faith in government institutions rises, so does involvement in participation and control systems. As a result, an atmosphere is created where responsibility, fairness, and transparency serve as the cornerstones of governance. The enhancement of public legal awareness, local economic growth, and the quality of public services are further benefits. A culture of integrity has been established among the public and local government officials through the methodical implementation of principles, which has assisted in decreasing corruption and improving the effectiveness of public money management. It also gives nearby companies more chances to expand and attract investment, which boosts the community's overall economy.

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