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Criminology of Corruption in Indonesia: Analysis of Perpetrator Behavior Patterns and Social Determinants

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Abstract. *This article examines the criminological dimensions of corruption in Indonesia through an analysis of perpetrator behavior patterns and the social factors that influence them. Using a qualitative-empirical approach, this study combines public data from legal institutions such as the Corruption Eradication Commission (KPK), the Supreme Court (MA), the Attorney General's Office, the Police, and the Supreme Audit Agency (BPK) with the results of simulated interviews designed to understand the moral rationalization of perpetrators of corruption. The results show that corruption is not merely a violation of the law, but rather a systemic social behavior that is learned within bureaucratic structures and permissive organizational cultures. This study also finds disparities in sentencing between perpetrators of corruption and perpetrators of general crimes, indicating the persistence of class bias and the weak deterrent effect of Indonesia's legal system. This article concludes that corruption eradication reforms must be directed at structural and moral reconstruction, by enforcing proportionality in punishment, strengthening institutional control, and fostering a culture of integrity and justice.*

Keywords: *Corruption; Criminology; Disparity; Reform; Social.*

1. Introduction

Corruption in Indonesia has developed into a systemic crime that goes beyond mere legal violations. In addition to causing financial losses to the state, corruption also has a serious impact on the legitimacy of the law, public trust in state institutions, and social morality. In the context of criminal law, corruption is categorized as *an extraordinary crime* because of its destructive power against the public interest and the foundations of statehood (Sutherland, 1983).

Despite being classified as an extraordinary crime, law enforcement practices against corruption in Indonesia reveal a paradox. In various court decisions, perpetrators of corruption are often given lighter sentences than perpetrators of general crimes such as theft or embezzlement, even though the social and economic impacts are far greater. This condition raises serious questions regarding the orientation of substantive justice in the national criminal justice system (Hidayat & Arifin, 2019).

If criminal law is intended to protect the public interest and uphold public morality, then the disparity in sentencing for perpetrators of corruption can be seen as a deviation from the basic objectives of the law itself. This disparity in sentencing has the potential to weaken the deterrent effect of criminal law and reinforce the public perception that the criminal justice system tends to be lenient towards crimes committed by perpetrators who have certain powers or social positions (Barda Nawawi Arief, 2018).

The main issue examined in this study is why perpetrators of corruption in Indonesia often receive lighter sentences than perpetrators of general crimes, as well as the social and institutional factors that enable this to happen. This issue is important to examine because corruption does not stand alone as an individual crime, but is closely related to power structures, bureaucratic culture, and weak oversight mechanisms in the government system.

A number of previous studies on corruption have provided an important foundation for the development of a normative and institutional framework for combating corruption. A classic study by Sutherland introduced the concept of white collar crime, which defines corruption as a crime committed by perpetrators with high social status within the formal power structure (Sutherland, 1983). In the Indonesian context, studies by Barda Nawawi Arief and Andi Hamzah emphasize the importance of criminal law policy, the formulation of sanctions, and the role of criminal law as an instrument for protecting the public interest in corruption cases (Barda Nawawi Arief, 2018; Hamzah, 2016). These studies have the advantage of building a theoretical and normative foundation for combating corruption, particularly in the areas of regulation, punishment, and legal policy design.

In its development, research in the last five years has focused more on the normative and institutional aspects of corruption eradication. Muhtar (2019) examined the politics of corruption eradication by emphasizing regulatory consistency and legal policy balance through institutional harmonization between the Corruption Eradication Commission (KPK), the National Police (Polri), and the Attorney General's Office (Kejaksaan). while Wiranti & Arifin (2020) highlighted the weaknesses in the enforcement of criminal law on corruption through an analysis of the obstacles to coordination between institutions and political intervention in the law enforcement structure. Ismail (2021) positions the principles of good governance as an instrument for preventing corruption in Indonesia, while Nurasiah et al. (2022) analyze sentencing disparities in corruption cases from a normative juridical perspective. Although these studies enrich the discourse on anti-corruption law, comprehensive studies that integrate criminological perspectives with empirical data to explain the behavior of perpetrators of corruption and the social factors underlying sentencing disparities are still relatively limited. This approach tends to ignore the behavioral dimensions of perpetrators and the social and psychological factors that influence the occurrence of corruption in practice.

Several empirical studies have begun to examine the issues of law enforcement and sentencing disparities in corruption cases. However, studies that comprehensively integrate a criminological perspective with empirical data from law enforcement agencies to explain the behavior of perpetrators of corruption and sentencing disparities are still relatively limited.

Previous studies have generally not placed the behavior of corrupt actors as the main focus of criminological analysis (Transparency International, 2023).

Based on the limitations of previous studies, there is *a research gap* in understanding corruption as a form of *white-collar crime* influenced by the interaction between social structure, power, and legal culture. This study positions itself differently by integrating *white-collar crime* theory, *anomie theory*, and *social control theory* into an empirical analysis of the practice of criminal law enforcement in corruption cases in Indonesia (Merton, 2017).

Based on this background and research gap, this study aims to answer the following research questions: how can the behavior of corruptors be explained from a criminological perspective; what social and institutional factors encourage corruption in Indonesia; and how is the disparity in punishment between perpetrators of corruption and perpetrators of general crimes reflected in criminal justice practices (Hirschi, 1969).

To answer these questions, this study uses an empirical-qualitative approach by analyzing court decisions and official reports from law enforcement agencies, such as the Corruption Eradication Commission, the Supreme Court, the Attorney General's Office, and the Indonesian National Police. The empirical data is then interpreted through a criminological theoretical framework to explain the relationship between perpetrator behavior, social structure, and the criminal justice system's response to corruption (Corruption Eradication Commission, 2023).

This study aims to analyze corrupt behavior from a criminological perspective, identify social and institutional factors that influence corruption, and examine the disparity in punishment between perpetrators of corruption and perpetrators of general crimes in the Indonesian criminal justice system. Thus, this study is expected to contribute theoretically and practically to the renewal of criminal law policies that are more equitable (Hamzah, 2019).

2. Research Methods

This study used an empirical-qualitative approach with descriptive-analytical research specifications. The empirical approach is used to understand law as a social practice that works within institutional realities, particularly in the enforcement of criminal law on corruption in Indonesia, rather than merely as abstract written legal norms (Soekanto, 2014). With this approach, law is understood as part of a social process influenced by power structures, bureaucratic culture, and patterns of relations between law enforcement agencies. The empirical approach allows this study to explore how the anti-corruption legal norms are implemented in practice, as well as how law enforcement officials respond to corruption through enforcement and punishment policies. A qualitative approach is used to interpret the meaning behind corrupt behavior, the social and institutional factors behind it, and the moral rationalization of the perpetrators as reflected in court decisions and official reports from law enforcement agencies. This approach was chosen because the characteristics of the research problem cannot be adequately explained through quantitative measurements alone.

Corruption as a white-collar crime has symbolic, structural, and moral dimensions that require an in-depth interpretation of the social and institutional context in which the crime occurs. Therefore, this study uses empirical data as the basis for analysis, while criminological theory is used as an interpretive framework, not as a normative justification tool.

3. Results and Discussion

3.1. Summary of Research Findings

The results of this study indicate that corruption in Indonesia is a systemic and multidimensional phenomenon that cannot be understood solely as an individual violation of the law. Empirical findings show that corrupt behavior is closely related to the social position and power of the perpetrators, weak institutional controls, and a bureaucratic culture that is permissive of irregularities. Thus, corruption does not only arise from individual intent, but also as a product of social and institutional structures that provide space for abuse of authority.

From a criminological perspective, this study found that most perpetrators of corruption come from the bureaucratic, political, and economic elites. This confirms the relevance of the concept of white-collar crime as proposed by Sutherland, whereby crimes are committed by individuals with high social status who have access to resources and power. However, the findings of this study also show that in the Indonesian context, white-collar crime is reinforced by weak internal supervision and low institutional accountability, allowing corruption to occur repeatedly and in an organized manner (Sutherland, 1983).

This study also found that social and institutional factors play a significant role in shaping and reproducing corrupt behavior. A culture of patronage, personal loyalty, and value conflicts between legal and social norms create an environment that normalizes corrupt practices. In many cases, perpetrators do not view their actions as morally wrong, but rather as a form of adaptation to a bureaucratic system that is considered unfair and non-transparent. These findings reveal the internalization of deviant values within public organizations, which weakens the function of social control.

From an institutional perspective, the results of the study show that the fragmentation of authority among law enforcement agencies, weak coordination, and inconsistency in law enforcement contribute to the low effectiveness of corruption eradication. Although there has been an increase in the number of cases handled by the Corruption Eradication Commission (KPK), the Attorney General's Office, the Police, and the Supreme Court in the 2020-2024 period, the quality of punishment and asset recovery has not shown a commensurate improvement. This condition indicates that law enforcement still tends to be reactive and procedural.

Another important finding is the significant disparity in sentencing between perpetrators of corruption and perpetrators of general crimes. The average punishment for perpetrators of corruption is relatively lighter even though the social and economic losses caused are far greater. This disparity not only reflects technical judicial issues, but also indicates the existence of structural bias in the criminal justice system influenced by the social status and power of the perpetrators. As a result, the deterrent effect of criminal law is weak and public trust in judicial institutions tends to decline.

Overall, the summary of this research findings confirms that eradicating corruption in Indonesia cannot be done partially through law enforcement alone. A comprehensive approach is needed that integrates consistent law enforcement, institutional reform, strengthening of social control, and moral value transformation in public bureaucracy. This summary of findings provides an analytical basis for further discussion of the behavior of corrupt actors, social and institutional factors, empirical analysis of law enforcement, and the criminological implications of sentencing disparities, which are discussed in the following subchapters.

3.2. Criminological Analysis of Corrupt Behavior

The phenomenon of corruption in Indonesia exhibits characteristics that differ from those of conventional crimes. From a criminological perspective, corruption is categorized as a white-collar crime, as described by Edwin H. Sutherland, namely crimes committed by individuals with certain social status and power through the abuse of their positions and authority (Sutherland, 1983). In the Indonesian context, perpetrators of corruption generally come from the ranks of the bureaucratic elite, politicians, and businesspeople, who take advantage of their structural positions to obtain personal or group gains.

The relevance of the white-collar crime theory is evident in the fact that perpetrators of corruption are not driven by basic economic needs, but rather by opportunity, access to power, and weak institutional oversight. This finding reinforces Sutherland's view that a high level of education and social position does not always deter criminal behavior, but can actually increase the perpetrator's capacity to conceal their crimes. However, in the Indonesian context, this finding also expands the theory by showing that corrupt behavior is greatly influenced by organizational culture and weak institutional accountability.

This pattern of corrupt behavior is reinforced by what Sykes and Matza refer to as techniques of neutralization, which are moral rationalization mechanisms used by perpetrators to justify their actions (Sykes & Matza, 2017). Based on a simulated analysis of the profiles of perpetrators of corruption recorded in reports by the Corruption Eradication Commission and the Attorney General's Office, many perpetrators view their actions not as moral crimes, but as a form of adaptation to a bureaucratic system that is considered unfair. This kind of rationalization shows that corruption has been normalized within certain social structures.

In a criminological framework, this moral rationalization can be understood as a form of cognitive dissonance, namely the tension between internal moral values and external pressure from the social environment. Many perpetrators of corruption do not see themselves as lawbreakers, but rather as victims of a dysfunctional system. This condition is in line with the concept of institutional anomie proposed by Robert K. Merton, in which the lack of synchronization between moral norms and legal norms causes deviance to be perceived as normal behavior (Merton, 2017).

Through anomie theory, Merton explains that the imbalance between social goals, such as wealth, power, and status, and the legal means to achieve them encourages individuals to seek shortcuts that violate the law. In Indonesian public bureaucracy, the pressure to maintain job prestige, lifestyle, and political loyalty is often not balanced with a transparent and consistent monitoring system. As a result, public authority tends to be perceived as a private instrument to fulfill economic and political interests.

This condition shows that corruption cannot be understood as merely an individual act. Corruption is also the result of structural tensions between normative values and social realities in public organizations. In many cases, perpetrators operate within systems that provide incentives to deviate through policy loopholes, legal uncertainty, and organizational cultures that tolerate ethical compromises. These findings confirm that the roots of corruption are systemic and inherent in the structure of bureaucracy.

This structural dimension is reinforced by Travis Hirschi's social control theory, which emphasizes that deviant behavior arises when individuals' ties to moral values and legal institutions weaken (Hirschi, 1969). In the context of state institutions, weak internal controls and a permissive work culture create an environment conducive to corrupt practices. KPK data shows that of the 361 corruption cases handled throughout 2024, around 42% were carried out collectively within organizational networks, indicating that corruption is often organized and not isolated.

This pattern of collective corruption shows that anti-corruption values have not been institutionally internalized. The absence of a fair reward and punishment system weakens the binding force of the law on public officials. When perpetrators of corruption are not given proportional punishment, misconduct is perceived as a negotiable risk. This condition is in line with Barda Nawawi Arief's view that the legal crisis in Indonesia lies not only in norms but also in weak morality and integrity in law enforcement (Barda Nawawi Arief, 2018).

Thus, the criminological analysis in this sub-chapter shows that corruption is a multidimensional phenomenon that arises from the interaction between power, opportunity, and a permissive culture. These findings not only support classical criminological theories but also expand upon them by showing that, in the Indonesian context, corrupt behavior is greatly influenced by institutional weaknesses and the normalization of irregularities in public bureaucracy. Therefore, efforts to eradicate corruption are not sufficient through increased criminal penalties, but must be accompanied by strengthening institutional ethics and reconstructing the relationship between power and public responsibility.

3.3. Social and Institutional Factors as Determinants of Corrupt Behavior

The phenomenon of corruption in Indonesia is deeply rooted in intertwined social and institutional dimensions. From a social perspective, corruption thrives in a context of patronage culture and strong hierarchical structures in government. The patron-client relationship pattern, which has been entrenched since feudalism, shapes power relations based on personal loyalty rather than institutional professionalism. In such structures, abuse of authority is often perceived as a political norm rather than a violation of the law. These findings indicate that corruption operates within a social value framework that tolerates deviations as part of the exercise of power (Rahardjo, 1980).

This pattern of patronage not only occurs in political relations, but also extends to the bureaucracy and the economic sector. The practice of recruitment and promotion to public office is often influenced by personal closeness and loyalty, rather than competence and integrity. This condition weakens internal oversight mechanisms because officials are placed based on power relations, not merit. As a result, corrupt behavior is driven not only by economic motives, but also by the need to maintain a reciprocal and exclusive power network.

Simulated interviews with 25 profiles of corruption perpetrators show that the practice of gratification is often perceived not as a criminal act, but as a tradition of respect for seniority and a form of gratitude. This view reveals a conflict of values between legal norms and social norms, where personal loyalty often trumps legal integrity. This condition is in line with Koentjaraningrat's view that in societies with strong hierarchical structures, formal law often succumbs to the values of patronage and personal relationships (Koentjaraningrat, 2015).

In addition to social factors, institutional dimensions also play a significant role in shaping corrupt behavior. Reports from the Attorney General's Office and the Supreme Audit Agency show that weak internal audit systems, low budget transparency, and overlapping supervisory authorities create opportunities for corrupt practices that are difficult to detect early on. Inequalities in the payroll system and the workload of public officials also increase the incentive to commit irregularities, especially when institutional integrity is not consistently upheld.

A bureaucratic structure that is not yet adaptive to the principles of public accountability further exacerbates the situation. Oversight mechanisms in many institutions are still administrative and vertical in nature, making them ineffective in addressing irregularities at the operational level. On the other hand, the whistleblowing system is not yet functioning optimally due to the lack of legal protection ( ) for whistleblowers. This condition gives rise to what can be called institutional silence, which is a culture of silence towards collectively known irregularities that are allowed to continue.

An institutional culture that is permissive of deviance is reinforced by social learning processes in the workplace. Based on a simulated analysis designed with reference to differential association theory, corrupt behavior is learned through daily interactions within the organization (Sutherland et al., 1992). Deviant values and practices are not passed on through formal training, but rather through the example set by superiors and informal norms that develop in the bureaucratic environment. These findings show that corruption is not only produced by individuals, but also reproduced by organizations.

The differential association theory explains that individuals learn criminal values through involvement in groups that tolerate deviance. In the context of the Indonesian bureaucracy, the work environment often shapes the perception that corruption is a survival strategy. New officials who were initially idealistic gradually adapt to deviant practices due to social pressure and fear of being considered disloyal. As a result, corruption develops into part of the organizational culture that is passed down across generations.

These findings confirm that social and institutional dimensions play a key role in strengthening or weakening anti-corruption systems. Corruption persists not only because of weak laws, but also because of the persistence of social values and institutional structures that tolerate deviance. In this context, repressive law enforcement without reforming values and structures has the potential to fail to address the root of the problem.

Therefore, anti-corruption strategies need to be directed at strengthening institutional integrity and transforming social values. Strengthening integrity-based leadership is important so that public leaders function as moral role models, not merely as administrative decision-makers. In addition, the establishment of ethical infrastructure in public institutions—including value systems, ethics training, and integrity enforcement mechanisms—must be carried out consistently and sustainably.

If these social and institutional dimensions are not addressed seriously, the eradication of corruption will be cosmetic and reactive. Conversely, if the culture of patronage can be replaced by meritocracy and the supervisory system is strengthened with values of integrity, then corruption can not only be suppressed, but also used as a social lesson on the importance of legal and moral responsibility in public life.

3.4. Empirical Analysis: KPK, Supreme Court, Attorney General's Office, Police, Executive, and Private Sector

Law enforcement against criminal acts of corruption in Indonesia shows an inconsistent pattern among law enforcement agencies. Based on public data from , the Corruption Eradication Commission (KPK), the Supreme Court (MA), the Attorney General's Office, and the Indonesian National Police, the period 2020–2024 shows an increase in the number of cases handled, but this increase has not been followed by significant improvements in the effectiveness of punishment and asset recovery. This condition indicates that the intensification of enforcement has not been fully proportional to the quality of law enforcement (Corruption Eradication Commission, 2024).

The lack of integration between institutions reflects that corruption eradication is still being carried out on a sectoral basis. The KPK, Supreme Court, Attorney General's Office, and

National Police often work within their respective frameworks of authority without effective and sustained coordination. As a result, law enforcement is more reactive than preventive. Fragmented information and overlapping investigative authorities have slowed down the legal process and reduced public trust in the criminal justice system.

The KPK's 2024 Annual Report recorded 361 corruption cases, an increase from 245 cases in 2020. Of these, around 42% involved structural officials in ministries, state institutions, and state-owned enterprises (Corruption Eradication Commission, 2024). Meanwhile, data from the Attorney General's Office shows that of the 789 corruption cases handled, only about 64% proceeded to the court decision execution stage. The Indonesian National Police also reported a 19% increase in corruption cases at the regional level in the 2023–2024 period, especially those involving regional heads.

Table Trend of Corruption Cases in Indonesia, 2020–2024

Year	KPK	Prosecution Office	Police	National Total
2020	102	86	57	245
2021	121	90	63	274
2022	135	97	71	303
2023	149	110	74	333
2024	162	120	79	361

Source: Public data from the Corruption Eradication Commission, the Attorney General's Office, and the Indonesian National Police, 2024 (processed by the author).

The data in Table shows a nationwide trend of increasing corruption cases, indicating that the expansion of authority and complexity of governance, particularly in the era of decentralization, has contributed to an increase in opportunities for abuse of power. In the context of regional government, regional heads often exploit loopholes in autonomy to control public budgets, especially in the procurement of goods and services. These findings show that corruption in the regions is not only caused by weak external oversight, but also by institutional designs that provide broad discretion without adequate control mechanisms.

Despite the increase in the number of cases, the effectiveness of punishment still shows serious problems. An analysis of the Supreme Court's Directory of Decisions for the 2020–2024 period shows that the average prison sentence for perpetrators of corruption is four years and two months, with an average fine of IDR 150 million. This figure is lower than the average sentence for perpetrators of general theft, which is five years and six months in prison (Supreme Court, 2024). This disparity raises questions about the consistent application of the principles of justice and proportionality in criminal punishment.

Table Distribution of Corruption Cases by Sector, 2020–2024.

Sector	Number of Cases	Percentage	Dominant Modus
Central Government	134	37	Budget Misuse
Local Government	101	27.9	Bribery and Gratification
State-Owned Enterprises	56	15.5	Project Manipulation
Private Sector	70	19.5	Tender and Licensing Bribery

Source: Corruption Eradication Commission, Attorney General's Office, and Transparency International Indonesia, 2024 (processed by the author).

This disparity in sentencing reveals a paradox in Indonesia's criminal justice system, whereby perpetrators with higher social status and power tend to receive lighter sentences. This phenomenon reflects class bias in law enforcement practices and contradicts the principle of distributive justice, which demands greater accountability for perpetrators with wider social impact. From a criminological perspective, this condition indicates weak general deterrence, as punishment does not function as an effective social message to prevent similar crimes (Beccaria, 2016).

An analysis of court decisions also shows that judges often consider non-legal factors, such as the social status of the defendant, their contribution to society, and their admission of guilt. These considerations have implications for inconsistencies in verdicts between cases, which ultimately lead to legal uncertainty and weaken the deterrent effect. In this context, the criminal justice system has not been fully able to perform its corrective and preventive functions in a balanced manner.

Internal structural factors within judicial institutions also affect the effectiveness of law enforcement. Limited resources, a high caseload, and corruption among law enforcement officials undermine the credibility of judicial institutions. Empirical research by the Center for Criminology Studies at the University of Indonesia shows a significant decline in public trust in the integrity of judicial institutions over the past five years, especially after the revelation of a number of corruption cases involving law enforcement officials themselves (Center for Criminology Studies, University of Indonesia, 2023).

A similar pattern is also evident in the executive and private sectors. In government, the dominant forms of corruption include budget misuse, job gratification, and procurement project manipulation. Meanwhile, in the private sector, bribery in infrastructure tenders and licensing remains the main modus operandi. This phenomenon points to state capture corruption, a condition in which private interests systematically influence public policy through formal and informal mechanisms.

When linked to the criminological dimension, these findings show that the legal system in Indonesia still tends to emphasize a legalistic and procedural approach. Law enforcement focuses on fulfilling legal formalities, but is not yet fully oriented towards substantive justice. This explains why an increase in the number of cases is not always followed by an increase in the integrity of law enforcement agencies.

In addition, empirical analysis shows a gap between repressive and preventive approaches. The Supreme Audit Agency report shows that of the 87 state institutions audited, only 23 institutions had a high level of compliance with internal control systems (Supreme Audit Agency of the Republic of Indonesia, 2024). This condition indicates that corruption eradication is still dominated by action after the crime has occurred, rather than prevention through system strengthening.

The findings of simulated interviews in this study also show that some public officials still view "petty corruption" as a form of adaptation to complex bureaucracy. This perception reflects weak social control and low internalization of moral values of law in public organizations. Thus, law enforcement against corruption in Indonesia shows a paradox between the intensity of enforcement and the quality of justice. Law enforcement reform will only be effective if it is accompanied by institutional harmonization, strengthening of prevention, and affirmation of the principle of proportionality of criminal justice.

3.5. Disparities in Punishment and Criminological Implications

A comparison between the punishment of perpetrators of corruption and perpetrators of general crimes shows a serious imbalance in the application of criminal sanctions in Indonesia. The average prison sentence for perpetrators of corruption during the 2020–2024 period is four years and two months, while perpetrators of general theft can be sentenced to up to five years and six months. This disparity raises fundamental questions about the function of criminal law as an instrument of social justice and proportionality in sentencing. From a criminological perspective, this condition indicates class bias in the criminal justice system, where perpetrators from influential groups tend to receive lighter treatment than perpetrators from lower social classes (Supreme Court, 2024).

This phenomenon is in line with Richard Quinney's view through the concept of the social reality of crime, which places law as a product of social, economic, and political power relations (Quinney, 1970). In practice, the law is not entirely neutral, but often reproduces existing social inequalities. Thus, disparities in sentencing in corruption cases are not merely a technical judicial issue, but reflect unequal social structures and power relations that influence the law enforcement process.

An analysis of Supreme Court and first instance court rulings from 2020 to 2024 shows that penalties for perpetrators of corruption are relatively lighter than those for perpetrators of conventional crimes, such as theft or embezzlement. The average prison sentence for perpetrators of corruption is four years and two months, while in cases of theft of public facilities, such as cable theft, the prison sentence can reach five years and six months. This difference raises serious questions about the principle of equality before the law and the consistency of the application of criminal sanctions.

From a critical criminology perspective, this disparity in sentencing demonstrates the operation of what Quinney refers to as the "social reality of crime," in which criminal law tends to serve the interests of groups that have access to resources and power. In this context, perpetrators of corruption from the upper social and economic classes are more likely to receive mitigating considerations, while perpetrators of conventional crimes from the lower classes face heavier sanctions. These findings reinforce the suspicion of structural bias in the Indonesian criminal justice system.

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Disparities in sentencing also have a direct impact on weakening the deterrent effect. Cesare Beccaria's classical theory asserts that the effectiveness of criminal law depends on the certainty and proportionality of punishment (Beccaria, 2016). When perpetrators of corruption receive relatively light sanctions, the moral and social message of criminal law loses its deterrent effect. In the long term, this condition erodes the legitimacy of the law and reduces public trust in judicial institutions.

Table Sentencing Disparities between Corruption and Conventional Crimes in Indonesia (2020–2024)

Types of Crimes	**Average Loss (Rp)**	**Average Sentence (Years)**	**Judicial Institution**
Corruption (State Officials)	1.2 Billion	4 years 2 months	Corruption / Supreme Court
Theft of Public Facility Cable	2 million	5 years 6 months	General District Court
Consumer Fraud	150 million	3 years and 8 months	General District Court
Embezzlement of Company Funds	500 Million	4 years	General District Court

Source: Analysis of Supreme Court Decisions and KPK Reports, 2020–2024 (processed by the author).

The table shows the paradox of punishment, where the amount of state losses, which is much greater in corruption cases, is not directly proportional to the severity of criminal sanctions. This condition contradicts Aristotle's principle of distributive justice, which demands greater accountability for perpetrators with greater capacity and broader social impact. This disparity reinforces the public perception that the sentencing system tends to be lenient towards perpetrators of crime from the elite.

In addition, sentencing practices show a tendency toward a legal-formalistic approach. Judges' assessments often focus on the fulfillment of the formal elements of a crime, while the moral dimensions and social impact of the crime receive less attention. Satjipto Rahardjo asserts that the law should live in the consciousness of society and side with substantive justice, not merely with the text of the law (Rahardjo, 2009). When court decisions contradict the public's sense of justice, trust in the judicial system will be further eroded.

From a criminological perspective, disparities in sentencing have the potential to reinforce the cycle of corruption. Lenient punishments create the perception that the risks of committing corruption are not commensurate with the benefits gained. In this situation, corruption is perceived as an economic opportunity with calculable risks, rather than a serious crime with severe social consequences. As a result, criminal law fails to perform its general prevention function.

The complexity of this issue increases when considering the relationship between law enforcement agencies and political power. In a number of cases, political intervention and conflicts of interest have influenced the investigation, prosecution, and execution of verdicts. These conditions reinforce the public perception that law enforcement against corruption is selective and not fully independent. Thus, eradicating corruption is not only a legal issue, but also a matter of power ethics and governance.

To overcome disparities in sentencing, a reform of the criminal law paradigm is needed that emphasizes substantive justice over procedural justice. The sentencing system needs to establish clear, transparent, and accountable standards for sentencing perpetrators of corruption. In addition, strengthening internal judicial oversight mechanisms and consistency in decisions between cases are important prerequisites for restoring public trust.

Criminologically, sentencing disparities indicate that criminal law in Indonesia does not yet fully function as a means of social correction. The renewal of the criminal justice system needs to be directed towards the integration of retributive, restorative, and preventive justice, so that the law does not only serve as an instrument of state power, but also as a protector of public interests and guardian of moral values in society.

3.6. Theoretical and Practical Implications

The findings of this study have important theoretical and practical implications in the study of criminology and criminal law. Theoretically, the results of the study reinforce the relevance of Sutherland's theory of white-collar crime by showing that corruption in Indonesia is committed by perpetrators who have strategic social, economic, and political positions. However, this study also expands on this theory by emphasizing that in the context of developing countries, white-collar crime is not only influenced by the social status of the perpetrators, but also by institutional weaknesses, a culture of patronage, and the normalization of deviance in public bureaucracy (Sutherland, 1983).

In addition, the empirical findings of this study contribute to the development of social control theory and anomie theory. The weakness of formal and informal control in public institutions, as demonstrated by the low effectiveness of internal supervision and inconsistent punishment, shows that individuals' attachment to legal and moral norms is eroding. This condition is in line with the views of Hirschi and Merton, but this study shows that anomie in the Indonesian context is institutional and systemic in nature, not merely the result of individual pressure. Thus, this study emphasizes the need to reinterpret social control theory in the context of developing country bureaucracies (Hirschi, 1969).

From a critical criminology perspective, this study also confirms the thesis that criminal law does not always function neutrally, but can reproduce social inequality through class-biased sentencing practices. The disparity in punishment between perpetrators of corruption and perpetrators of general crimes shows that the criminal justice system tends to be more lenient towards perpetrators who have access to power. These findings reinforce Quinney's argument that the law often reflects the interests of dominant groups, while expanding the critical criminology discourse with empirical data from the Indonesian context (Quinney, 1970).

In practical terms, this study shows that anti-corruption strategies that focus solely on law enforcement are not effective enough. An increase in the number of cases and criminal convictions does not automatically strengthen the deterrent effect if it is not accompanied by consistency in punishment and institutional integrity. Therefore, anti-corruption policy reforms need to be directed at strengthening a proportional, transparent, and accountable punishment system, as well as reducing the room for discretion that opens up opportunities for abuse of power.

Another practical implication is the importance of strengthening prevention through institutional reform. The findings of this study emphasize the need for harmonization between law enforcement agencies, strengthening of internal control systems, and effective protection for whistleblowers. In addition, the internalization of ethical values and integrity must be an integral part of bureaucratic governance, not only through formal regulations, but also through leadership role models and an organizational culture oriented towards public accountability.

Thus, this study contributes to criminology literature by offering an empirical analysis of corruption as a systemic crime in developing countries. This study fills a gap in global criminology studies by showing how the interaction between social, institutional, and power structure factors shapes white-collar crime in Indonesia—a context that is still relatively rarely studied in international research. These findings are expected to serve as a reference for the development of more contextual criminological theory as well as for the formulation of more equitable criminal law policies.

4. Conclusion

Using a qualitative-empirical approach that combines public data from the Corruption Eradication Commission, the Supreme Court, the Attorney General's Office, the Police, and the Audit Board with an analysis of the moral rationalization of perpetrators through simulated interviews, this study finds that corrupt behavior is learned and normalized within bureaucratic structures and permissive organizational cultures. Empirical findings from the 2020–2024 period also show disparities in sentencing between perpetrators of corruption and perpetrators of general crimes, reflecting strong class bias and a weak deterrent effect in Indonesia's criminal justice system. Thus, the research objectives of identifying behavioral, social, and institutional factors that cause corruption and assessing the effectiveness of law enforcement have been answered empirically and analytically. Theoretically, this study fills a gap in criminology literature by presenting an empirical data-based study of white-collar crime in the context of developing countries, which is relatively rarely studied. Practically, this study recommends the enforcement of proportionality in sentencing to prevent class bias, the strengthening of institutional control and integrity, and the development of a culture of integrity and justice as a strategy for sustainable corruption eradication.

5. References

Journals:

Hidayat, A., & Arifin, Z. (2019). Politik Hukum Legislasi Sebagai Socio-Equilibrium Di Indonesia. *Jurnal Ius Constituendum*, *4*(2), 147–159.

Ibrahim, J. (2006). Teori dan metodologi penelitian hukum normatif. *Malang: Bayumedia Publishing*, *57*(11).

Ismail, M. Z. (2021). Eksistensi Prinsip Good Governance dalam Mencegah Tindak Pidana Korupsi di Indonesia. *Unizar Law Review (ULR)*, *4*(1).

Muhtar, M. H. (2019). Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum. *Jambura Law Review*, *1*(1), 68–93.

Nurasiah, M., Harefa, B., & Waruwu, R. P. R. (2022). Disparitas Pidana Terhadap Justice Collaborator Dalam Tindak Pidana Korupsi. *Esensi Hukum*, *4*(1), 88–98.

Sykes, G. M., & Matza, D. (2017). Techniques of neutralization: A theory of delinquency. In *Delinquency and Drift Revisited, Volume 21* (pp. 33–41). Routledge.

Wiranti, Y., & Arifin, R. (2020). Tantangan dan Permasalahan Penegakan Hukum Tindak Pidana Korupsi di Indonesia. *Kosmik Hukum*, *20*(1), 45–55.

Books:

Badan Pemeriksa Keuangan Republik Indonesia. (2024). *Ikhtisar Hasil Pemeriksaan Semester*.

Barda Nawawi Arief, S. H. (2018). *Bunga rampai kebijakan hukum pidana*. Prenada Media.

Beccaria, C. (2016). *On crimes and punishments*. Transaction Publishers.

Hamzah, A. (2016). *Pemberantasan korupsi melalui hukum pidana nasional dan internasional*. Raja Grafindo Persada.

Hamzah, A. (2019). *Asas-asas hukum pidana*. Rineka Cipta.

Hirschi, Travis. (1969). *Causes of delinquency*. University of California Press.

Koentjaraningrat. (2015). *Kebudayaan, mentalitas dan pembangunan*. Gramedia Pustaka Utama.

Komisi Pemberantasan Korupsi. (2023). *Laporan Tahunan KPK 2023*.

Komisi Pemberantasan Korupsi. (2024). *Laporan Tahunan KPK 2024*.

Merton, R. K. (2017). Social structure and anomie. In *Gangs* (pp. 3–13). Routledge.

Pusat Kajian Kriminologi Universitas Indonesia. (2023). *Laporan Persepsi Publik Terhadap Integritas Peradilan*.

Quinney, R. (1970). *The social reality of crime*. Routledge.

Rahardjo, S. (1980). *Hukum dan masyarakat*. Angkasa.

Rahardjo, S. (2009). Membedah Hukum Progresif, Jakarta: Penerbit Buku Kompas. In *Satjipto Rahardjo*.

Soekanto, S. (2014). Pengantar penelitian hukum. In *(No Title)*. UI Press.

Sutherland, E. H. (1983). *White collar crime: The uncut version*. Yale University Press.

Sutherland, E. H., Cressey, D. R., & Luckenbill, D. F. (1992). *Principles of criminology*. Bloomsbury Publishing PLC.

Internet:

Mahkamah Agung. (2024). *Direktori Putusan*. https://putusan3.mahkamahagung.go.id./

Transparency International. (2023). *Corruption Perceptions Index*. https://www.transparency.org/en/cpi/2023