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Application of Ethical Sanctions for Abuse of Influence by Members of The Corruption Eradication Commission

M Haidar Hanif Gengki Zulfikar[1], Hartoyo[2], Sri Astutik[3]

[1] Universitas Dr. Soetomo, Indonesia; zulfikargenxq@gmail.com
[2] Universitas Dr. Soetomo, Indonesia; hartoyo.fhunitomo@gmail.com
[3] Universitas Dr. Soetomo, Indonesia; sri.astutik@unitomo.ac.id

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ABSTRACT

The establishment of the Republic of Indonesia as a State of Law requires that all actions must be based on the Law, this is also done in the Corruption Law Enforcement institution which is regulated in Law Number 30 of 2002 concerning the Corruption Eradication Commission, although in its journey there are violations such as those committed by the deputy chairman of the Corruption Eradication Commission, namely brother NG, who has been sanctioned by the KPK Supervisory Board with moderate sanctions as stipulated in the Regulation of the Supervisory Board of the Corruption Eradication Commission of the Republic of Indonesia Number 3 of 2021 concerning Enforcement of the Code of Ethics and Code of Conduct of the Corruption Eradication Commission, but this does not reflect justice considering NG's position as KPK Leader. In this case, the problem formulation is used, namely 1) How is the application of ethical sanctions against abuse of influence by members of the Corruption Eradication Commission? 2) Can Ethical Sanctions be Used as a Foundation in Law Enforcement of Corruption Crimes? By using the Normative Juridical research method and 2 (two) Approach Methods, namely the statute approach, conceptual approach, several conclusions were drawn that the sanctions imposed on Ng as KPK Leader did not reflect justice and fulfill the theory of punishment, namely the deterrent effect, where NG should have been imposed with severe sanctions considering his position as KPK Leader

Corresponding Author:
M Haidar Hanif Gengki Zulfikar
Universitas Dr. Soetomo, Indonesia; zulfikargenxq@gmail.com

1. INTRODUCTION

The Constitution of the State, in Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), stipulates that the State of Indonesia is a state based on the rule of law. This means that all citizens and state administrators must comply with

the applicable laws. In a state based on the rule of law, legal regulations are made to be obeyed and implemented in the life of the nation and state (H, Putra, Hellenia, Rizaldi, & Weliyansyah, 2024, p. 405). However, in reality, there are still many legal regulations that are violated by the community, both the general public and state officials, which in this case specifically refers to criminal acts of corruption, which are currently on the rise.

Cases of corruption in Indonesia seem to be endless, with an increase almost every year. As reported by Indonesia Corruption Watch (ICW), in 2022 there were 579 corruption cases that were successfully prosecuted, an increase from 533 cases in the previous year. This represents an increase of 8.63% in corruption cases in Indonesia. The number of suspects in corruption cases also increased from 1,173 to 1,396 suspects (Wiarti, 2023, pp. 87–88).

The disproportionate culture of friendship, as seen in the high levels of corruption, collusion, and nepotism (KKN) and the absence of a proper control system, is reflected in the adage that corruption and power are two sides of the same coin. Corruption always accompanies the exercise of power, and conversely, power is a gateway to corruption. This is the essence of the statement by Lord Acton, a professor of modern history at the University of Cambridge, England, who lived in the 19th century, with his famous adage, "Power tends to corrupt, and absolute power corrupts absolutely." Thus, it can be concluded that the power held by officials or those in government positions in Indonesia is prone to corruption.

In its enforcement, Corruption Crimes as one of the extraordinary crimes (Extra Ordinary Crime) that violate the social and economic rights of the wider community, which can cause damage to the national economy (Pitriyah & Apriani, 2022, p. 1190) has a special institution, namely the Corruption Eradication Commission (KPK). In carrying out its duties, the KPK must have integrity or honesty (Gunardi Endro, 2017, p. 133), The duties and authorities of the Corruption Eradication Commission (KPK) in accordance with the provisions of Article 6 of Law Number 30 of 2002 concerning the Corruption Eradication Commission (hereinafter referred to as the KPK Law) divide the duties of the KPK into 5 types, namely:

a. Coordinating with authorities to eradicate criminal acts of corruption.
b. Supervising authorities to eradicate criminal acts of corruption.
c. Investigating, examining, and prosecuting criminal acts of corruption.
d. Taking measures to prevent criminal acts of corruption.
e. Monitoring the administration of state governance.

The KPK in Indonesia has played a very important role in efforts to improve the effectiveness of law enforcement against corruption. As an institution established to eradicate corruption, the KPK is not only involved in investigations and prosecutions, but also plays a strategic role in prevention, rehabilitation assistance, and asset restoration. From a deeper perspective, the KPK is not only a law enforcement agency, but also a strategic partner of the government in preventing corruption. With the authority to provide recommendations related to anti-corruption regulations, the KPK contributes to the design of policies that can reduce opportunities for corruption. In addition, the KPK holds anti-corruption campaigns and educational programs to raise public awareness about the negative impacts of corruption and the importance of transparency in public services..

The KPK is known for its reliable and courageous team of investigators who tackle high-level corruption cases. The KPK's thorough and professional investigations not only result in the arrest of corrupt individuals, but also have a strong deterrent effect. The KPK's involvement in tracking assets suspected of originating from criminal acts of corruption demonstrates its commitment to comprehensive disclosure and punishment. The KPK works closely with other law enforcement agencies, such as the police and the attorney general's office, to ensure that the judicial process runs smoothly. The KPK does not hesitate to bring cases to the Constitutional Court if necessary.

These actions show that the KPK is not only focused on the investigation phase, but also on ensuring justice through a transparent and objective judicial process. The KPK does not stop at prosecuting perpetrators of corruption. This institution also plays a role in assisting the rehabilitation

and restoration of assets that have been corrupted. By involving civil society and non-governmental organizations, the KPK strives to return assets obtained from corruption to the state. This step not only creates an additional deterrent effect, but also demonstrates the KPK's commitment to returning what should be the rights of the people. However, the challenges faced by the KPK cannot be ignored. Political pressure and attempts to weaken this institution are obstacles that need to be overcome. The sustainability and success of the KPK in carrying out its role is highly dependent on support.

Overall, the KPK plays a central role in improving the effectiveness of law enforcement against corruption in Indonesia. From prevention to asset rehabilitation, the steps taken by the KPK have created a cleaner and more accountable legal environment. Despite facing various challenges, the KPK's efforts to eradicate corruption have the potential to have a significant positive impact on the legal system and the eradication of corruption in Indonesia. Continuous support from all parties is key to maintaining the KPK's integrity and independence in carrying out its duties.

The KPK should have high integrity in carrying out its duties in accordance with the existing code of ethics, but there have been ethical violations. One of the recent cases is the action taken by NG, a member of the KPK who was found guilty of violating Article 4 Paragraph (2) letter b of the Regulation of the Supervisory Board of the Corruption Eradication Commission of the Republic of Indonesia Number 3 of 2021 concerning the Enforcement of the Code of Ethics and Code of Conduct of the Corruption Eradication Commission (hereinafter referred to as Dewas KPK Regulation 3/2021). As a result, he was sanctioned with a written warning and a 20 percent reduction in honorarium for six months (Sari & Santosa, 2024). In terms of sanctions, the sanction imposed on NG is classified as a moderate sanction.

Article 4 Paragraph (2) letter b of KPK Dewas Regulation 3/2021 stipulates that:

(2) In implementing the Basic Values of Integrity, every Commission member is prohibited from:

b. abusing their position and/or authority, including abusing their influence as a Commission member both in the performance of their duties and for personal and/or group interests;

The types of sanctions stipulated in Article 9 paragraph (1) of KPK Supervisory Board Regulation 3/2021 are divided as follows:

The levels of sanctions consist of:

a. Minor Sanctions;
b. Moderate Sanctions; and
c. Severe Sanctions.

In the case of NG, the KPK Supervisory Board imposed a sanction on the Deputy Chair of the KPK that fell into the category of a moderate sanction. However, considering NG's position as Deputy Chair of the KPK, a moderate sanction should not have been imposed on him, given that as someone who should be eradicating corruption, he instead committed acts that amounted to corruption.

This raises the question of whether the misuse of position and/or authority, as regulated in the KPK Supervisory Board Regulations as one of the ethical violations committed by NG as Deputy Chairman of the KPK, has been applied in accordance with the principles of criminal law. This is because it means that actions committed by KPK employees, such as those committed by NG, only receive ethical sanctions and not criminal sanctions.

The above description raises many questions about whether the sanctions imposed on NG as Deputy Chairman of the KPK were in accordance with the principles of criminal punishment, where abuse of influence could be considered an extraordinary crime of corruption. Based on the background described above, the author is interested in writing a research paper with the title APPLICATION OF ETHICAL SANCTIONS FOR ABUSE OF INFLUENCE BY MEMBERS OF THE CORRUPTION ERADICATION COMMISSION.

2. METHODS

The type of research used in this study is legal research, which is research that provides an understanding of the normative problems experienced by dogmatic legal science in its activities of

describing legal norms, formulating legal norms (creating legislation), and enforcing legal norms (judicial practice) (I Made Pasek Diantha, 2016, p. 84). In this study, the researcher used two approaches, namely the statute approach and the conceptual approach. In the statutory approach method, understanding the hierarchy of legislation is important because the hierarchy shows a structure, and within that structure, each part has its own position. Therefore, by understanding the hierarchy of legislation, the position of one regulation in relation to other regulations will become clear. Peter Mahmud Marzuki describes the approaches used in legal research as follows (Marzuki, 2016, p. 93):

3. FINDINGS AND DISCUSSION

3.1. Application of Ethical Sanctions for Abuse of Authority

A punitive measure imposed by the state or a particular group due to a violation committed by an individual or group. The criminal justice system has two types of sanctions that have the same status, namely criminal sanctions and administrative sanctions. Criminal sanctions are the most commonly used type of sanction in imposing punishment on a person who has been found guilty of committing a criminal act (Ali, 2015, p. 193).

Sanctions are defined as liabilities, actions, or punishments to compel people to comply with agreements or obey the provisions of the law. Administrative sanctions are a type of sanction that is more common outside the Criminal Code, in the form of hospital treatment and return to their parents or guardians for people who are unable to take responsibility and minors.

Criminal sanctions are a form of punishment or suffering imposed on someone who is guilty of committing an act prohibited by criminal law. These sanctions are intended to deter people from committing criminal acts (Ali, 2015, p. 194).

Action sanctions are anticipatory rather than reactive sanctions against perpetrators of criminal acts based on the philosophy of determinism in various forms of dynamic sanctions (open system) and specific non-suffering or deprivation of liberty with the aim of restoring certain conditions for perpetrators and victims, whether individuals, public legal entities, or private entities.

In Article 44 paragraph (2) of the Criminal Code, for acts that cannot be held accountable due to mental disability or illness, the judge shall order that the person be admitted to a mental hospital for a maximum of one year as a trial period.

A sanction is suffering that is deliberately inflicted or caused by someone after a violation, crime, or mistake has occurred. According to the Big Indonesian Dictionary, a sanction is a punitive action to force someone to obey rules or comply with the law. A sanction (punishment) is the imposition of an undesirable (painful) outcome to minimize undesirable behavior (Triandani, 2014, p. 39). Sanctions are one indicator that improves the educational process in explaining a person's behavior so that it can be overcome in the future (Budaiwi, 2002, p. 30).

Pemberian sanksi adalah memberikan penderitaan yang diberikan atau ditimbulkan dengan The imposition of sanctions is the infliction of suffering deliberately caused by someone after a violation, crime, or mistake has been committed by someone as a means of discipline.

Theories about sanctions for violations according to Good and Grophy, psychologists quoted by Suharsimi Arikunto, regarding punishment are as follows:

1) The theory of gap: this theory states that by punishing subjects who commit wrongful acts, the gap between the punishment and the act becomes wider;
2) The theory of deterrence: this theory states that if subjects are punished, they will not repeat the acts that led to the original punishment;
3) This theory states that if an individual receives punishment, there will be a change in the individual's motivation system.

In applying sanctions, there are also conditions for imposing sanctions, namely (Barnawi & Arifin, 2012, pp. 130–131) :

1) timing: the timing of the application of sanctions is important. Punishment can be carried out immediately after the behavior that needs to be punished occurs or some time later. Research shows that the effectiveness of punishment increases if it is imposed immediately after the undesirable behavior occurs;
2) Intensity: sanctions are more effective if the aversive stimulus is relatively stronger;
3) Scheduling: the impact of punishment depends on the schedule of its application. Punishment can be imposed after every instance of undesirable behavior. Consistency in applying each type of punishment schedule is important. In order for punishment to be effective, it must be applied consistently to every teacher who violates the rules;
4) clarifying the reason: providing a clear reason for why the punishment is being imposed and the consequences if the undesirable behavior is repeated has proven to be particularly effective in the disciplinary process;
5) impersonal: punishment should be given in response to a specific action, not to the person or their general behavior patterns..

Punishment is an act in which we consciously and deliberately impose on others, both physically and spiritually, who are weaker than ourselves, and therefore we have a responsibility to guide and protect them.

Sudarto states that the imposition of punishment is in abstracto, which is to establish a system of criminal sanctions in accordance with the law. Meanwhile, the imposition of punishment is in concerto, which concerns all bodies that participate in the imposition of the criminal justice system. G.P. Hoefnagels also provides a broad interpretation of criminal sanctions. Sanctions in criminal law are all sanctions for violations of the law established by law, starting from the detention of suspects and the prosecution of defendants to the passing of sentences by judges (Teguh Prasetyo & Barkatullah, 2007, p. 78).

The imposition of criminal sanctions is an effort to rehabilitate the behavior of a person who has committed a criminal act. However, criminal sanctions were created as a threat to human freedom because the person has committed an act that is contrary to the law or, in other words, an act that is contrary to social norms, so that the punishment received for the act will cause suffering as a result of the sanction. The purpose of imposing criminal sanctions is also a means of achieving certainty and justice (Saimima, 2020, p. 61).

In relation to the punishment of perpetrators of criminal acts and the impact of punishment on victims of crime, the severity of a sentence imposed by a judge becomes the main objective of the punishment itself (Saimima, 2020, p. 61). Therefore, in the history of the development of sentencing, there are the following theories of punishment:

1. Retribution Theory
   Retribution theory justifies the punishment of a person because that person has committed a crime. This theory was proposed by Immanuel Kant, who stated that “Fiat justitia ruat coelumi,” which means that even if the world were to end, the last criminal must still serve their sentence. On the other hand, Immanuel Kant also based his principle on morals or ethics. Hegel also provided his view on this theory, stating that law is a manifestation of freedom, while crime is a challenge to law and justice. Therefore, according to him, criminals must be eliminated because of their actions. According to Thomas Aquinas, the retribution received by someone who has committed a crime is in accordance with God's teachings. This theory is divided into two types, namely:
   a. First, the objective theory of retribution, which is oriented towards the satisfaction of society because of the retribution. In this case, the perpetrator's actions must be punished with a penalty in the form of suffering.
   b. Second, the subjective theory of retribution, which is oriented towards the perpetrator of the crime. According to this subjective theory of retribution, it is the perpetrator's fault that must be punished. If a minor offense causes great suffering, then the perpetrator should receive a

light punishment (Effendi, 2011, p. 142).

2. Purpose Theory
   Purpose theory can also be referred to as utilitarian theory, which is a reaction to the previous theory, namely punishment theory. The purpose of this theory is that punishment is not only for retribution, but also to create order in society.
   Muladi and Barda Nawawi Arief also explain this theory of purpose, stating that punishment is not only about retaliating against someone who has committed a crime or offense, but also has a more beneficial meaning. Therefore, this theory is often referred to as the theory of purpose. This theory focuses on the benefits of punishing someone, namely that punishment is imposed not because of the crime but so that others will not commit the same crime (Pawennei & Tomalili, 2015, p. 40).
3. Combination theory
   This combined theory combines the two theories discussed earlier, namely the theory of retribution and the theory of purpose. The combined theory not only discusses the offender's wrongdoing but also aims to protect society from committing the same wrongdoing (Pawennei & Tomalili, 2015, p. 45).
   In addition to the two points mentioned above, Roeslan Saleh also argues that criminal punishment involves other aspects. It is hoped that criminal punishment can have a more positive impact, such as promoting harmony and serving as a form of education, so that people can be accepted back into society.
   Muladi also shared his views on the combined theory, namely that the combination of criminalization objectives is very compatible with sociological, ideological, and philosophical juridical approaches. Where criminal acts are disturbances to the balance, harmony, and harmony in society that result in damage to individuals and society. Therefore, this combined theory exists to achieve the objective of repairing the individual and social damage caused by criminal acts.
   In line with the understanding of experts, it can be concluded that criminal sanctions are criminal penalties imposed on offenders as a threat to human freedom for committing acts prohibited by law.

3.2 Abuse of Influence in the Context of Corruption Crimes

a. Abuse of Influence by KPK Members

Abuse of influence by members of the Corruption Eradication Commission (KPK) is a very serious offense because it involves public officials who are supposed to maintain the integrity and credibility of the institutions they represent. The KPK, as a state institution tasked with eradicating corruption in Indonesia, has considerable authority in investigating corruption cases, whether they involve public officials or other parties. Therefore, any abuse of influence by KPK members can damage public trust in this institution and weaken efforts to eradicate corruption in Indonesia. In this case, there are several forms of abuse of influence, namely as follows:

1. Use of Position for Personal Gain: KPK members who abuse their influence may use their position to gain personal benefits, whether in the form of material gain, promotion, or political advantage. For example, they can use information obtained during the investigation of a case to pressure certain parties to provide personal benefits.
2. Intervention in the Investigation or Prosecution Process: Abuse of influence can occur if KPK members intervene in ongoing legal processes, such as influencing the results of investigations or trials in favor of certain parties, or even stopping investigations into certain cases for personal or group interests.
3. Abuse of Authority in the Appointment or Promotion of Officials: KPK members who have significant influence can use their position to appoint or promote officials in certain state institutions

that have connections to personal or group interests, with the aim of protecting themselves from legal scrutiny or corruption.

4. Using the KPK for Political Interests: Abuse of influence can occur if KPK members are involved in practical politics and use the institution to attack political opponents or protect groups that support them, rather than carrying out their duties to enforce the law.

In enforcing the law on abuse of influence, the Corruption Eradication Commission (KPK) has several types of sanctions as stipulated in Article 10 of KPK Regulation 3/2021, which regulates:

(1) Minor Sanctions as referred to in Article 9 Paragraph (1) letter a for the Supervisory Board and Leadership, consisting of:
   a. Verbal Warning; or
   b. Written Warning.

(2) Moderate sanctions as referred to in Article 9 Paragraph (1) letter b for the Supervisory Board and Management, consisting of:
   a. Written warning and deduction of 10% (ten percent) of monthly income for 6 (six) months; or
   b. Written Warning and a deduction of 20% (twenty percent) of monthly income for 6 (six) months

(3) The types of severe sanctions as referred to in Article 9 Paragraph (1) letter c for the Supervisory Board and Management consist of:
   a. A written warning and a deduction of 40% (forty percent) from monthly income for 12 (twelve) months; or
   b. Requested to submit their resignation as a member of the Supervisory Board or Management. (4) The format of the written reprimand referred to in paragraphs (1), (2), and (3) is set out in Appendix I, which forms an integral part of this regulation.

Considering NG's position as a leader of the KPK, the current ethical sanctions do not reflect the purpose of imposing sanctions as a deterrent from a criminal perspective. Therefore, a more severe sanction should be imposed, namely his resignation as a member and leader of the KPK, given the KPK's position as an independent institution and the public's last hope for law enforcement in the area of criminal corruption.

b. Impact of Abuse of Influence

1. Loss of Public Trust: One of the most serious impacts of abuse of influence by KPK members is the loss of public trust in this institution. The KPK, which should be at the forefront of the fight against corruption, may instead be seen as part of the problem, not the solution.
2. Damage to the Integrity and Credibility of the KPK: As an institution whose function is to eradicate corruption, the credibility of the KPK is highly dependent on the integrity of its members. If KPK members are involved in abuse of influence, this will damage the image of the institution and reduce the effectiveness of the fight against corruption in Indonesia.
3. Increasing the Potential for Corruption in State Institutions: Abuse of influence within the KPK could open the door to corruption in other institutions. If the influence of KPK members is used to protect corrupt practices or exacerbate the political situation, this could worsen the situation in many sectors, both in government and in the private sector.

c. Law Enforcement and Oversight Efforts

Abuse of influence by KPK members requires decisive action to maintain the integrity of the institution. Several efforts that can be made to prevent or deal with abuse of influence by KPK members include:

1. Internal and External Oversight: The KPK has internal oversight mechanisms such as the KPK Internal Oversight Unit, which is tasked with overseeing the activities and performance of its members. In addition, external institutions such as the Judicial Commission (for abuse of power by state officials) and the Financial and Development Supervisory Agency (BPKP) can also play a role in oversight.

2. Transparency and Accountability: To maintain transparency, the KPK must ensure that every decision and action taken by its members is accountable to the public. This includes decision-making in corruption investigations and the appointment of officials.
3. Enforcement of Strict Sanctions: KPK members who are proven to have abused their influence must be subject to strict sanctions. These can take the form of dismissal, criminal punishment, or other administrative measures, depending on the violation committed.
4. Fair Legal Process: If there is suspicion of abuse of influence, KPK members involved must be prosecuted in accordance with applicable law, and there should be no special treatment. The KPK may also cooperate with other legal institutions, such as the National Police or the Supreme Court, to conduct investigations and prosecutions.

3.3 Abuse of Authority as a Crime of Corruption

Indonesia, as part of the international community, considers corruption to be no longer a local issue, but rather a transnational phenomenon that affects all societies and economies. Indonesia therefore considers international cooperation to be essential for the prevention and eradication of corruption, including the recovery or return of assets derived from corruption. as evidenced by Law No. 7 of 2006 concerning the Ratification of the United Nations Convention Against Corruption, 2003. (Konvensi Perserikatan Bangsa-Bangsa Anti Korupsi, 2003).

The provisions in Article 18 of the United Nations Convention Against Corruption, which specifically regulates trading in influence, are as follows:

> *Trading in influence Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: (a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person; (b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.*

Trafficking in influence, as regulated in the United Nations Convention Against Corruption, has not been converted into a provision in the Anti-Corruption Law, even though as a party to the United Nations Convention Against Corruption, Indonesia should enforce this in its legislation.

Currently, there are only seven types of corruption (seven) types of corruption crimes, namely state financial losses, bribery, embezzlement in office, fraudulent acts, extortion and conflicts of interest in the procurement of goods and services, and the last type is gratification (Yuntho, Deta, Limbong, Bakar, & Ilyas, 2014, p. 18) The following is an explanation of several types of corruption crimes:

1) State financial losses

The concept of state financial losses is only found in Articles 2 and 3 of the Anti-Corruption Law. Article 2 of the Corruption Eradication Law reads:

> *""Any person who acts unlawfully by committing an act to enrich themselves or others or a corporation, and whose actions cause financial loss to the state, shall be punished with life imprisonment or a minimum of 4 (four) years and a maximum of 20 (twenty) years imprisonment and also a minimum fine of Rp. 200,000,000.00 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah)."*

Article 3 of the law also states:

> *"Any person who commits an act to benefit themselves, a corporation, or another person by abusing their authority, opportunity, or means available to them due to their position or office, and such act causes financial loss to the state or the state economy, shall be punished with life imprisonment or a minimum of 1 (one) year and a maximum of 20 (twenty) years imprisonment and/or a fine of at least Rp 50,000,000.00 (fifty million rupiah) and a maximum fine of Rp 1,000,000,000.00 (one billion rupiah)."*

2) Bribery

The next type of corruption crime is bribery, which is defined in Article 5 paragraph (1) a and b of the Corruption Crime Law as follows:

"(1) shall be punished with imprisonment of at least 1 (one) year and a maximum of 5 (five) years and/or a fine of at least Rp 50,000,000.00 (fifty million rupiah) and a maximum of Rp 250,000,000.00 a. Any person who gives or promises something to a state official or civil servant with the intention of causing the state official or civil servant to perform or refrain from performing an act in the execution of their duties that is contrary to their obligations. b. Any person who gives something to a state official or civil servant because of a relationship that is contrary to their obligations, whether or not it is done in their official capacity.

Bribery is also covered in Article 6 of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Corruption Crimes, whereby bribery as referred to in Article 6 refers to bribery of a judge or advocate. Article 6 paragraph (1) letters a and b read:

"(1) Punishable by imprisonment of at least 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp 150,000,000.00 (one hundred and fifty million rupiah) and a maximum of Rp 750,000,000.00 (seven hundred and fifty million rupiah). a. any person who commits an act of giving or promising something to a judge with the aim of influencing the decision in a case being examined by the judge for trial. b. Any person who gives or promises something to a lawyer to attend a court hearing with the aim of influencing the advice or opinion that will be given in relation to a case being heard by the court.

3) Extortion

Extortion is defined as the abuse of power to coerce another person to give something, pay, accept a discount, or do something for oneself. This criminal act is contained in Article 12 letter e of the Corruption Eradication Law, which reads:

"a state administrator or civil servant who intends to benefit himself or herself, a corporation, or another person, where the act is carried out unlawfully or by abusing his or her authority to force another person to pay or accept a payment discount or to give something to do work for him or herself."

In addition to what is stated in Article 12 letter e, there is also Article 12 letter h of the Corruption Eradication Law, which reads:

"a state administrator or civil servant, while performing his duties, uses state land over which he has usage rights, in such a way that it appears to be in accordance with the laws and regulations, and this action causes loss to the person who has rights to the land, even though he knows that his actions are contrary to the laws and regulations."

4) Embezzlement in office

The Corruption Eradication Commission (KPK) has stated that criminal acts of corruption related to embezzlement committed in the course of one's duties are covered by the Anti-Corruption Law, specifically in Articles 8, 9, 10 letter a, 10 letter b, and 10 letter c (Korupsi, 2006, p. 40) Embezzlement in office was previously regulated in Article 415 of the Criminal Code. The difference between Article 8 and Article 415 of the Criminal Code is related to the criminal penalties. Article 8 of the Anti-Corruption Law provides for a maximum penalty of 15 years' imprisonment, which is heavier than the penalty in Article 415 of the Criminal Code, which is 7 years' imprisonment (Kurniawan, 2016, p. 87). However, even though embezzlement in office is regulated in the Criminal Code based on the principle of lex speciali derogat legi generali, law enforcement officials use the Corruption Law in prosecuting perpetrators of embezzlement in office.

5) Gratification

Provisions related to gratification are contained in Article 12 B of Law Number 31 of 1999 concerning Corruption Crimes in conjunction with Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes. The article reads:

"(1) Any gratuity given to a state official or civil servant may be considered a bribe if it is related to or connected with their position and is contrary to their obligations or duties as a state official or civil servant, with the following provisions: a. If the value is Rp. 10,000,000.00 (ten million rupiah) or more, then the burden of proving that the gratuity is not a bribe lies with the person receiving the gratuity; b. If the value of the gratuity is less than IDR 10,000,000.00 (ten million rupiah), the burden of proving whether the gratuity constitutes a bribe or not shall be borne by the public prosecutor. (2) The criminal sanctions for a state official or civil servant referred to in paragraph (1) are a maximum of life imprisonment or a minimum of 4 (four) years and a maximum of 20 (twenty) years imprisonment, and a fine of at least Rp. 200,000,000.00 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).

The definition of gratification itself is contained in the explanation of the Anti-Corruption Law, which explains that gratification has a broad meaning and can take the form of gifts, money, commissions, interest-free loans, discounts, facilities such as free travel or accommodation or medical treatment, or other facilities. Such gifts may occur domestically or abroad, whether through electronic transactions, manual transactions, or without electronic means.

In addition to the above forms, there are other fraudulent acts regulated in Article 7 of the Corruption Eradication Law and forms of conflict of interest regulated in Article 12 letter I of the Corruption Eradication Law. An example of such fraudulent acts is when a contractor carries out construction work on a building that does not comply with what was agreed upon at the outset, both in terms of the quality of the building(Tim Penyusun Modul Badan Diklat Kejaksaan Republik Indonesia, 2019, p. 41).

Of the types of corruption crimes listed above, influence peddling is not included in the qualifications, which then creates legal uncertainty, especially for individuals who hold positions and abuse their authority to trade their influence, as was done by NG as Deputy Chairman of the Corruption Eradication Commission at that time.

Based on the above description, de facto Indonesia has ratified the United Nations Convention Against Corruption, which should include influence peddling as a criminal act of corruption, but in fact it does not. Therefore, influence peddling should be included in the Anti-Corruption Law. Influence peddling committed by NG as Deputy Chairman of the Corruption Eradication Commission (KPK) can be equated with gratification, where the concept of gratification is when an item is given to a state official or civil servant and can be considered a bribe. where it is related to or has a connection with their position and is contrary to their obligations or duties as a state official or civil servant, then it can be classified as a criminal act of corruption.

4. CONCLUSION

From the overall explanation above, the following conclusions can be drawn:

a) A fair legal process and the imposition of appropriate sanctions are important steps to prevent and address abuse of influence at the KPK. Dismissal should be in accordance with Article 10 Paragraph (3) of KPK Supervisory Board Regulation 3/2021, whereby the types of severe sanctions referred to in Article 9 Paragraph (1) letter c for the Supervisory Board and Leadership consist of: a. A written warning and a 40% (forty percent) reduction in monthly income for 12 (twelve) months; or b. A request to submit their resignation as a member of the Supervisory Board or leadership.
b) Indonesia has not yet classified abuse of influence as a criminal act of corruption, even though Indonesia has ratified the United Nations Convention Against Corruption, which regulates Abuse of Authority. This should be a separate article in the Anti-Corruption Law, but the omission of Abuse of Authority in the Anti-Corruption Law means that Abuse of Authority cannot be prosecuted as a criminal offense, as in the case of NG, the deputy chairman of the Corruption Eradication Commission (KPK).

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