



## **CORRUPTION AS AN EXTRAORDINARY CRIME: EVALUATING THE RULE OF LAW, DEMOCRACY AND HUMAN RIGHTS**

<sup>1</sup> Muhyi Mohas, <sup>2</sup>Litya Surisdani Anggraeniko, <sup>3</sup> Reine Rofiana,

<sup>4</sup> Muh Farhan Arfandy, <sup>5</sup>Ahmad Jaelani

Universitas Sultan Ageng Tirtayasa

[Litya.surisdani@untirta.ac.id](mailto:Litya.surisdani@untirta.ac.id)

**Received: 03/06/2026 | Revised: 08/06/2026 | Accepted: 20/06/2026 | Published: 11/07/2026**

### **Abstract**

Corruption categorized as an extraordinary crime continues to show a significant upward trend in Indonesia. As a product of the 1998 reform movement, efforts to realize a clean government were institutionalized through Law Number 28 of 1999. However, empirical realities show a structural anomaly where democratic instruments are hijacked by old power structures acting as free riders to perpetuate authoritarian tendencies. This systemic failure degrades the rule of law and forces a critical re-examination of how political transitions accommodate oligarchic resilience. Consequently, this study addresses how corruption undergoes structural metamorphosis, how state capture interacts with democratic procedures, and to what extent it deprives citizens of constitutional protections. Research Method, using a combined legal research method (normative-empirical jurisprudence) with a qualitative-descriptive approach, this study dissects State Capture Corruption through Olle Törnquist's "shadowy democracy" thesis and Nils Bubandt's oxymoronic democracy corruption framework. Research Outcome: The results confirm that local oligarchies distort political transitions through the capitalization of authority and Sophistic truth manipulation. This paradox turns democracy into an incubator for systemic corruption, where public funds are diverted, leaving the public as a collective victim. The novelty lies in integrating Samuel Huntington's transition models to reveal a "transformation from above" using fresh data. Theoretically, it enriches progressive criminal jurisprudence, while practically providing strategic policy recommendations for anti corruption authorities to shield public budgets from oligarchic interventions.

**Keywords:** Corruption, Human Rights, Oxymoron, Rule of Law, Shadowy Democracy

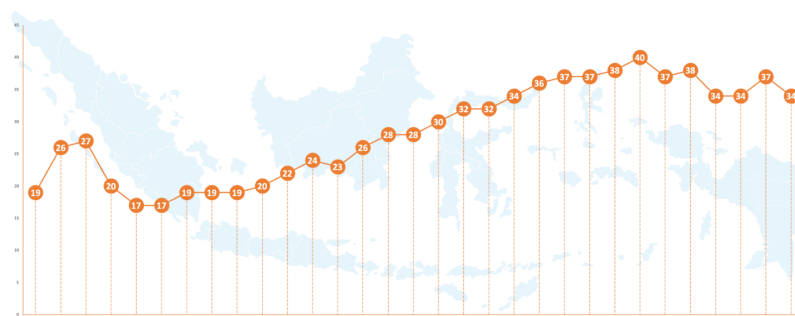
### **INTRODUCTION**

The Reform Movement of 1998 in Indonesia was, in essence, a comprehensive corrective effort against the authoritarian New Order regime. Its primary objective was to establish clean governance free from Corruption, Collusion, and Nepotism (KKN). This spirit of reform was institutionalized juridically through Law Number 28 of 1999 concerning State Administration that is Clean and Free from KKN, which positioned public participation as an autonomous subject holding a crucial oversight function to prevent the resurgence of authoritarian rule (Trisia 2020).

From a theoretical standpoint, the convergence between the doctrine of the rule of law and democratic politics was intended to ensure that power would not dominate itself, but rather create a dialogical space that respects human sovereignty and rejects absolute uniformity over differences. However, contemporary empirical realities present a paradoxical picture, where Law No. 28 of 1999 is openly undermined. Major corruption scandals such as the Jiwasraya and Asabri cases, the misuse of social assistance funds (Bansos), and widespread bribery in the buying and selling of public positions involving actors across the executive, legislative, and judicial branches demonstrate that corruption has in fact increased exponentially.

This systemic failure confirms early theoretical concerns raised by Olle Törnquist during the initial phase of reform regarding the rise of what he termed a "shadowy democracy" (Törnquist 2016). In practice, democracy has functioned merely as a procedural and formal façade, while its substance has been captured by "free riders" actors from the old power structures who adopt democratic attributes to reinvent themselves as local politicians, fully dependent on access to illicit financial resources (Barry 2005).

The transformation of corruption into what is now recognized as State Capture Corruption in Indonesia is further evidenced by the 2025 Corruption Perceptions Index (CPI) released by Transparency International Indonesia. With a stagnant score of 33, the report clearly highlights that declining civil liberties and weakening access to justice have become key factors undermining anti corruption efforts within a procedural democratic system. The accompanying data illustrates a downward and stagnant trend in Indonesia's CPI score, reaching a critical point at 33 in 2025 (Transparency International Indonesia 2025). This sharp decline is directly correlated with the erosion of civil liberties and the weakening independence of judicial institutions due to the penetration of political corruption.



**Figure 1.** Indonesia CPI Score (1995-2025)

Source: *Transparency International Indonesia (2025)*

Based on this background, the research problem is formulated into several key questions. First, how has corruption as a criminal offense undergone structural transformation in weakening and degrading the principles of the rule of law in Indonesia? Second, what is the oxymoronic causal relationship between political corruption (state capture corruption) and the rise of a “criminalized democracy” in the post-reform era? Third, to what extent does political corruption directly contribute to human rights violations, particularly Economic, Social, and Cultural Rights, in the pursuit of social justice? To address these questions, this study is directed toward several primary academic objectives.

The first is to analyze and map the transformation patterns of corruption in Indonesia that lead to the paralysis of the rule of law and the erosion of equality before the law. The second is to unravel the oxymoronic causal relationship between procedural democracy and the persistence of political corruption driven by opportunistic power actors. The third is to evaluate the destructive impact of political corruption on the failure to fulfill citizens' Economic, Social, and Cultural Rights. The significance of this research is both theoretical and practical. Theoretically, it is expected to enrich the body of knowledge in constitutional and progressive criminal law through a multidisciplinary approach combining political and criminological theories to examine structural crimes. Practically, the findings are expected to provide strategic recommendations for law enforcement institutions such as the Corruption Eradication Commission (KPK) and policy-making authorities in designing budgetary reforms that are resistant to oligarchic intervention, while restoring the autonomous role of society in safeguarding democratic governance. In conclusion, the identification of issues and the objectives of this research are positioned as a methodological effort to restore the essence of substantive democracy, grounded in the absolute protection of human rights and the supremacy of law.

## LITERATURE REVIEW

This study evaluates post-reform transitional distortions by utilizing Samuel Huntington's political transition models to illustrate how demands for total regime replacement were subverted into an elite-led transformation from above. This systemic hijacking of democratic instruments aligns with Olle Törnquist's "shadowy democracy" thesis and Nils Bubandt's oxymoronic framework, demonstrating that procedural open elections and decentralization do not exclude corruption; instead, they serve as structural incubators that legitimize and finance state capture networks. Doctrinally, this policy-driven escalation directly clashes with the formal and substantive pillars of Friedrich Julius Stahl's Rechtsstaat and A.V. Dicey's Supremacy of Law. When illicit capital penetrates the legislative process, the principle of *wetmatigheid van bestuur* (governance based on law) is paralyzed. This subversion turns public official integrity measures like Law No. 28 of 1999, anti-corruption frameworks under Law No. 31 of 1999 jo. Law No. 20 of 2001 (UU Tipikor), and the new codifications within Articles 603–604 of Law No. 1 of 2023 (the new Criminal Code) into formalistic legal shields that protect white-collar crimes. Viewed through progressive jurisprudence and a victimological lens conceptually aligned with ICW's systemic loss paradigms, this co-optation goes far beyond

conventional state losses. It acts as a primary mechanism that systematically deprives the population of their Economic, Social, and Cultural Rights (ESCR), leaving the public as collective victims stripped of constitutional welfare, social justice, and human dignity.

In Sophistic terms, these corrupt actors misuse their authority to repeatedly project subjective views until they are accepted as universal truths. This pattern resembles Ernest Gellner's notion of patriarchal and colonial power structures, which impose an illusion of legitimacy upon society (Robuschi 2025). The structural consequences of such systemic capture lead to widespread human rights violations, particularly the deprivation of Economic, Social, and Cultural Rights (ESCR), as public funds intended for health, education, and welfare are diverted to satisfy political interests. This is precisely where the urgency of this research lies: to provide a progressive legal analytical framework for unpacking the causal relationship between democratic decay and the emergence of corrupt regulatory practices that undermine citizens' constitutional rights.

Over the past five years, a range of scholarly works has examined the causal relationship between democracy and corruption in Indonesia, reinforcing the urgency of this study: The first study, conducted by Emirzal, demonstrates that state capture and large-scale corruption empirically undermine legal certainty and reduce national investment (Emirzal 2022). While both studies share the use of the state capture concept, Emirzal's work focuses on the economic sector, whereas this research concentrates on the degradation of the rule of law and violations of human rights. The second study by Safa'i et al (Safa et al. 2024), highlights regulatory inconsistencies that create loopholes allowing former corrupt actors to reclaim formal political power through elections. Both studies address flaws in procedural democracy, however, Safa'i et al limit their analysis to a normative review of PKPU regulations and Constitutional Court decisions, while this research delves deeper into the philosophical thesis of systemic capture by what is described as a "criminalized democracy." On a broader level, the global Education for Justice (E4J) module published by UNODC on "Corruption and Democracy" provides a macro conceptual framework explaining how corruption globally erodes electoral legitimacy, diminishes public trust, and weakens formal democratic institutions (UNODC n.d.). Meanwhile, the destructive impact of corruption is further illustrated in a study on ecological loss valuation published by ICW. This research adopts an empirical approach to reveal how corruption produces massive societal losses, positioning the public as victims (victimology) (Indonesia Corruption Watch 2024). Both studies share a non-traditional perspective that views corruption not merely in terms of direct financial losses to the state, but as a broader systemic harm. However, they differ significantly in their objects and loci of analysis. Despite these contributions, a fundamental limitation remains: most prior legal studies examine corruption in a fragmented manner either through normative criminal law elements or purely political lenses without critically assessing how the post-reform transition has, in fact, accommodated authoritarian tendencies under the guise of democracy. This research seeks to fill that gap by introducing a novel approach, integrating Samuel Huntington's transition model to analyze how regime replacement has been distorted into a "transformation from above," allowing old elites to manipulate public truth.

## **METHOD**

This study implements a combined legal research method, integrating doctrinal or *yuridis normatif* and empirical or *yuridis empiris* jurisprudence to achieve a comprehensive progressive legal analysis (Marune 2023). The normative legal approach is utilized to critically examine positive statutory frameworks, constitutional norms, legal dogmatics, and relevant jurisprudence, specifically focusing on Law Number 28 of 1999 concerning Clean State Administration, Law Number 31 of 1999 jo. Law Number 20 of 2001 on Anti-Corruption (UU Tipikor), and the unsuited sentencing formulations within Articles 603 and 604 of the new Criminal Code (Law Number 1 of 2023).

To measure the decline of the rule of law alongside democratic regressions, the study relies on the classical rule-of-law benchmarks proposed by Friedrich Julius Stahl and A.V. Dicey. Empirically, this research integrates official quantitative and qualitative secondary data, including the revised Indonesian Democracy Index (IDI) from BPS (2025), national corruption statistics from the Corruption Eradication Commission (KPK), and human rights compliance documentation. The collected data is analyzed qualitatively using an interpretive-descriptive framework, applying political transition models and sociological theories to unpack systemic patterns of State Capture Corruption.

## **RESULTS AND DISCUSSION**

### **A. The Metamorphosis of Corruption as a Criminal Offense and the Degradation of the Rule of Law**

The findings of this study indicate that corruption in Indonesia has undergone a profound structural metamorphosis from a conventional crime into what is now recognized as State Capture Corruption. Law, which

under the rule of law should function as the highest, independent, and just authority, has instead been co-opted and transformed into an economic commodity that can be traded by those who control capital. This phenomenon is clearly reflected in the widespread violations of Law Number 28 of 1999 concerning State Administration that is Clean and Free from Corruption, Collusion, and Nepotism, which was originally designed as a safeguard for the integrity of public officials.

Empirical data from the Corruption Eradication Commission (KPK) reveals a consistent pattern in which regulatory instruments and regional budgetary policies are deliberately engineered to create legal loopholes for the financial benefit of certain oligarchic groups (Komisi Pemberantasan Korupsi 2024a). Corruption no longer occurs merely at the implementation stage of public spending; rather, it originates upstream within the legislative process and the determination of strategic projects. Large-scale cases such as the Jiwasraya and Asabri scandals illustrate how internal state oversight mechanisms have been systematically weakened by actors with high levels of education and political influence.

This legal deviation undermines two fundamental principles of the rule of law: legal certainty and equality before the law. When financial governance enforcement can be influenced by bribery from private actors and political elites, the legitimacy of judicial and executive institutions sharply declines in the eyes of the public. The failure of public oversight functions, as mandated by law, demonstrates that rule-of-law institutions are currently being weakened by the infiltration of corrupt capital, eroding the authority of good governance.

To assess the extent to which this transformation of corruption has weakened the foundations of the state, this legal analysis employs both formal and substantive rule-of-law benchmarks, drawing on the theoretical frameworks of Friedrich Julius Stahl and A.V. Dicey (Dicey 1982). Classical rule-of-law principles such as the protection of human rights, separation of powers, governance based on statutory law, and administrative justice serve as essential pillars. When political corruption infiltrates the legislative process, the principle of *wetmatigheid van bestuur* (government based on law) is effectively paralyzed, as the resulting laws no longer reflect public will but rather the interests of illicit capital contributors.

Referring to Wolfgang G.'s conception of law as a concrete manifestation of shaping a new social order, the transformation occurring in Indonesia has diverted the function of law from safeguarding substantive democracy to serving as a legal shield for organized white-collar crime. The supremacy of law, as emphasized by Dicey, has shifted into the supremacy of elites, where administrative discretion is misused to produce corrupt policies from the very inception of regulation (Allison 2024).

When this doctrine is contrasted with empirical realities, the collapse of rule-of-law institutions becomes evident, particularly in law enforcement and bureaucracy. Corruption has penetrated deeply into the mechanisms of governance, especially in the allocation and distribution of public resources and assets. Law becomes easily overridden by bribery, gratification, and transactional practices carried out by unscrupulous officials. When judicial bodies and oversight institutions supposedly the pillars of justice become entangled in systemic white-collar crime, the principle of equality before the law collapses (TNRC 2019). Political corruption not only erodes institutional legitimacy but also produces bureaucratic injustice and aligns law enforcement with capital-owning elites acting as political free riders.

This decline in the quality of the rule of law is further exacerbated by recent developments in Indonesia's positive legal framework. The enactment of Law Number 1 of 2023 concerning the new Criminal Code (KUHP) marks a new phase in the codification of corruption offenses. Although the new KUHP aims to unify substantive criminal law, the incorporation of key corruption provisions—particularly Articles 603 and 604, which reformulate Articles 2 and 3 of Law No. 31 of 1999—has sparked doctrinal debate due to the reduction in minimum sentencing thresholds for corruption offenders (Tim SPORA 2015).

This doctrinal weakness risks diminishing the deterrent effect amid already systemic corruption. The reduction in sanction severity stands in stark contrast to the significant social costs of corruption, as outlined in the KPK's *Kapita Selekta* study. These costs include direct losses, preventive expenditures, and enforcement-related expenses, all of which place a heavy burden on the national budget. The following section presents a matrix measuring rule-of-law principles alongside the declining effectiveness of law enforcement in Indonesia, based on a synthesis of global and national data.



**Table 1.** Matrix for measuring the principles of the rule of law and the reality of corruption in Indonesia

| Rule of Law Principle                           | Global/National Measurement Indicators                                             | Real Facts and Conditions in Indonesia                                                                                                                | Legal Correlation and Impact                                                                                                                                               |
|-------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Supremacy of Law                                | Substantive Law Enforcement Index and ACLC KPK Legal Impact Data                   | Formulation of strategic laws and regulations tailored to corporate orders; political undermining of the independence of anchor institutions.         | Law becomes subordinate to elite transactional agreements; the state's regulatory function over resource allocation is paralyzed.                                          |
| Equality before the Law                         | Constraints on Government Powers and Absence of Corruption (WJP Rule of Law Index) | Selective enforcement practices; rampant judicial corruption ( <i>mafia peradilan</i> ) and bribery in case management within the courts.             | Capital owners secure structural immunity; justice is easily commodified and purchased through bribery and gratifications.                                                 |
| Governance Based on Law (Principle of Legality) | Government Bureaucratic Corruption Index and Financial Governance                  | Abuse of administrative discretion and the General Principles of Good Corporate Governance (AAUPB) in land concession licensing and regional exports. | Violation of the statutory limits of Articles 17-18 of the Administrative Courts/Government Act; legal formalities are weaponized as a legal shield for political capture. |
| Rule of Law Principle                           | Global/National Measurement Indicators                                             | Real Facts and Conditions in Indonesia                                                                                                                | Legal Correlation and Impact                                                                                                                                               |

Source: *Author's data processing*

The table above highlights a significant gap between the normative framework of the constitution and the actual implementation of law in practice. The synchronization between the Government Administration Law (Law No. 30 of 2014) and the new Criminal Code (Law No. 1 of 2023) often encounters dissonance at the enforcement level, largely due to narrow interpretations by authorities that reduce policy related crimes to mere procedural administrative violations. When state administrative decisions and discretionary provisions are used as legal shields by political elites to evade substantive criminal liability, such formal legality becomes substantively flawed. As a consequence, the rule of law undergoes internal decay, where positive legal instruments fail to deliver substantive justice and ultimately lead to the structural deprivation of fundamental human rights within society.

## **B. The Oxymoronic Causal Relationship Between Political Corruption and the Phenomenon of “Criminalized Democracy”**

Empirical analysis of how oligarchic networks capture democratic instruments can be statistically observed through three key indicators in the 2025 Indonesian Democracy Index (IDI) under its revised methodology. As reflected in the measurement matrix below, fluctuations in these indices reveal clear disparities in institutional performance and the fulfillment of substantive rights at the national, central, and provincial levels (Badan Statistik Nasional 2026).

**Table 2.** Indonesian Democracy Index

| Indonesian Democracy Index [New method] | Aspect of Freedom (2025) | Aspect of Equality (2025) | Aspect of the Capacity of Democratic Institutions (2025) |
|-----------------------------------------|--------------------------|---------------------------|----------------------------------------------------------|
| National*                               | 75.52                    | 80.33                     | 78.28                                                    |
| Central Level                           | 66.80                    | 83.27                     | 78.34                                                    |
| Provincial Level**                      | 81.06                    | 78.46                     | 78.25                                                    |

Source: *Badan Pusat Statistik (BPS)*

Conceptually, the oxymoronic causal relationship between political corruption and democracy reflected in the data above points to a paradoxical condition in which two elements that are theoretically opposed instead become mutually reinforcing in practice. Democracy, ideally designed as a system of popular sovereignty to limit abuses of power, in this context turns into a structural incubator that legitimizes and finances political corruption. This reciprocal dynamic produces what can be described as systemic corruption, where corruption is no longer treated as

an isolated legal violation, but rather as a core operational resource sustaining political actors within a competitive democratic environment. The high cost of political competition in a procedural democratic system drives transactional relationships between ruling elites and capital owners. As a result, elections shift in essence from mechanisms of substantive leadership circulation into arenas resembling shadow markets for capital exchange. The disparity in equality indicators at the provincial level (78.46) compared to the central level (83.27) further suggests that post-reform decentralization has opened space for the emergence of what may be termed a “criminalized democracy” at the local level. Through the accumulation of illicit capital, local political free riders develop structural immunity, manipulate regulatory frameworks, and distort regional budget allocations ultimately undermining the rule of law and systematically eroding citizens’ Economic, Social, and Cultural Rights (ESCR).

A critical examination of post-reform political transitions supports Olle Törnquist’s thesis regarding the emergence of a “democracy of criminals.” In Indonesia, the relationship between democracy and corruption is no longer contradictory, but instead reflects an oxymoronic pattern of mutual reinforcement. Democratic institutions such as direct elections and regional autonomy have been appropriated by “free riders” rooted in remnants of past authoritarian power structures. Backed by concentrated illicit financial resources, these actors have executed what Samuel Huntington describes as a “transformation from above,” allowing them to reclaim positions of power at both local and national levels without fundamentally altering their corrupt practices (Huntington 2011).

This pattern reveals a form of adaptive oligarchic resilience. Former elites reposition themselves within formal democratic structures, take control of political parties, and dominate electoral competition to secure and expand wealth accumulated since the centralized era. In exercising power, these actors often capitalize on authority in ways that are deeply resistant to public criticism. Substantive critique is reframed as a threat to stability rather than recognized as a legitimate mechanism of governance accountability.

Influenced by a Sophistic mode of reasoning, this contemporary form of authoritarianism manipulates public discourse through strategic narratives and rhetoric for instance, calls to resist external pressure. Repeated political falsehoods, reinforced through formal authority, are gradually imposed as accepted collective truths. This mode of control closely resembles Ernest Gellner’s analysis of patriarchal and colonial power structures, where leaders impose visions and illusions of legitimacy upon the governed in order to secure wealth and maintain power under the veneer of procedural democratic legality (Dikshit 2022).

The capture of democracy by corrupt political instruments is not unique to Indonesia. Comparable patterns can be observed in other transitional states. In the Philippines following the fall of Ferdinand Marcos, the collapse of dictatorship did not produce a clean democratic order, but rather facilitated the resurgence of traditional political clans often described as “cacique democracy” (Abdurahman et al. 2025). Local elites exploited open electoral systems through patronage networks and illicit funding derived from the manipulation of regional development budgets, a pattern conceptually aligned with the notion of a “criminalized democracy”.

A similar dynamic is evident in Brazil, where electoral democratic openness gave rise to large-scale, structured political corruption scandals, most notably Operation Car Wash (Lava Jato) (Hansen and Burdescu 2020). In this context, political parties evolved into cartel like entities that extracted resources from state-owned enterprises to finance electoral campaigns. Both the Philippine and Brazilian cases illustrate a broader global pattern: transitions from authoritarian regimes that fail to dismantle entrenched patronage networks tend to shift corruption from a centralized form into a decentralized and competitive one.

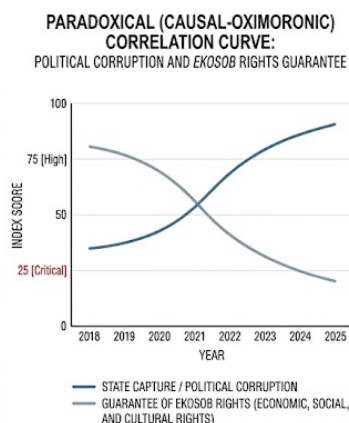
These global parallels closely mirror Indonesia’s current condition. Data from the Economist Intelligence Unit (EIU) Democracy Index continues to classify Indonesia as a “flawed democracy,” largely due to weak political culture and governance performance shaped by pervasive money politics. The criminalization of policy critics through formal legal mechanisms demonstrates the persistence of authoritarian tendencies beneath the surface of procedural democratic legality (Economist Enterprise EIU 2026). Meanwhile, the co-optation of political opposition into dominant ruling coalitions weakens the system of checks and balances, allowing formal law to be repurposed as an instrument of unilateral legitimacy, while substantive popular sovereignty is gradually hollowed out by the machinery of capital-driven power consolidation.

### **C. The Implications of Political Corruption for Systemic Human Rights Violations**

The most destructive consequence of entrenched political corruption within a procedural democratic system is the widespread and systemic violation of human rights. Public discourse has often confined human rights violations to civil and political rights alone. However, this study finds that State Capture Corruption functions as a primary mechanism through which Economic, Social, and Cultural Rights (ESCR) are forcibly deprived from the broader population.

When social security funds, healthcare budgets, social assistance programs, and educational infrastructure allocations are siphoned off by high-ranking state officials, citizens are directly stripped of their fundamental right to a decent standard of living. From a victimological perspective, political corruption positions society as a collective victim, whose constitutional rights are sacrificed to satisfy the material interests of oligarchic elites. Public budgets both national and regional which should be directed toward social justice and general welfare are instead diverted to finance the high costs of electoral competition.

This condition reflects a profound neglect of human dignity, which should stand at the core of any human centered bureaucracy. Therefore, corruption can no longer be understood merely as a financial loss to the state, it must be recognized as a serious human rights violation that undermines the long-term well being and sustainability of future generations.



**Figure 2. Paradoxical Curve**  
Source: *Author's data processing*

Empirical evidence demonstrating how political corruption directly produces serious human rights violations is strongly supported by comparative data drawn from two key anchor documents, namely the Annual Reports of the Corruption Eradication Commission (KPK). Based on KPK enforcement statistics, the dominant typologies of corruption in Indonesia are concentrated in political corruption within the procurement of goods and services, as well as bribery related to licensing processes involving regional heads and legislative members (Komisi Pemberantasan Korupsi 2024b).

The broader impact of this political corruption network reveals a larger structural pattern, in which the weakening of anti corruption law enforcement institutions such as the KPK runs parallel with the escalation of corruption in the natural resources sector (Khoirunnisa Nur Agustyati, Feri Amsari, Eko Cahyono, Wahyu A. Perdana, Muhamad Isnur, Siti Rakhma Mary Herwati 2022). When environmental regulations and concession permits for mining or plantations are effectively bought by oligarchic actors through political bribery, the consequences are severe: forced evictions, environmental degradation, and the loss of living space for indigenous communities and local farmers. This convergence of data clearly shows that political corruption in the agrarian and natural resources sectors constitutes a tangible human rights violation, depriving communities of their rights to land, water, a healthy environment, and food security in a structural manner.

The systemic dimension of these rights violations is further reinforced by international documentation and conceptual frameworks developed by leading human rights institutions. Widespread corruption across executive, legislative, and judicial branches directly contributes to the failure of criminal law enforcement and undermines the state's ability to safeguard fundamental freedoms. This reality aligns with emerging calls for a paradigm shift in legal interpretation, emphasizing that corruption should no longer be confined within the category of conventional financial crimes. Instead, it should be juridically classified as a human rights violation, given its inherent capacity to erode the state's ability to fulfill its international obligations, particularly in relation to economic, social, and cultural rights (Eko Riyadi 2019).

The causal relationship between the plundering of public resources, the neglect of international accountability mechanisms, and the erosion of basic human rights is further illustrated through empirical indicators of structural violations presented in the table below. This table clearly demonstrates how each unit of public funds

lost to corruption at the upper levels of power, combined with weakened law enforcement as reported by civil society and global monitoring institutions, translates directly into the collapse of social justice at the level of everyday life.

The escalation of political corruption in Indonesia does not merely result in decay within law enforcement bureaucracies; it also triggers a series of destructive consequences across the real economic sector, environmental governance, and social protection systems, ultimately leading to the deprivation of citizens' fundamental constitutional rights. One of the most visible manifestations is the rising burden of the social cost of corruption, which must be borne directly by the state budget. The concept of social cost demonstrates that the actual losses experienced by society far exceed the nominal value of funds embezzled by perpetrators. These costs include preventive expenditures, enforcement-related responses, and the broader consequences of corruption, all of which distort the efficiency of national development spending. As a result, public funds that should be allocated for social security and poverty alleviation become increasingly constrained.

In the natural resources sector, political corruption takes the form of cartelization in the licensing of large-scale mining and palm oil plantation businesses across various regions. Licensing-related bribery in forest and agrarian exploitation involves close collusion between regional leaders, legislative actors, and illicit corporate networks. The implications are severe: widespread environmental degradation, uncontrolled deforestation, pollution of river ecosystems, and the escalation of structural agrarian conflicts that disproportionately affect indigenous communities and local farmers. The weakening of law enforcement institutions, occurring alongside the systematic exploitation of natural resources, directly deprives communities of their Economic, Social, and Cultural Rights (ESCR), including rights to land, clean water, a healthy environment, and secure living spaces.

The systemic impact of corruption is further compounded by the weakening of civil rights protection, as documented in the Human Rights Practices Report published by the United States Embassy in Indonesia (U.S. Embassy Jakarta 2024). The report highlights how widespread bribery and judicial corruption within the courts and police institutions have undermined public access to justice. When law enforcement agencies are co-opted by capital-driven political actors, the result is the increasing criminalization of anti-corruption activists and environmental defenders through manipulative legal mechanisms, including Strategic Lawsuits Against Public Participation (SLAPP).

From a sociological and juridical perspective, the implications of political corruption have reached the level of structural degradation of human dignity. Corruption directly weakens the state's capacity to fulfill its obligations to protect and to ensure the realization of its citizens' fundamental rights. The accumulation of these empirical realities confirms that corruption in Indonesia functions as a form of indirect human rights violation, with a destructive impact far exceeding that of conventional crimes.

## CONCLUSION

The conclusion section contains the final essence of the discussion and provides a direct, chronological answer to the formulated research problems to prove that the study's scientific objectives have been successfully achieved. *First*, this study concludes that corruption in Indonesia has undergone a radical structural metamorphosis from conventional transactional crimes into deep-rooted State Capture Corruption. This transformation has severely degraded the principles of the rule of law, shifting the classical constitutional pillars of legal certainty and equality before the law into a supremacy of capital owning elites. The infiltration of illicit capital into upstream legislative processes and strategic regional budgeting effectively paralyzes the principle of *wetmatigheid van bestuur* (government based on law), reducing positive legal instruments and administrative discretions into formalistic legal shields that protect white-collar criminal syndicates. *Second*, there is an oxymoronic causal relationship between political corruption and procedural democracy in the post-reform era.

Rather than being mutually exclusive, direct electoral systems and regional decentralization have been hijacked by opportunistic free rider actors rooted in old authoritarian patronage networks. Fueled by high-cost political competitions, these networks execute a "transformation from above" to establish structural immunity, exploit local state budgets, and distort public discourses through Sophistic rhetoric to construct illusions of procedural legitimacy. *Third*, systemic political corruption directly acts as an institutional mechanism that triggers massive Human Rights violations, specifically undermining the fulfillment of Economic, Social, and Cultural Rights (ESCR). From a victimological perspective, the diversion of public funds away from welfare, healthcare, and educational allocations places society as a collective victim of a corrupt state apparatus. Furthermore, corruption in agrarian and natural resource licensing facilitates environmental degradation and ecocide while simultaneously weaponizing judicial apparatuses to criminalize anti-corruption defenders, ultimately stripping citizens of their constitutional right to social justice and human dignity.



## REFERENCES

- Abdurahman, Ade Irfan, Evie Ariadne Shinta Dewi, Edwin Rizal, and Agus Rahmat. 2025. "Political Dynasties in the Age of Democracy: A Bibliometric Study of Global Research Patterns and Future Directions." *Social Sciences & Humanities Open* 12:101735. doi: 10.1016/J.SSAHO.2025.101735.
- Allison, John W. F. 2024. "Current Legal Fictions in Public Law." *Current Legal Problems* 77(1). doi: 10.1093/clp/cuae013.
- Badan Statistik Nasional. 2026. *[Metode Baru] Aspek Indeks Demokrasi Indonesia (IDI) Tingkat Nasional, Pusat, Dan Provinsi, 2025*.
- Barry, Jordan M. 2005. "Political Free Riding." 1–68.
- Dicey, Albert Venn. 1982. *Introduction to the Study of the Law of the Constitution (LF Ed.)*. Indianapolis: Liberty Fund.
- Dikshit, Vibha Tiwari. 2022. "Ernest Gellner's Perspectives on Nationalism in Nations and Nationalism." *International Journal of Social Science Research and Review* 5(8). doi: 10.47814/ijssrr.v5i8.551.
- Economist Enterprise EIU. 2026. *Indeks Demokrasi 2025*. London.
- Eko Riyadi. 2019. *KORUPSI Sebagai Pelanggaran Hak Asasi Manusia: Tawaran Perspektif*. Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia.
- Emrizal. 2022. "State Capture, Grand Corruption, Petty Corruption Dan Hubungannya Dengan Investasi Di Indonesia." Universitas Indonesia.
- Hansen, Kjetil, and Ruxandra Burdescu. 2020. "SOE Reforms in Brazil Following 'Lava Jato.'" *Enhancing Government Effectiveness and Transparency: The Fight Against Corruption* 108–13.
- Huntington, Samuel P. 2011. "How Countries Democratize." *Political Science Quarterly* 104(4).
- Indonesia Corruption Watch. 2024. "Implementasi Dan Pengaturan Valuasi Kerugian Ekologis Dalam Perhitungan Kerugian Negara Di Perkara Korupsi Sektor Industri Ekstraktif Indonesia Corruption Watch Juni 2024."
- Khoirunnisa Nur Agustyati, Feri Amsari, Eko Cahyono, Wahyu A. Perdana, Muhamad Isnur, Siti Rakhma Mary Herwati, Julius Ibrani. 2022. *Catatan Masyarakat Sipil: Korupsi Politik, Pelemahan KPK, Korupsi Sumber Daya Alam, & Pelanggaran Hak Asasi Manusia*.
- Komisi Pemberantasan Korupsi. 2024a. *JEJAK KORUPSI POLITIK & HUKUM: MERUSAK DEMOKRASI, MERUNTUHKAN KEADILAN*. Pertama. Jakarta.
- Komisi Pemberantasan Korupsi. 2024b. "Pengadaan Barang Dan Jasa, Sektor Paling Rentan Korupsi Di Temuan SPI 2024." *Kpk.Go.Id*. Retrieved June 26, 2026 (<https://www.kpk.go.id/id/ruang-informasi/berita/pengadaan-barang-dan-jasa-sektor-paling-rentan-korupsi-di-temuan-spi-2024>).
- Marune, Abraham Ethan Martupa Sahat. 2023. "Metamorfosis Metode Penelitian Hukum." *Civilia: Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan* 2(4).
- Robuschi, Luigi. 2025. "A Fourth Sophistic Movement? Mêtis, Rhetoric, and Politics Between Byzantium and Italy in the Fourteenth Century." *Humanities (Switzerland)* 14(4). doi: 10.3390/h14040086.
- Safa, M. Tegar, Moh Riziq, Revydo Eky Pratama, Rezky Ayu, and Nabilah Dwi Rakhmawati. 2024. "MANTAN KORUPTOR DALAM PEMILU LEGISLATIF TAHUN 2024 Pendahuluan Indonesia Negara Yang Demokrasi Dan Hukum , Yang Secara Undang Dasar Negara Republik Indonesia ( UUD 1945 ). Sebagai Hak Asasi Manusia ( HAM ). Pemilu Memerlukan Jaminan Terhadap." 4(November).
- Tim SPORA. 2015. *KAPITA SELEKTA DAN BEBAN BIAYA SOSIAL KORUPSI*. Pertama. Jakarta: Direktorat Pendidikan dan Pelayanan Masyarakat Kedeputian Bidang Pencegahan Komisi Pemberantasan Korupsi.
- TNRC. 2019. "Understanding Effects of Corruption on Law Enforcement and Environmental Crime." *Understanding Effects of Corruption on Law Enforcement and Environmental Crime* (December):1–4.
- Törnquist, Olle. 2016. "What ' s Wrong with Indonesia ' s." 30(3):547–69.
- Transparency International Indonesia. 2025. "Corruption Perceptions Index." Retrieved (<https://ti.or.id/corruption-perceptions-index/>).
- Trisia, Siska. 2020. "Sejarah Pengaturan Tindak Pidana Korupsi Di Indonesia 3 Siska Trisia." *Jakarta: Masyarakat Pemantau Peradilan Di Indonesia*.
- U.S. Embassy Jakarta. 2024. *2024 Country Reports on Human Rights Practices: Indonesia*. Jakarta.
- UNODC. n.d. "Knowledge Tools for Academics and Professionals Module Series on Anti-Corruption Module 3 Corruption and Comparative Politics."