

The Paradox of Nihil Punishment Regulation for Corruption as an Extraordinary Crime

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The imposition of "nihil" (null) punishment on mega-corruption defendants, specifically in the Benny Tjokrosaputro case involving total losses of approximately Rp22 trillion, has sparked intense debate regarding the effectiveness of law enforcement and the public's sense of justice. As an extraordinary crime, corruption should be handled with extraordinary sentencing instruments. However, in practice, the Panel of Judges based the sentencing on Article 67 of the Criminal Code (KUHP), which is designed for ordinary crimes. Consequently, this research aims to analyze the juridical rationality of applying nihil punishment from a welfare state perspective and examine the implications of the legal vacuum within the Anti-Corruption Law (UU Tipikor) on the effectiveness of corruption eradication. Using normative legal research methods, the results indicate that nihil punishment creates a legal anomaly where extraordinary crimes are degraded to ordinary ones, thereby obscuring the dignity of the Anti-Corruption Law as *lex specialis*. This research proposes a revision of the Anti-Corruption Law by strengthening the extraordinary sentencing system, including the options of the death penalty, aggressive special fines, and the implementation of multiple life sentences to ensure no impunity or legal loopholes for repeat multi-case corruption perpetrators.

Keywords: Corruption, Nihil Punishment, Welfare State.

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1. Introduction

In 2021, a high-profile case attracted significant public attention, namely the corruption case involving Benny Tjokrosaputro. In its decision Number 49/Pid.Sus-TPK/2021/PN Jkt.Pst, the Panel of Judges found the Defendant, Benny Tjokrosaputro, guilty of committing corruption and money laundering, yet subsequently imposed a nihil (null) punishment. The judges' consideration was predicated on the fact that the defendant had previously been sentenced to life imprisonment in the PT Asuransi Jiwasraya corruption case which involved financial and investment fund management fraud from 2008 to 2018, causing state losses of Rp16.81 trillion and was statutorily grounded in Article 67 of the Indonesian Criminal Code (KUHP). [1] In the subsequent case, Benny Tjokrosaputro's fraudulent management of investment funds at PT ASABRI between 2012 and 2019 had incurred additional state losses amounting to Rp22,788,566,482,083.00 (twenty-two trillion seven hundred eighty-eight billion five hundred sixty-six million four hundred eighty-two thousand eighty-three rupiahs).

Apart from Benny Tjokrosaputro, Heru Hidayat, who was his accomplice in committing the corruption, also received an identical verdict. In Decision Number 50/Pid.Sus-TPK/2021/PN Jkt.Pst, the Panel of Judges found the defendant guilty of committing corruption and money laundering, yet subsequently imposed a nihil (null) punishment. One of the legal considerations was predicated on the fact that the defendant had previously been sentenced to life imprisonment in the PT Asuransi Jiwasraya corruption case, which was statutorily grounded in Article 67 of the Indonesian Criminal Code (KUHP). [2]

The phenomenon of the nihil (null) punishment verdict imposed by the Panel of Judges in the aforementioned case has sparked profound concern, particularly regarding the aspect of justice within the sentencing framework and the Indonesian criminal law system. According to Boyamin Saiman, the Coordinator of the Indonesian Anti-Corruption Community (MAKI), he stated that "*if the life imprisonment sentence in the Jiwasraya case is overturned or commuted through a Judicial Review (Peninjauan Kembali) or a Presidential Pardon (Grasi), then the life sentence in the ASABRI case would remain enforceable, ensuring that Heru Hidayat continues to serve life imprisonment.*" In his view, a death sentence would have been the most proportional verdict and aligned with the public's sense of justice, given that Heru Hidayat's actions repeatedly inflicted severe financial damage upon the state, the public, and policyholders across both the Jiwasraya and ASABRI scandals. [3]

The imposition of a nihil (null) punishment on corruption offenders given that corruption is classified as an extraordinary crime creates an impression of a reduction in the principles of justice and the underlying objectives of sentencing itself. Within the context of extraordinary crimes, sentencing should not be evaluated merely through a formal-juridical procedural lens. Instead, it must fundamentally rest upon the moral values that criminal law seeks to safeguard and aspire to, namely the protection of public welfare and the realization of a deterrent effect for offenders.

From the perspective of a welfare state, criminal law serves as a protective instrument for public resources, which are ultimately intended for the benefit and utility of the people. Corruption, classified as an extraordinary crime, directly depletes state resources that should otherwise be distributed to foster social justice and public prosperity [4]. Consequently, the precedent of imposing a nihil (null) punishment in corruption cases deeply wounds the public's sense of justice.

Furthermore, considering that corruption in Indonesia occurs systematically and extensively, thereby not only inflicting losses upon state finances but also violating the social and economic rights of the public at large, the eradication of corruption must be carried out through extraordinary means. [5]

One of the reasons underlying the aforementioned problem is that the concept of *nihil* punishment is not explicitly regulated under Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption (hereinafter referred to as the "Anti-Corruption Law"). In practice, as stated in their respective decisions, the Panel of Judges predicated their rulings on the principles enshrined in the Indonesian Criminal Code (hereinafter referred to as the "KUHP"), specifically Article 67 of the old KUHP or Article 129 of Law Number 1 of 2023 concerning the Criminal Code, both of which fall under the qualification of *lex generalis*. This phenomenon clearly demonstrates the existence of a legal vacuum (*rechtsvacuüm*) within the norms governing criminal acts of corruption.

This statutory lacuna carries the potential for severe ramifications on the core function of criminal law as an instrument of justice and a safeguard for public welfare. When a *lex specialis*, such as the Anti-Corruption Law, fails to provide specific provisions regarding nihil punishment, a normative paradox inevitably arises. This paradox stems from the fact that case handling and sentencing within a *lex specialis* regime are governed or restricted by the *lex generalis*, which has been proven to yield verdicts that set an unfavorable precedent for the eradication of corruption. Consequently, a comprehensive reform or strengthening of the norms concerning nihil punishment within the *lex specialis* framework specifically the Anti-Corruption Law must become a matter of critical concern for all stakeholders and be integrated into the national anti-corruption legal reform to establish a fair and efficient judicial system.

2. Literature Review and Problem Statement

This literature review outlines the understanding of theories, concepts, and findings from prior studies intersecting with the complexities of corruption sentencing and nihil (null) punishment. In a study by Mahrus Ali (2022), the primary frameworks employed are the theory of corporate criminal liability (artificial entity and real entity theories) and the doctrine of causation; the research findings indicate that the corruption verdict in the PT Asuransi Jiwasraya case (involving Defendant Benny Tjokrosaputro) was inappropriate, as the actions more accurately fulfilled the qualifications of a capital market criminal offense, while the forfeiture of third-party assets was deemed a procedural violation that infringed upon human rights. Subsequently, in the research conducted by Kiara Dhafa Nahdah Azalia and Teuku Syahrul Ansari (2023), the core theoretical foundations are Gustav Radbruch's theory of legal certainty and the concept of concurrence of criminal acts (*concursum*); their findings demonstrate that the imposition of a nihil verdict relies upon Article 65 and Article 67 of the Indonesian Criminal Code (KUHP) as a maximum sentencing limitation, yet because this verdict is not explicitly recognized within either the KUHP or the Criminal Procedure Code (KUHAP), its application frequently generates legal uncertainty and normative conflicts within the judicial system. Furthermore, in a study by Fatma Putri Fadilah et al. (2025), the primary frameworks encompass the doctrine of unjust enrichment, Jeremy Bentham's utilitarian theory of benefit, and the deterrence effect; their research underscores that amidst the limitations of custodial sentences (such as the emergence of nihil verdicts), the state must optimize the forfeiture of corporate profits and adopt the concept of Non-Conviction Based Asset Forfeiture (NCBAF) to effectively expedite the recovery of state losses. Based on the review of these three studies, the research gap lies in the absence of literature specifically dissecting this nihil verdict phenomenon purely from the perspective of the subordination of *lex specialis* (the Anti-Corruption Law) to *lex generalis* (the KUHP) under the philosophical umbrella of safeguarding socio-economic rights within a welfare state; hence, this study aims to offer the urgency of reforming an independent and aggressive cumulative sentencing system both physically and economically within the regime of the Anti-Corruption Law itself.

Based on the aforementioned background, the research problems are formulated as follows: first, what is the juridical rationality of applying nihil punishment to criminal acts of corruption from the perspective of justice theory within a welfare state? Second, what are the implications of the statutory lacuna regarding the regulation of nihil punishment within the Anti-Corruption Law on law enforcement against corruption as an extraordinary crime.

3. Method

The research method employed is normative-juridical, a doctrinal legal research approach that examines the law from its internal aspects, such as norms, principles, and the hierarchy of statutory legislation [6]. This method focuses on a literature review to analyze primary, secondary, and tertiary legal materials without conducting field research. Primary legal materials are authoritative in nature, meaning they possess official authority and binding legal force as they are issued by competent state institutions, such as statutory regulations and judicial decisions. [7] Secondary legal materials provide explanations, commentaries, or analyses of the primary legal materials. [8] These materials serve to assist researchers in understanding, interpreting, and critiquing positive legal norms, which include research findings and legal scholars' opinions. Tertiary legal materials are those providing guidance, information, or explanations regarding primary and secondary legal materials. These materials act as a bridge to facilitate the researcher's understanding of legal terms or concepts, such as dictionaries and encyclopedias. [9] The analysis within this normative legal research is qualitative, a process that outlines, explains, and discusses legal materials in depth using a descriptive-analytical approach through words rather than numbers or statistical formulas.

Its objective is to discover the meanings, principles, and values of legal truth embedded within the primary, secondary, and tertiary legal materials.

4. Results and Discussion

Juridical Rationality of Applying Nihil Punishment to Criminal Acts of Corruption from the Perspective of Justice Theory within a Welfare State

The phenomenon of nihil (null) punishment within the Indonesian criminal justice system, particularly in corruption cases, represents an anomaly that obscures both the essence of sentencing and the classification of corruption as an extraordinary crime. The juridical provision for nihil punishment is enshrined in Article 67 of the Criminal Code (KUHP), which fundamentally prohibits the imposition of additional custodial sentences on a legal subject who has already been sentenced to life imprisonment or the death penalty. Its implementation is evident in the Benny Tjokrosaputro case through Decision Number 49/Pid.Sus-TPK/2021/PN Jkt.Pst, where the public was presented with the paradox of a defendant found legally and convincingly guilty of manipulating corruption and money laundering on a trillion-rupiah scale, yet receiving no additional custodial sentence (nihil). This circumstance creates the impression that the anti-corruption legal regime in Indonesia harbors a paradox wherein extraordinary and ordinary crimes are legally classified, yet the sentencing provisions for extraordinary crimes (under the Anti-Corruption Law) remain subordinate to those of ordinary crimes (under the KUHP).

Furthermore, nihil punishment potentially creates a safe haven for perpetrators of mega-corruption to evade criminal accountability. With the imposition of a nihil verdict, the state loses its executorial power because the offender faces no additional or aggravated criminal penalties for other corruption offenses. This becomes hazardous if legal dynamics arise in the future, such as the granting of a presidential pardon (grasi), the approval of a Judicial Review (Peninjauan Kembali), or other legal remedies that could commute a life sentence into a fixed-term imprisonment. [10] Should this occur, the corruption case previously subjected to a nihil verdict would remain valued at zero; consequently, the offender would only need to secure a release from a single case to effectively nullify custodial sentences across all offenses. This phenomenon constitutes an anomaly, as the status of corruption as an extraordinary crime should inherently be met with extraordinary legal measures. Therefore, a reform regarding the maximum sentencing limits in corruption cases is imperative, ensuring that the sentencing framework for corruption does not abandon retributive justice nor remain subordinate to the provisions of the KUHP.

Within the Indonesian constitutional framework, the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) explicitly mandates that Indonesia is a welfare state bearing both moral and juridical obligations to ensure public prosperity. This mandate is enshrined in Articles 33 and 34 of the 1945 Constitution, which fundamentally declare that the state holds the authority over national resources to be distributed for the collective wealth of the people. This constitutional responsibility for wealth distribution encompasses the fulfillment of basic rights, such as access to education, healthcare guarantees, and equitable infrastructure development. [11] Consequently, the law must be conceptualized as a protective instrument for the fundamental rights of its citizens.

A welfare state demands a criminal law framework that is responsive to the collective suffering caused by the stagnation in distributing basic rights. [12] If the distribution of welfare is the state's primary objective, then any form of impediment to this goal must be positioned as a crime against humanity, the sanctions for which must not be reduced by rigid technical-juridical constraints. Judges must be capable of providing rational considerations and verdicts to ensure that assets originally intended for welfare distribution are accurately targeted, while simultaneously ensuring that offenders face a deterrent effect and that similar

actions are prevented. Failure to do so moves the state one step further from its constitutional goals and constitutes a violation of the social contract. When the sentencing instrument applied to corruption perpetrators manifests as a nihil punishment verdict, the state appears to negligibly ignore the essential losses suffered by the public.

Every single rupiah corrupted directly represents the loss of public access to quality education, adequate healthcare, and equitable infrastructure development. Within the context of a welfare state, public funds serve as the primary instrument to execute the function of financial distribution to fulfill basic rights as mandated by the constitution. [13] When these funds are misappropriated, a severance occurs within the public service chain that should otherwise be received by the most vulnerable segments of society. In simple terms, corruption constitutes a violation of the accessibility to the public's fundamental rights. Therefore, viewed from any perspective, the implementation of nihil punishment within the context of criminal acts of corruption represents a legal anomaly.

Nihil punishment in corruption cases fundamentally violates the pillars of retributive justice, which demands a proportional burden of suffering for every offense committed. [14] Within the logic of retributivism, sentencing serves as the state's moral response to legal infractions; when a nihil punishment is imposed, an extreme imbalance arises between the criminal act and the sanction, as the offender is proven to have committed a massive new crime yet receives no additional burden of suffering. A burden of suffering that ceases to increase alongside the proliferation of crimes severely blunts the essence of sentencing as a mechanism to uphold the public's sense of justice. At a certain point, this phenomenon fosters an impression that extraordinary crimes can become "cost-free" before the law, merely due to rigid technical constraints that disregard the specific nature of their regulation.

Furthermore, from the lens of distributive justice which serves as the conceptual framework of a welfare state there is a strict demand for a proportional distribution of burdens and benefits within society. [15] Every act of corruption inflicts cumulative losses upon the public, manifesting both in the degradation of public services and the depletion of state expenditures. However, the offender's burden within the context of custodial sentencing remains stagnant and halts at the limitations prescribed under Article 67 of the Criminal Code (KUHP). This disparity engenders a situation where the public is forced to endure unilateral suffering due to the loss of public funds misappropriated by the corruption perpetrator, while the offender enjoys the benefit of custodial sentencing immunity merely because they have reached the maximum sentencing threshold.

In the practice of criminal justice, the phenomenon of nihil punishment in corruption cases provokes academic discourse regarding whether legal certainty or substantive justice should be prioritized. Through a systematic interpretation, the imposition of a nihil verdict constitutes a logical course of action for judges, as they are strictly bound by Article 67 of the Criminal Code (KUHP). Nevertheless, when this rationality is applied to an extraordinary crime such as mega-corruption cases involving trillions of rupiah in losses the resulting verdict almost inevitably produces an anomaly. This is because the application of nihil punishment directly contradicts the very spirit of eradicating extraordinary crimes, as it fundamentally fails to reflect the gravity of the offense within the sanctions imposed.

Within the framework of a welfare state, the objective of the law is directed toward achieving public prosperity. [16] Consequently, when legal certainty is utilized as a rationality to allow perpetrators of mega-corruption to escape an additional burden of custodial sentencing, the legal instrument inherently fails to realize its ultimate objective.

Based on the aforementioned spectrum outlined within the framework of a welfare state, it becomes evident that the juridical rationality of nihil punishment loses its foundation of justice when confronted with

corruption. However, this problem does not merely cease at the level of rationality; rather, it extends into the statutory structure of Indonesian law. The constraint of judges by the legalistic boundaries of the colonial era (the old KUHP) amidst the demands for progressive corruption eradication clearly signals a legal gap. Therefore, to understand how this paradox operates within law enforcement practices, it is imperative to analyze the implications of the statutory lacuna regarding nihil punishment within the Anti-Corruption Law regime. This analysis is critical to observe the extent to which the absence of such a *lex specialis* norm paralyzes the effectiveness of law enforcement and degrades the dignity of corruption as an extraordinary crime.

Implications of the Statutory Lacuna Regarding Nihil Punishment within the Anti-Corruption Law on the Effectiveness of Law Enforcement Against Corruption as an Extraordinary Crime

Law enforcement against corruption as an extraordinary crime is confronted with a sentencing phenomenon unregulated within the Anti-Corruption Law itself, namely nihil (null) punishment, wherein the panel of judges imposes a nihil verdict upon a corruption perpetrator who has previously been sentenced to life imprisonment. If this statutory lacuna is allowed to persist, it will inevitably erode public trust in anti-corruption law enforcement in Indonesia and diminish the deterrence effect for potential offenders.

As a specialized legal codification, the Anti-Corruption Law should ideally possess systemic independence in regulating all aspects of sentencing, including the phenomenon of multi-offense perpetrators. In reality, however, the Anti-Corruption Law manifests as an incomplete or imperfect *lex specialis* due to the absence of provisions regulating the mechanism of cumulative sentencing for a defendant who commits multiple acts of corruption adjudicated at different times. This deficiency is exemplified in the mega-corruption case of Defendant Benny Tjokrosaputro, who received a nihil verdict; one of the grounds for this ruling was that he had already been sentenced to life imprisonment in the corruption case of PT Asuransi Jiwasraya concerning financial and investment fund management for the 2008–2018 period, which incurred state losses of Rp16.81 trillion [17], a decision fundamentally grounded in Article 67 of the Criminal Code (KUHP).

This incomplete regulation results in the Anti-Corruption Law failing to anticipate legal loopholes for perpetrators who either split their criminal acts into separate offenses or whose crimes are discovered subsequently after a maximum sentence has already been imposed. Consequently, as an instrument designed to tackle extraordinary crimes, the Anti-Corruption Law should possess a progressive cumulative sentencing mechanism, thereby ensuring that judges are not subordinate to the provisions of the general Criminal Code (KUHP).

The reliance of the Anti-Corruption Law upon Article 67 of the Criminal Code (KUHP) demonstrates a structural subordination within the Indonesian criminal law system. Article 67 of the KUHP is a legal product designed for conventional crimes; consequently, when this mechanism is utilized to respond to the criminal act of corruption which bears the status of an extraordinary crime the Anti-Corruption Law essentially becomes subordinate to conventional or ordinary crime regulations. This subordination causes the "extraordinary" characteristics of corruption to cease at the stages of investigation and evidentiary proof, while rendering it merely "ordinary" at the sentencing stage.

By subjecting corruption sentencing to nihil punishment based on Article 67 of the Criminal Code (KUHP), the judiciary indirectly acknowledges the absence of an instrument progressive enough to penalize multi-offense perpetrators on a massive scale. Consequently, the *maxim lex specialis derogat legi generali* loses its essence. The Anti-Corruption Law, which ought to deviate from general regulations for the sake of substantive justice, instead becomes entangled within a general codification that was never designed to address the complexities of modern financial crimes.

The imposition of a *nihil* punishment systematically paralyzes the primary function of criminal law as an instrument for a deterrence effect. Criminal law is inherently designed to function as a disincentive for potential perpetrators of crime. [18] However, the phenomenon of *nihil* punishment provides a legal loophole for potential offenders or corruptors. This condition demonstrates that corruption ceases to be a high-risk activity for perpetrators who have already reached the maximum sentencing threshold, as additional offenses are not accompanied by any incremental custodial penalties.

The failure of the legal system to provide a progressive sentencing framework for perpetrators of mega-corruption directly implicates the degradation of corruption's status as an extraordinary crime. Normatively, the label "extraordinary crime" is attached to corruption due to its massive, destructive impact on the fundamental rights of the public. However, this label loses its executorial power when the sentencing instruments employed are fundamentally grounded in general criminal law (the KUHP). Without sanctions that transcend the standard of ordinary crimes, the "extraordinary" predicate merely serves as a rhetorical adornment within the preambles (*konsiderans*) of legislation. Arguably, crimes classified as extraordinary must inherently be accompanied by an extraordinary sentencing regime. If the system remains restricted by Article 67 of the KUHP, the message conveyed is that the state has not fully committed to delivering a legal response proportionate to the gravity and peril of corruption.

In situations where the law has reached the maximum threshold of custodial sentencing (life imprisonment), the discourse on the death penalty may emerge as a viable alternative. Juridically, Article 2 Paragraph (2) of the Anti-Corruption Law has paved the way for the imposition of the death penalty under "certain circumstances." If *nihil* punishment is deemed to paralyze the deterrence effect and violate the public's sense of justice because the offender no longer bears any new burden of suffering, the Author argues that the death penalty could serve as a physical instrument with the potential to achieve sentencing objectives for persistent perpetrators of mega-corruption.

Although the death penalty, as a solution to *nihil* punishment, undoubtedly carries a heavy burden of constitutional debate particularly regarding human rights it is nonetheless perceived as capable of restoring the dignity of an extraordinary crime that has been degraded by *nihil* verdicts. This penalty conveys a resolute message that the state will not tolerate the sabotage of its citizens' fundamental rights. When the law can no longer accumulate years of imprisonment, the alternative becomes strictly binary: either allowing new crimes to remain "cost-free" through a *nihil* verdict, or revoking the offender's right to life as the ultimate consequence for betraying the social contract and the fundamental rights of the public.

Furthermore, as a solution to the statutory lacuna within the Anti-Corruption Law, a revision of the Anti-Corruption Law becomes an absolute necessity. [19] This revision must introduce the concept of a specialized cumulative sentencing system that deviates from the general Criminal Code (KUHP). Corruption, as an extraordinary crime, demands an independent sentencing framework wherein the maximum threshold for custodial sentences is no longer anchored to the absolute limit of 20 (twenty) years or life imprisonment in the context of multi-offense perpetrators. This approach steers toward a more progressive sentencing regime, such as: 1) the capital punishment, to ensure that no subsequent crime remains "cost-free" before the law; 2) specialized fines, the nominal value of which far transcends the standards of conventional crimes, serving as financial compensation for the absence of additional custodial sentences to sever the offender's financial access and guarantee that no economic benefits remain from the crime; and 3) the imposition of multiple life sentences for distinct offenses, aimed at locking the offender's inmate status to prevent any loopholes for sentence remissions, presidential pardons (*grasi*), or other legal remedies that could commute the life imprisonment status.

The primary finding of this study reveals a structural subordination within the Indonesian anti-corruption legal framework, wherein the *lex specialis* sentencing regime of the Anti-Corruption Law is rendered dependent upon *lex generalis* provisions, specifically Article 67 of the Criminal Code (KUHP). The specific contribution of this research lies in its critical deconstruction of the nihil punishment regime, exposing this statutory lacuna not merely as a technical judicial anomaly, but as a systemic regulatory failure. Consequently, this study fills the gap by conceptualizing a progressive sentencing model aimed at restoring a robust deterrent effect against corruption perpetrators.

5. Conclusion

The application of nihil punishment premised upon Article 67 of the old Criminal Code (KUHP) or Article 129 of Law Number 1 of 2023 on the Criminal Code against the criminal act of corruption constitutes a failure of the law to manifest substantive justice for the attainment of a welfare state. Within the framework of a welfare state, the law must function as an instrument to protect public resources earmarked for the public interest. The phenomenon of nihil punishment within the realm of corruption has engendered an anomaly wherein legal certainty facilitates "cost-free" crimes for repeat mega-corruption perpetrators, the impact of which directly infringes upon the fundamental rights of the public and violates the social contract between the state and its citizens. The absence of a specialized cumulative sentencing mechanism within the Anti-Corruption Law causes a structural subordination of the *lex specialis* to the *lex generalis* (KUHP), which was originally designed for conventional crimes. This deficiency paralyzes the deterrence effect and degrades the status of corruption as an extraordinary crime. Consequently, a revision of the Anti-Corruption Law is an absolute necessity, which must offer an independent sentencing framework, namely: the imposition of the death penalty for recidivists, aggressive specialized fines to sever financial access, and the adoption of multiple life sentences to seal administrative loopholes for any future commutation of custodial penalties.

As a set of recommendations, the Dewan Perwakilan Rakyat (DPR) need to revise the Anti-Corruption Law by incorporating a progressive cumulative sentencing mechanism for repeat mega-corruption perpetrators to dismantle the subordination to Article 67 of the old Criminal Code (KUHP) or Article 129 of Law Number 1 of 2023 on the Criminal Code. This can be achieved by introducing three sentencing options for offenders who have reached the maximum threshold of custodial penalties, namely: 1) the imposition of the death penalty, 2) the application of aggressive specialized fines, and 3) the adoption of multiple life sentences. Furthermore, the panel of judges adjudicating repeat corruption cases is urged to initiate judicial breakthroughs rather than remaining constrained by the limitations prescribed under Article 67 of the old KUHP or Article 129 of Law Number 1 of 2023. The panel of judges must prioritize substantive justice by maximizing aggressive penalties to ensure the reallocation of resources to the public, which have been misappropriated by corruption perpetrators. This study is subject to limitations regarding its scope, which is primarily confined to a juridical-normative and doctrinal analysis. Consequently, future researchers are highly recommended to explore this phenomenon through a socio-legal approach to examine its empirical implementation, as well as to conduct a comparative legal analysis with other jurisdictions sharing similar legal systems that have successfully implemented progressive sentencing frameworks.

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