

The Effectiveness of Imposing the Death Penalty for Corruption Perpetrators as a Solution for Handling Corruption during the Covid-19 Pandemic

Marisa Kurnianigsih
Universitas Muhammadiyah Surakarta
mk122@ums.ac.id

M. Zaki Attirmidzi
Peneliti EduShallman
zakiattirmidzi@gmail.com

DOI: 10.23917/laj.v6i1.14048

Submission Track:

Received:
31 March 2021

Final Revision:
19 April 2021

Available online:
24 May 2021

Corresponding Author:
Marisa Kurnianigsih
mk122@ums.ac.id

ABSTRACT

The first objective of this study is to determine the extent to which the government has made efforts to prevent and eradicate corruption, the second is to determine the effectiveness of the imposition of the death penalty for corruption perpetrators as a solution for handling corruption during the Covid-19 pandemic. This study uses a juridical-normative approach where the main data source is secondary data in the form of written materials about the law which are then analyzed quantitatively with the aim of producing descriptive analytical data. From this research, it is found that efforts to prevent and eradicate the criminal act of corruption in Indonesia are carried out through prevention and prosecution efforts. Indonesia has entered the state level in a state of danger as regulated in the explanation of Article 2 subsection (2) of the Law on criminal act of corruption regarding certain circumstances due to various kinds of policies issued by the government regarding the Covid-19 pandemic, so that the implementation of the death penalty for corruption perpetrators, especially in the Covid-19 pandemic situation, has a preventive effect on public officials who will commit corruption.

Keywords: *Death penalty; Covid-19; Criminal Act of Corruption*

PRELIMINARY

Crime is a complex phenomenon that can be understood from many different sides. That is why in everyday life we can catch various comments about a crime that are different from one another. Changes are continually occurring, either slowly to ordinary review or occurring so rapidly that it is difficult to say with certainty that there is a definite rule of law. Upholding the rule of law in the life of society, nation,

and state is intended to realize a rule of law as contained in the explanation of the 1945 Indonesian Constitution so that the law acts as a regulator of social life (Hamid, 2015).

Corruption is the enemy of every country in the world. Inherent corruption will result in obstruction of development in a country. In Indonesia, the impacts or consequences caused by corruption are numerous and can affect various areas of life. Corruption is a serious problem, this crime can endanger socio-economic development, as well as politics, and can damage democratic values and morality because gradually this act poses a very big threat to the ideals of a just and prosperous society (Hartanti, 2007).

With the predicate that the criminal act of corruption is an Extraordinary Crime, there must be a special regulation or law governing the criminal act of corruption. The criminal act of corruption is regulated more specifically in Law no. 20 of 2001 concerning amendments to Law No. 31 of 1999 concerning the Eradication of Corruption Criminal Act. The Law No. 20 2001, then in the eradication of criminal acts of corruption a legal fundamental is used, namely "*lex specialis derogat legi generalis*", namely the fundamental of legal interpretation which states that special laws (*lex specialis*) override general laws (*lex generalis*) (Yon Tado Parapat, 2020).

The Covid-19 pandemic or called corona is currently increasingly affecting the Indonesian economy. Initially, the economic impact of the virus only eroded the external side of the Indonesian economy. The Corruption Eradication Commission (KPK) has mapped the vulnerable points of corruption criminal act in the midst of the Covid-19 pandemic. The Corruption Eradication Commission makes potential points of risk for corruption in the midst of this pandemic, the four points are such as the procurement of goods and services sector, third party contribution points, budget allocation from the State Revenues and Expenditures Budget (APBN), and Regional Revenues and Expenditures Budget (APBD), both allocation of expenditure sources and social assistance programs in the context of social safety (Mubarok, 2020).

Not much different from what was conveyed by Fitra as the Secretary General of the Indonesian Forum that the potential for corruption, namely, was when the Government disbursed aid funds for residents experiencing economic downturns due to Covid-19. Embezzlement and aid funds that could have been sent and then have problems at a location where the amount of aid funds does not match what was

received, besides that there could be illegal fees up to double financing due to chaotic revenue data, so if the data is problematic then some people will get a double and some people will not get aid funds (Purnamasari, n.d.).

Until the catastrophe emerged, in December 2020 the Corruption Eradication Commission appointed Minister of Social Affairs, Juliari Batubara, and five other people as suspects for alleged bribery related to the provision of social assistance, and the total social assistance funds corrupted by the Minister of Social Affairs reached Rp. 17 billion. The actions that were carried out were very dishonorable and inhumane because they indirectly cut the aid funds needed for poor people who were affected by the Covid-19 pandemic so that the public felt hurt over the actions of the Minister of Social Affairs because they had been given a mandate but social assistance grants were due to corruption during the Covid-19 pandemic (Ardito Ramadhan, n.d.).

Currently, the criminal act of corruption in Indonesia continues to grow and develop with sources such as mushrooms in the rainy season. Its existence will be very difficult to eradicate if there is no real action from the government and related parties. Up to now, the eradication of corruption criminal act has not been implemented optimally. The difficulty in overcoming corruption can be seen from the many light criminal sanctions that were decided (Sumenge, 2019).

The death penalty is one of the heaviest types of principal punishment that is most debated, namely among those who support the death penalty and those who are against the death penalty. Those who support the death penalty put forward reasons to defend their opinion and vice versa for those who are against the death penalty. From the background description above, the issues to be raised are 1) How are the Government's efforts to prevent and eradicate the criminal act of corruption in Indonesia? 2) How effective is the imposition of the death penalty for corruption perpetrators as a solution for handling corruption during the Covid-19 pandemic? The objectives of this study are the first, to determine the extent of government efforts to prevent and eradicate corruption; and second, to know the effectiveness of the imposition of the death penalty for corruption perpetrators as a solution to handling corruption during the Covid-19 pandemic.

RESEARCH METHOD

This research is a normative legal research. Normative legal research is also called doctrinal legal research (Aminudin, 2008). In normative legal research, law is often expected to be what is written in statutory regulations (law in books) or law is conceptualized as rules or norms which constitute human behavior that is deemed appropriate. Like legal research in general, this research relies more on secondary data, namely written materials about the law. Based on this, the type of data in this study consists of secondary data consisting of primary legal materials in the form of laws and regulations and other regulations related to the criminal act of corruption, secondary legal materials in the form of legal writings in the form of books, papers, articles, and Tertiary legal materials.

RESULT AND DISCUSSION

1. Government's Efforts to Prevent and Eradicate the Criminal Act of Corruption in Indonesia

According to the Indonesian dictionary, the literate policy can be explained as intelligence, skill, wisdom. Meanwhile, in terms of policy, it can be explained as a series of concepts and fundamentals that form the basis of a plan for implementing a job, leadership, how to act (H, 2006). In connection with the eradication of corruption, the government has formulated policies which are embodied in several laws and regulations, including Law no. 28 of 1999 concerning Clean Governance and Free from Corruption, Collusion, Nepotism. Law No. 20 of 2001 concerning Amendments to Law no. 31 of 1999 concerning the eradication of criminal act oc corruption, Government Regulation no. 71 of 2000 concerning Procedures for Implementing Community Participation and Giving Awards in the Prevention and Eradication of Criminal Acts of Corruption, Law No.8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering, UU no. 19 of 2019 concerning the Commission for the Eradication of Corruption as well as Law No. 7 of 2006 concerning Ratification of the United Nations Convention Against Corruption, 2003. In the conditions of the Covid-19 pandemic, the Corruption Eradication Commission issued two circular letters, namely circular letter No. 8 of 2020 concerning the Use of the Goods/Services Procurement Implementation Budget in order to accelerate the implementation of

the procurement of goods and services in order to accelerate the handling of Covid-19 related to the prevention of criminal acts of corruption.

The criminal act of corruption is a social disease that destroys morals and the course of development and causes trouble and even destruction in various aspects of the life of the community, nation, and state. The government's efforts to optimize the prevention and eradication of corruption need to be handled seriously, continuously, and sustainably. Its implementation is supported by various resources, both human resources and other resources such as increasing the capacity of law enforcers in order to raise awareness and attitudes towards shyness and anti-corruption. Efforts to prevent and eradicate the criminal act of corruption in Indonesia are carried out through the following efforts: (Waluyo, 2016)

a) Prevention Effort

So far, the approach to eradicating corruption that has been carried out by the Indonesian government has tended to be more repressive. This is also a paradigm that is developing in society, that this approach is considered as an effective effort to create a deterrent effect. But in fact, the practice is still massive and systematic on many fronts, including the executive, legislative, judiciary, BUMN ((State Owned Enterprises) or BUMD (Region Owned Enterprises) as well as in other aspects of the community, national and state life. For this reason, it is time for the government to further optimize efforts to eradicate corruption through prevention. This effort is expected to be the right step and have an impact on future improvements, given the large opportunity for sustainability it has.

In an effort to prevent and eradicate criminal acts of corruption, priorities in the field of law and state apparatus include: (Bappenas, n.d.)

- 1) Strengthening of institutions for the formation of laws or statutory regulations
- 2) Strengthening law enforcement institutions
- 3) Making the criminal justice system more effective

- 4) Optimizing the Government Internal Supervisory System (SPIP) and the Government Internal Supervisory Apparatus (APIP)
- 5) Strengthening the management of the State Civil Apparatus (ASN)
- 6) Strengthening of national bureaucratic reform management institutions

One of the policies and strategies for preventing corruption is to increase the prevention of corruption, in the preventive aspect, it is necessary to increase efforts to prevent corruption by increasing awareness and understanding of anti-corruption by the public and state administrators through anti-corruption education strategies ranging from basic education to tertiary institutions as well as education for law enforcement and state officials.

Several preventive efforts that need to be optimized again in order to prevent the occurrence of criminal acts of corruption, are as follows: (Waluyo, 2016)

- 1) Strengthening the integrity and ethics of state administrators
- 2) Optimazation of the Bureaucratic Reform Program
- 3) Optimalization of Public Information Disclosure
- 4) Optimalization of Education and Anti-Corruption Campaigns
- 5) Optimization of the Assets of State Officials Report (LHKPN)

It should be realized that the main cause of rampant corruption practices is the loss of integrity and ethics of state administrators. This not only causes state administrators to shamelessly commit corruption but also do it together. The rise of corruption in the midst of a religious Indonesian nation based on Pancasila is an indicator of a serious ethical and integrity crisis that needs serious handling because it has a very impactful effect on all aspects of the life of the nation and state. Thus, one of the efforts to optimize corruption prevention is to strengthen the integrity and ethics of the state apparatus (Muchsin, 2018).

Strengthening the integrity and ethics of the state apparatus is carried out, namely, through the transformation of religious and cultural values, actualize the noble values of Pancasila, straighten the values of society, accelerate bureaucratic reform, uphold the rule of law, evaluate the education and training curriculum for state apparatus, reorientation of educational curriculum based on Emotional Spiritual Quotient (ESQ), and streamline the leadership training alumni training forum. With the strengthening of integrity and ethics, the state apparatus is expected to be able to prevent corrupt practices in state administration (Rukmana, 2013).

Then prevention as a whole if you see that the level of corruption in Singapore is very low which controls the community, the government in this case minimizes personal relations where people and people, all transaction processes and steps are controlled by a system and one of the systems is based on Identity Cards (KTP) which includes controlling finances, education, insurance and so on. If Indonesia follows the system implemented by Singapore, it is not impossible that the number of corruption in Indonesia can be prevented to a minimum. So that Indonesia must create a new technology or system that can control one's steps and strengthen the technology, so that when the movements of people who have the potential to commit corruption will be caught and can be controlled by this system. Actually, the Electronic Identity Card (E-KTP) program that was implemented also has these indicators, but the funds had been corrupted. If Indonesia wants to be free of corruption, then it must create a system that is controlling and monitoring, because both are the keys or a way to reduce it. Even if the crime theory does have an intention and opportunity to be shared with self-resistance, resistance can be built with awareness or faith. Bad intentions can actually be restrained in the absence of opportunity. The absence of this opportunity is stopped with a strong controlling system, if the resistance and the control system are strong then there will be no bad intention (Rustamaji, 2021).

b) Enforcement Effort

Enforcement are carried out through a law enforcement process. In the last few years, the corruption enforcement cases have indeed been running smoothly along with the many corruption cases that have been investigated by the police, the prosecutor's office, and the Corruption Eradication Commission. From the perpetrator's point of view, many of the influential figures who are close to power have to sit in the seats of prisoners. Institutions that were previously considered by the public to be untouchable by the eradication of corruption have also begun to be enforced. However, the various efforts that have been made by the government have not automatically led to a decrease in the number of corruption and cleaner governance and social governance (Muchsin, 2018).

Enforcement efforts have not been able to create a deterrent effect, because it turns out that up to now there is still a lot of corruption in Indonesia. Then the enforcement efforts have not been able to optimally return state assets, especially those taken abroad. Then the enforcement has not been able to optimally return state assets, especially those taken abroad: (Chaerudin, 2018)

1) Harmonization of Laws and Regulations

One of the obstacles in eradicating corruption is inadequate laws and regulations. There are still regulations that make it difficult for law enforcers where there are overlaps and inconsistencies between laws and regulations. Laws and regulations is one of the supporting factors for the success of eradicating corruption, so it is necessary to ensure the presence of adequate anti-corruption regulations. The way is to evaluate, revise, or complete existing regulations. Harmonization of laws and regulations also needs to be carried out in relation to the authority of corruption investigators. Currently, there are three institutions that have the authority to investigate corruption cases, namely the police, the prosecutor's office, and the Corruption Eradication Commission. So that each institution

does not feel the most entitled to investigate cases of corruption, especially those that occur within their institutions, and to avoid tensions between institutions, it is best to establish regulations: if corruption occurs in the police, it is the Corruption Eradication Commission that has the right to investigate; if it occurs in the Corruption Eradication Commission, the prosecutor is entitled to investigate; and if this happens in the prosecutor's office, the Corruption Eradication Commission has the right to investigate. These kinds of regulations are needed so that the legal process is truly aimed at upholding law and justice, not for any other purpose, it is for protecting corruption perpetrators (Sumenge, 2019)

2) Optimization of Handling Cases

Penanganan Perkara korupsi harus dilakukan dengan konsisten. Inconsistency actually weakens public confidence in the law and its apparatus, which in turn leads people to social lifestyles that do not believe in law as a means of resolving conflicts. This triggers a tendency for conflict resolution in their own way, so that there are parties who take advantage of inconsistencies in law enforcement for their own interests, which have an impact on the losses of other parties. As a result, the deterrent effect of enforcement efforts cannot be realized.

3) Optimization of Rescue of State Losses

The aim of eradicating corruption is not only intended to punish the perpetrators but also to restore state losses. This is also in line with the provisions that emphasize the return of state losses in any corruption eradication process. Return of assets, including prevention and detection of the transfer of proceeds of crime; actions for direct return of wealth; the mechanism for returning wealth through international cooperation for expropriation; special cooperation; return and delivery of assets. The success of returning money, taking

evidence, and taking foreign assets is still relatively low. For this reason, in order to return assets and resolve other problems, international cooperation is needed.

2. The Effectiveness of Imposing the Death Penalty for Corruption Perpetrators as a Solution for Handling Corruption during the Covid-19 Pandemic

Economy, finance, and assets are very important to support and facilitate life. The consequences of the policy The effect of the Large-Scale Social Restrictions (PSBB) policy carried out by the government made economic activity weak and it was difficult to get the desired income, which was carried out by the government making economic activity weak and it was difficult to get the desired income. However, in the midst of a Covid-19 pandemic like this, it makes vulnerable to do corruption by some unsatisfied individuals for personal gain. This is done because they feel less for what is given. There are four sectors that are prone to corruption. The four points are visible, such as in the goods and services procurement sector, the third party contribution sector, the budget allocation sector from the State Revenues and Expenditures Budget and Regional Revenues and Expenditures Budget; whether it is the allocation of regional expenditure sources as well as budget utilization, as well as the distribution of social assistance programs in the framework of the social safety net.

According to Prof. Sudarto, criminal law policy or what is also called “criminal law politics” is a form of effort that must be achieved in realizing the best attainment of laws and regulations. In another sense, it is the effort to achieve the requirements of justice that are in accordance with the circumstances and situations at a certain time or in the future. Therefore, it can be concluded that in terms of carrying out policies to make the best legal regulations, it means that the objective is inseparable from the goal of tackling crime, especially in tackling corruption which continues to increase cases in Indonesia, especially during the Covid-19 pandemic situation (Arief, 2016).

The threat of the heaviest criminal death penalty for corruptors is clearly stated in the article contained in the law on criminal act of corruption. However, in practice the heaviest punishment has never been implemented. So that in the

end the objectives of the law in the form of legal certainty and benefits have not been achieved properly. State products as part of legal politics have not been maximally implemented in the form of implementing regulations that fulfill the element of justice. As a crime with an extraordinary category, corruptors must be stopped from taking people's money. Corruptors must be eradicated in extraordinary ways. One of these ways is by forming a state institution called the Corruption Eradication Commission based on Law no. 19 of 2019. As well as providing a death penalty to corruption perpetrators based on the law on criminal act of corruption. This is a form of the maximum effectiveness of convictions for perpetrators of corruption in order to provide a deterrent effect on corruptors (Yanto, 2017).

However, the issuance of Government Regulation In Lieu of Law No. 1 of 2020 actually weakens law enforcement of Criminal Act of Corruption Law and its amendments, in which the Government Regulation In Lieu of Law contains financial policies and financial system stability for handling the Covid-19 Pandemic in Article 27 subsection (1) of the Government Regulation In Lieu of Law 1/2020 which It must be noted that the article reads: "Costs incurred by the Government and/or member institutions of the Financial System Stability Committee (KSSK) in the context of implementing state revenue policies including policies in the field of taxation, state expenditure policies including policies in the regional financial sector, financing policies, financial system stability policies, and the national economic recovery program, are part of the economic cost to save the economy from the crisis and not a loss to the state" and article 27 paragraph (2) reads "the Financial System Stability Committee members, the Financial System Stability Committee secretaries, members of the Financial System Stability Committee secretaries, and officials or employees of the Ministry of finance, as well as the Deposit Insurance Corporation, and other officials, related to the implementation of this Government Regulation in Lieu of Legislation, cannot be sued both civil and criminal if in carrying out duties based on good faith and in accordance with the provisions of laws and regulations.

According to Professor of the Faculty of Law, Padjajaran University, Romli Atmasasmita, corruption perpetrators can take refuge in this article because this

article is counterproductive to the corruption law and its amendments. This is because it seems as if the apparatus cannot carry out investigations and investigations into the corruption case, what is most confusing is what is the substance related to article 27 subsection (1) is that the costs incurred by the government for handling Covid-19 are not a loss to the state. This is the responsibility for the management of state finances as stipulated in Law no. 1 of 2004 concerning State Treasury; and Law no. 15 of 2004 concerning Audit of the Management and Accountability of State Finances (Mufida, 2020).

Meanwhile, Indonesian Corruption Watch (ICW) Legal Researcher Kurnia Ramdhana assessed that the Government Regulation In Lieu of Law 1/2020 is indeed not very clear in content, especially Article 27. This is because there is an impression that there are attempts to be “ignorant of the law” from various criminal or civil traps. However, the existence of the phrase “goodwill” in Article 27 subsection (2) becomes a measure/limit when state officials do not meet the criteria for financial management/budget for Covid-19 countermeasures. This means that the Corruption Eradication Law can still ensnare corruption perpetrators who abuse their authority and take advantage in the midst of the Covid-19 pandemic (*ibid*).

The provisions regarding the death penalty in the Corruption Crime Law are in Article 2 subsection (2) which states that “in the case of corruption crime as referred to in subsection (1) is committed under certain circumstances, the death penalty can be imposed”, then in the elucidation of Article 2 subsection (2) which explains the definition of a certain condition, it states that “what is meant by certain conditions in this provision is intended as a burden for the perpetrator of a criminal act of corruption if the crime is committed when the state is in a state of danger in accordance with the prevailing law, when a national natural disaster occurs, as a repetition of the criminal act of corruption, or when the country is in a crisis and monetary situation.”

According to Muhammad Isnur, Head of the Advocacy Division of the Indonesian Legal Aid Foundation (YLBHI), which was published in *Hukum Online*, stated that the Covid-19 pandemic had an impact on the economy of the community which encouraged people to commit crimes. The increase in street

crime due to the impact of the Covid-19 pandemic on the people's economy by taking advantage of the situation of implementing the Large-Scale Social Restrictions has made criminals more free for hanging around. The impact of Covid-19 is that many people have experienced layoffs (PHK), been laid off, limited company space decreased *Micro Small and Medium Enterprises* (UMKM) turnover, even did not operate at all. This causes many people to fall into poverty, thus encouraging people to commit crimes in order to make ends meet. Of course, this concatenation makes it clear that the country is not in a stable or normal state (Muqorobin & Arief, 2020).

The state of emergency by the President of the Republic of Indonesia through the National Disaster Management Agency (BNPB), which has declared a state of emergency, that is the determination of the status of non-natural disasters as national disasters is still enforced. This is evidenced by the issuance of Presidential Decree No.12 of 2020 concerning the Designation of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (Covid-19) as a national disaster. The stipulation of several policies such as President Jokowi declared Indonesia a public health emergency on March 30, 2020 and issued a circular letter No. 6 of 2020 concerning the status of the Covid-19 Non-natural Disaster emergency as a National disaster by the Task Force Team for the Acceleration of Handling Covid-19, which means that the government give serious attention to the Covid-19 pandemic. This was done by the government because it had an impact on disrupting the activities of state administration so as to cause the state to be in an unstable state or in other words in a state of danger which was part of a "certain situation" as regulated in the elucidation of article 2 subsection (2). Therefore, several concatenations of events and policies (public health emergencies and non-natural disaster emergencies) above can serve as the basis that at this time Indonesia has entered the state level in a state of danger as regulated in the explanation of Article 2 subsection (2) of the Criminal Act of corruption about certain circumstances. The juridical consequence of the series of events above is that a person who commits a criminal act of corruption in accordance with the formulation of the Article of the Law on criminal act of corruption, law enforcers can prosecute or impose a death sentence against the

defendant. Therefore, now is the right time for law enforcers, especially judges, to operationalize capital punishment against corruptors during the Covid-19 pandemic (*ibid*).

It is not much different from what has been stated by Edward Omar Sharif Hiariej (Deputy Minister of Law and Human Rights) who stated that “the former minister” deserves to be threatened with the death penalty. First, both crimes were committed during the pandemic and second, corruption was committed in the position of minister, therefore according to Edward Omar Sharif Hiariej’s opinion there are at least two reasons for the weighting of the perpetrators of a criminal act, *first*, they committed the crime in an emergency in this context was Covid-19, and *second*, they committed the crime in office, So those two burdensome things are enough to be threatened by Article 2 subsection (2) of Criminal Act of Corruption (Hariyanto, 2021).

So that the implementation of the death penalty for corruption perpetrators, especially in the Covid-19 pandemic situation, has a preventive effect on public officials who will commit corruption. If they realize that they will be sentenced to death, such officials will at least think a thousand times about committing corruption. Then corruption is a crime against humanity that violates the rights to life and human rights of not only one person but also millions of people. Indonesia is a retentionist country which, *de jure* and *de facto*, recognizes the death penalty. That the death penalty for corruptors does not violate the constitution as stated by Indonesia’s Constitutional Court (Nomor 2-3/PUU-V/2007, n.d.).

CONCLUSION

In connection with the eradication of corruption, the government has formulated policies which are embodied in several laws and regulations, including Law no. 28 of 1999 concerning Clean Governance and Free from Corruption, Collusion, Nepotism. Law no. 20 of 2001 concerning Amendments to Law no. 31 of 1999 concerning the eradication of criminal acts of corruption, Government Regulation no. 71 of 2000 concerning Procedures for Implementing Community Participation and Giving Awards in the Prevention and Eradication of Criminal Acts of Corruption, Law No.8 of 2010 concerning Prevention and Eradication of

the Criminal Acts of Money Laundering, Law no. 19 of 2019 concerning Commission for the Eradication of Criminal Acts of Corruption, serta UU No 7 tahun 2006 tentang Pengesahan United Nations Convention Against Corruption, 2003. In the conditions of the Covid-19 pandemic, the Corruption Eradication Commission issued two circular letters, namely circular letter No. 8 of 2020 concerning the Use of the Goods/Services Supplying Implementation Budget in order to accelerate the implementation of goods and services supplying in order to accelerate the handling of Covid-19 related to the prevention of criminal acts of corruption. Efforts to prevent and eradicate corruption in Indonesia are carried out through prevention and enforcement efforts. Prevention efforts in the form of the formation of laws and regulations, strengthening law enforcement agencies, making the criminal justice system effective for criminal acts of corruption, optimizing internal government supervision and strengthening the management of the State Civil Apparatus (ASN), and creating a controlling and monitoring system, because both are the keys or a way to reduce. Meanwhile, enforcement efforts are carried out through harmonization of laws and regulations on criminal acts of corruption, optimizing the handling of criminal acts of corruption, and optimizing saving state losses due to criminal acts corruption.

Indonesia has entered the state level in a state of danger as regulated in the explanation of Article 2 subsection (2) of the Law on criminal acts of corruption regarding certain circumstances due to various kinds of policies issued by the government regarding the Covid-19 pandemic. The juridical consequence is that a person who commits a criminal act of corruption in accordance with the formulation of the Article of the Law on the criminal act of corruption, law enforcers can prosecute or impose a death sentence against the accused. So that the implementation of the death penalty for corruption perpetrators, especially in the Covid-19 pandemic situation, has a preventive effect on public officials who will commit corruption. If they realize that they will be sentenced to death, such officials will at least think a thousand times about committing corruption. Then corruption is a crime against humanity that violates the rights to life and human rights of not only one person but millions of people. Indonesia is a retentionist country that *de jure* and *de facto* recognizes the death penalty. That the death penalty for corruptors does not violate the constitution as stated by the Constitutional Court.

REFERENCES

- Aminudin, H. Z. A. (2008). *Pengantar Metode Penelitian Hukum*. PT Raja Grafindo Persada.
- Ardito Ramadhan. (n.d.). *Bansos Covid-19 Dikorupsi, Ironi di Tengah Pandemi*. Retrieved February 22, 2021, from <https://nasional.kompas.com/read/2020/12/07/10035041/bansos-covid-19-dikorupsi-ironi-di-tengah-pandemi?page=all>
- Arief, B. N. (2016). *Bunga Rampai Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru*. Prenamedamedia Group.
- Bappenas. (n.d.). *Rencana Kerja Pemerintah Tahun 2014 (Buku I: Tema, Prioritas Pembangunan dan Perencanaan Perekonomian Makro)*. Bappenas.
- Chaerudin. (2018). *Strategi Pencegahan dan Penegakan Hukum Tindak Pidana Korupsi*. Refika Aditama.
- H, M. (2006). *Hukum dan Kebijakan Publik*. Refika Aditama.
- Hamid, M. A. (2015). Penerapan Hukuman Mati Bagi Terpidana Koruptor Ditinjau Dari Perspektif Hak Asasi Manusia. *Legal Pluralism: Journal of Law Science*, 5(2).
- Hariyanto, I. (2021). *Wamenkum HAM Nilai Edhy Prabowo-Juliari Batubara Layak Dituntut Pidana Mati*. DetikNews. <https://news.detik.com/berita/d-5376529/wamenkum-ham-nilai-edhy-prabowo-juliari-batubara-layak-dituntut-pidana-mati>
- Hartanti, E. (2007). *Tindak Pidana Korupsi*. Sinar Grafika.
Nomor 2-3/PUU-V/2007, 2007.
- Mubarok, F. (2020). *KPK Petakan Titik Rawan Praktik Korupsi di Tengah Pandemi Covid-19*. Alenia.Id. <https://www.alinea.id/nasional/kpk-petakan-rawan-praktik-korupsi-di-tengah-pandemi-covid-19-b1ZLA9tQQ>
- Muchsin, S. (2018). Peran Serta Masyarakat Dalam Pencegahan dan Pemberantasan Tindak Pidana Korupsi di Indonesia. *Lex Et Societatis*, VI(9), 67.
- Mufida, A. (2020). Polemik Pemberian Hukuman Mati Pelaku Korupsi di Tengah Pandemi Covid-19. *Adalah: Buletin Hukum Dan Keadilan*, 4(1), 228. <https://doi.org/10.15408/adalah.v4i1.16102>
- Muqorobin, M. K., & Arief, B. N. (2020). Kebijakan Formulasi Pidana Mati dalam Undang-Undang Pemberantasan Tindak Pidana Korupsi pada Masa Pandemi Corona Virus Disease 2019 (COVID-19) Berdasarkan Perspektif Pembaharuan Hukum Pidana. *Jurnal Pembangunan Hukum Indonesia*, 2(3), 394. <https://doi.org/10.14710/jphi.v2i3.387-398>
- Purnamasari, D. M. (n.d.). *Ini Potensi Korupsi Anggaran Penanganan Covid-19 Menurut Fitra*. Retrieved February 22, 2021, from <https://nasional.kompas.com/read/2020/04/09/21255061/ini-potensi-korupsi-anggaran-penanganan-covid-19-menurut-fitra>
- Rukmana, N. (2013). *Etika dan Integritas Solusi Persoalan Bangsa Indonesia*. Sarana Bakti Media Publishing.
- Rustamaji, M. (2021). *Jerat Pidana Korupsi Dana Bansos di Masa Pandemi: Ketok Palu Hukuman Mati Sesuai HAM atau Konstitusi*.
- Sumenge, W. P. (2019). Efektivitas Kepatuhan Pidana Mati dalam Pemberantasan Tindak Pidana Korupsi di Indonesia. *Lex Et Societatis*, VII(12), 48.
- Waluyo, B. (2016). *Pemberantasan Tindak Pidana Korupsi*. Sinar Grafika.
- Yanto, O. (2017). Efektifitas Putusan Pemidanaan Maksimal Bagi Pelaku Tindak Pidana Korupsi Dalam Rangka Pengentasan Kemiskinan. *Syah Kuala Law Journal*, 1(2), 18–36. <https://doi.org/10.24815/sklj.v1i2.8471>
- Yon Tado Parapat, D. (2020). Upaya Penanggulangan Tindak Pidana Korupsi Pada Masa Pandemi Covid-19. *Jurnal Esensi Hukum*, 2(2), 25. <https://doi.org/https://doi.org/10.35586/esensihukum.v2i2.29>