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Research Article

Comparative Analysis of The Effectiveness of Punishment Over Corruption in Indonesia and Hong Kong

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Abstract

This research aims to compare the effectiveness of punishment imposed on corruption as a crime in Indonesia and Hong Kong. The normative method was employed by conducting library research in the process of data searching, where the authors read and studied the primary and secondary research data. The analysis result concludes that Law of the Republic of Indonesia Number 31 of 1999 on Corruption Eradication and Law Number 20 of 2001 on the Amendment to Law Number 31 of 1999 on Corruption Eradication and Law Number 30 of 2002 on Corruption Eradication Commission deal with corruption crimes. Moreover, Indonesia establishes an official body particularly intended to deal with corruption investigations, the Corruption Eradication Commission (henceforth referred to as KPK). In comparison, Hong Kong also governs corruption cases using the Independent Commission Against Corruption Ordinance, Prevention of Bribery Ordinance, and the Elections (Corrupt and Illegal Conduct) Ordinance. Further, Hong Kong has Independent Commission Against Corruption (ICAC) as an institution fully authorized to investigate corruption cases. The KPK and ICAC share a similar strategic model but employ different ways of execution. From the effectiveness of the law perspective, Hong Kong seems to demonstrate a more effective approach since the real and deterring sentence is directly imposed on the case to encourage others to think twice before committing corruption. The sentencing in Hong Kong was once lambasted and condemned since it was perceived as violating human rights, but it seems to be the only way for Hong Kong to eradicate corruption effectively. This research recommends that another amendment to Law Number 20 of 2001 on Corruption Eradication.

Keywords: Effectiveness, law, criminal corruption, Indonesia, Hong Kong

1. Introduction

Every country aims for zero corruption, collusion, and nepotism case in the government. Countries, including Indonesia and Hong Kong, have the vigor to form legislative products that can work

E-ISSN 2240-0524
ISSN 2239-978X

Journal of Educational and Social Research
www.richtmann.org

Vol 13 No 5
September 2023

properly (B Bahrudin and H Hidayatullah, 2021). Indonesia has several laws governing corruption such as Law of the Republic of Indonesia Number 31 of 1999 on Eradication of Corruption and Law Number 20 of 2001 on the Amendment to Law Number 31 of 1999 on Corruption Eradication. In addition, an independent body, Corruption Eradication Commission (henceforth referred to as KPK) that works independently without any intervention from other powers, is established within an executive scope.

Despite the legislation and the establishment of the KPK, International Transparency Survey recorded that Indonesia ranked 102 out of 180 countries in corruption in 2020. In 2021, this position was down to 96 of 180 surveyed countries, and the corruption behavior was at about 3.88%, as reported by the Statistical Bureau. Nonetheless, this rank does not indicate significance, especially in terms of the amount of loss caused by corruption (Eric C C Chang, 2020). The coordinator of the Legal and Monitoring Division of Indonesia Corruption Watch (ICW) Lalola Easter in the Launch of the Report on Corruption Sanction Trend 2021 once reported that, in 2021, there were 553 cases with 1,173 suspects with the estimated loss accounting for Rp. 29.438 trillion (http://nasional.kompas.com). High corruption with varied amounts of loss caused heavy effects on economic growth (Anisah Alfada, 2019).

A study revealed that states with significant numbers of corruption cases had high Covid-19 cases due to the disharmony between prevailing regulations and their application in society, coupled with some dishonest acts that eroded trust of the society in the government, or this trust could completely disappear, resulting in public disobedience to any regulation in place. It is obvious that many people chose not to comply with health guidelines during the pandemic (Vincenzo Alfano et al., 2022).

This condition indicates that eradicating corruption is not easy, and hindrances are inevitable. The law concerning Corruption Eradication, for example, may serve as a hindrance where the handling of corruption committed in companies has not been comprehensively regulated in terms of its procedural law (Wirawan, Pramugara et al., 2021). On the contrary, corruption is common among elites (including the community of politicians, regional heads, legislators, bureaucrats, and private sectors) (Salahudin et al., 2020). Specific regulations concerning the anti-corruption movement related to corruption taking place in private sectors and corporates will definitely give a huge contribution to the economic growth of the state, and it will benefit the country concerned, and this approach was once discussed in a previous study (Kuo Zhou et al., 2022).

Other hindrances are also obvious in Article 2 and Article 3, which are open to multi-interpretations that may lead to dissenting decisions made by judges in dealing with related cases, while the norm is that regulations must be fair and applicable to all parties. Regulations governing corruption are still applied differently in courts, and it blurs the meaning of justice (Yanuaris Frans M. et al., 2020). The last hindrance is the lack of competent human resources, coupled with the consideration of raising the budget to pay for the law enforcers conducting investigations and judicial processes in most countries, including Indonesia (Choky Risda Ramadhan, 2022). Corruption is complex matter and multidimensional (Hartuti Purnaweni et al., 2022). Corruption cases demand complex handling as well as regulations and appropriate teamwork involving other parties (Hendi Yogi Prabowo, 2020).

Departing from the above issue, this research aims to compare the effectiveness of the punishment imposed on corruption in Indonesia and Hong Kong. Hong Kong was picked as a comparison to Indonesia because Hong Kong has consecutively scored the highest in handling corruption in Asia, although both Indonesia and Hong Kong set similar rules and established similar bodies intended to eradicate corruption. This research aims to present the differences between these two countries, with the expectation that this example from Hong Kong can serve as a reference for Indonesia to eradicate corruption in the future.

2. Literature Review

2.1 Effectiveness

Effectiveness is etymologically derived from the word 'effective', meaning successful or '*berhasil*' in Bahasa Indonesia. Effectiveness can be defined as a success to gain something or achieve an objective that has been set (Sofyan Rauf, Hasjad Hasjad, and Sabri Guntur, 2022). Susanto defines effectiveness as the capability to send a message that influences. That is, effectiveness can be defined as a measurement to achieve an objective as planned. The word 'efficient' is often mistakenly understood as 'effective', though what is efficient is not always effective (Sofyan Rauf, Hasjad Hasjad, and Sabri Guntur, 2022).

2.2 Law

Law is a set of rules made by state authorities or the government within an institution serving as control over human behavior in society. These rules coerce and carry sanctions therein. Law is a vital system in society and a set of authorities in an institution. Sunaryati Hartono argues that law is not related to the personality of a person, but it rather governs human activities and their relationships with other individuals in society (Meri, M. Imun., Handayani., and Irwan Hadi., 2020).

In *Kamus Besar Bahasa Indonesia*, the law is explained as a set of rules, or customary (*adat*) rules officially recognized, binding, and validated by the government or authorities. While some define law as a set of rules or Acts aiming to regulate the life of society, others consider law as a provision, and judges' decisions also make law (Meri, M. Imun., Handayani., and Irwan Hadi., 2020).

Law and ethics are similar in terms of social objectives, where both encourage people to do what is right and appropriate. Consequently, violations of the law are considered unethical. Ethics are related more to the inner feeling of a person, while the law per se is to the outward side of a person (Meri, M. Imun., Handayani., and Irwan Hadi., 2020).

2.3 Criminal Corruption

Corruption hampers a state's objectives, and it is categorized as a crime in criminal law. Hamzah once stated that criminal corruption is understood as inappropriateness, immorality, wickedness, and dishonesty. Corruption can also be defined as an act intended to gain personal benefits or benefits from others by stealing what one does not own by tort. Corruptors are often those having power or in authority to allow them to instruct others under one's authority based on the policy one has made (Dahlan Ali Nazaryadi, Adwani, 2017).

Criminal corruption is governed by Law Number 31 of 1999 on Corruption Eradication, which was then amended to Law Number 20 of 2001 on the Amendment to Law Number 31 of 1999 on Corruption Eradication. It is vital to note that this amendment departed from the multi-interpretation of the law and intended as a measure to safeguard rights of the people socially and economically, and ensure just treatment to those committing corruption (Saut Mulatua et al., 2017). Corruptions are subject to incarceration, fines, and additional sanctions (replaced by money). Sanctions imposed on corruption are principally intended to deter corruptors and secure state funds. However, sanction on corruption has not yet been optimally implemented in Indonesia (Saut Mulatua et al., 2017).

3. Research Methods

This research employed a normative legal method based on library research. It also required the authors to read and study all primary and secondary legal materials, including the applicable norms in laws and several relevant regulations. Legal science is prescriptive, meaning that it studies legal

objectives and its concepts, norms, principles, validity, and justice values (Johnny Ibrahim Efendi, Jonaedi., 2016). The research flow is illustrated in the following;
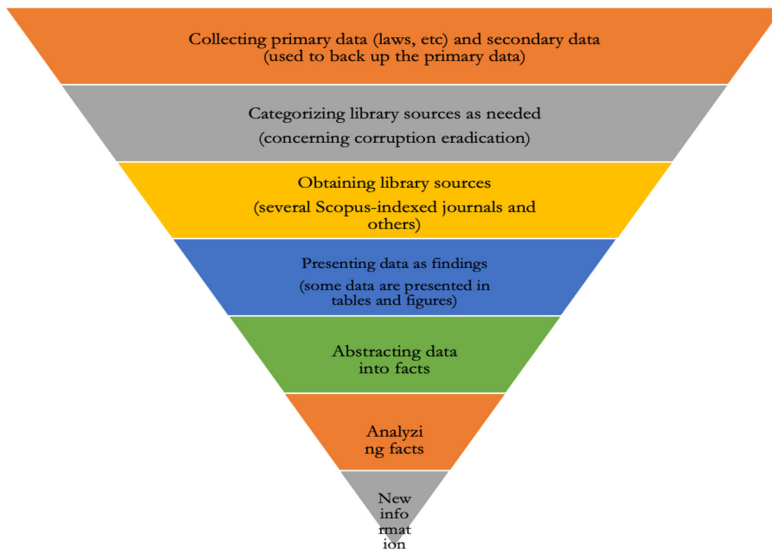

Figure 1. Process of extracting the Data

4. Research Results

4.1 Regulations concerning Corruption in Indonesia

Criminal corruption is governed in Law Number 31 of 1999 on Corruption Eradication, improvised by Law Number 20 of 2001 on the Amendment to Law Number 31 of 1999 on Corruption Eradication. This amendment is intended to assure legal protection by reducing the likelihood of multi-interpretation and imposing fair punishment for corruption. Articles 5 to 12 were amended without referring to several articles in Penal Code, but rather directly set forth some existing aspects in each Article referred to (The President of the Republic of Indonesia, 2001).

Some matters regarding the punishment imposed on corruptors, including those promising a civil servant (state administrator) something to persuade him/her to do or not to do something that may violate his responsibilities as a civil servant (state administrator). This conduct is punishable with imprisonment for a term that ranges between one to five years and/or fine, for an amount that ranges between fifty million to two hundred and fifty million rupiahs per person. This punishment also applies to a civil servant (state administrator) who accepts the promise (Article 5) (The President of the Republic of Indonesia, 2001).

If this promise is given or accepted by a judge, both are punishable with a minimum of three-year imprisonment and a maximum of five-year imprisonment, added with a minimum fine of one hundred and fifty million rupiahs and a maximum of seven hundred and fifty million rupiahs (Article 6). Master builders or architects found to have committed fraud that harms materials, persons, or state security during wartime, and every person instructed to supervise development (delivery) that intentionally allows the fraud to take place is punishable with imprisonment, the shortest term of which is two years and the longest is seven years and/or a fine of at least one hundred million rupiahs or at most three hundred and fifty million rupiahs. This punishment also applies to fraudulent delivery and or deliberate intention of allowing delivery of materials by a development supervisor to

fulfill the need of the Indonesian Armed Force (TNI) and Indonesian National Police (POLRI) that endangers the security of the state during wartime (Article 7) (The President of the Republic of Indonesia, 2001).

Article 8 states that a civil servant or another person responsible to perform his/her official tasks but deliberately commits embezzlement or steals a negotiable instrument or allows others to do so is punishable with a minimum of sentence of imprisonment of three-year and such term shall not exceed fifteen years. Conviction will also allow the Court to impose a fine of at least fifty million rupiahs and such amount shall not exceed seven hundred and fifty million rupiahs. Falsification of a book (list) regarding administrative assessment, as in Article 9, is punishable with a minimum of one-year imprisonment and a maximum of five-year imprisonment added with a minimum fine of fifty million rupiahs and a maximum fine of two hundred and fifty million rupiahs (The President of the Republic of Indonesia, 2001).

Article 11 governs corruption among civil servants (state administrators) accepting promises (gift). By virtue of this Article, an offence is committed if this acceptance is presumed (known) to exceed (contravene) the accused's authority, official position, or power. It is essential to note that such conduct is punishable with a minimum of one-year imprisonment and a maximum of five-year imprisonment added with a minimum fine of fifty million rupiahs and a maximum of two hundred and fifty million rupiahs. For matters as mentioned in Article 12, they are punishable with a minimum of four-year imprisonment and a maximum of twenty-year imprisonment, and a minimum fine of two hundred million rupiahs (The President of the Republic of Indonesia, 2001).

However, all the provisions set forth in Article 5 to Article 12 are no longer applicable to offences involving a value of lesser than five million rupiahs, for such corruption value is subject to a maximum of three-year imprisonment and a maximum fine of fifty million rupiahs. Further, Article 12B stipulates a life sentence or a minimum of four-year imprisonment-, and a fine between two hundred million to one billion rupiahs for the said offence. However, these provisions will cease to apply if an accepting party had lodged a report on the corruption proceeds to KPK, within thirty days from the date of its receipt. Upon receiving the report, KPK will determine whether the proceeds belong to the receiving parties or the state. The procedures of lodging the report are set forth in the Corruption Eradication Commission Law (The President of the Republic of Indonesia, 2001).

Apart from all those prevailing articles, it is important to note that Law Number 31 of 1999 is still in force since Law Number 20 of 2001 only amended several articles. The resolution to abuse of authority cases during the Covid-19 pandemic, for example, still refers to Law Number 31 of 1999, read together with Law Number 20 of 2001 on the Corruption Eradication Commission (The President of the Republic of Indonesia, 2001).

Principally, the laws governing corruption in Indonesia have adopted UNCAC, including bribery, trading in influence, abuse of power, and mishandling of instruments in private sectors. Despite this adoption, not all adopted regulatory provisions are applied in Indonesian national law, such as law relating to bribes given to foreign or international public officials (Razananda Skandiva and Beniharmoni Harefa, 2022).

Law Number 20 of 2001 on the Amendment to Law Number 31 of 1999 on Corruption Eradication does not govern the procedures of punishment imposed on public officials (in private companies) in Indonesia, especially those receiving bribes and residing in another state. In other words, it is harder to conduct a trial of foreigners residing outside Indonesia as compared to prosecuting Indonesians or companies operating in Indonesia in the event, they are caught bribing other officials (Razananda Skandiva and Beniharmoni Harefa, 2022).

4.2   Corruption Eradication Organization in Indonesia

Indonesia established a national independent organization, the KPK, on 29 December 2002 to spearhead its efforts to deal with corruption eradication. Some references juridically imply that corruption eradication initiatives had started way back in 1957 but without establishment of any

proper organization like the KPK. The establishment of KPK was mandated by Law Number 30 of 2002. Welcomed with doubt, KPK has managed to deal with corruption as expected. Amendments to Law Number 19 of 2019, in line with Law Number 30 of 2002 concerning the Corruption Eradication Commission, were made. The KPK continues to perform its functions at its best to tackle corruption in Indonesia. This is obvious in the progress shown in the following bar chart:
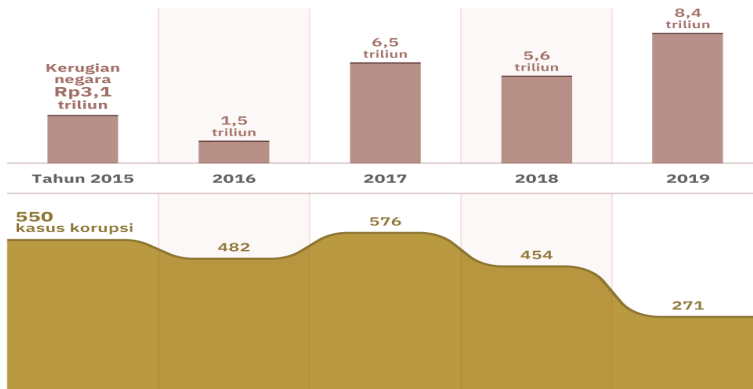
Figure 2. Corruption cases and state losses
Source: Indonesia Corruption Watch (ICW)

This figure is relevant to the International Transparency Survey conducted in 2020, placing Indonesia at rank 102 of 180 countries. In 2021, this rank was down to 96 of 180 countries. The Statistical Bureau also recorded that corruption behavior was at 3.88%, which is not a significant decrease. The following graphs show the amount of annual loss caused by corruption.

The amounts of losses above are quite high (Chang, Eric C C., 2020). Lalola Easter, a coordinator of the Legal and Monitoring Division of ICW Judicial Body in the Launch of the Report on Corruption Sanction Trend 2021, explained that, in the prosecution in 2021, there were 553 cases involving 1,173 suspects causing an estimated loss of 29.438 trillion rupiahs (http://nasional.kompas.com). Another study also reported that various corruption types and high numbers of corruption cases affect economic growth in Indonesia. The number of corruption cases reported and investigated by the KPK reveals that three important aspects limited to cater for investigation of the spike of cases, i.e., competent human resources, financial budget and technological advancement (Alfada, Anisah, 2019, Alashaer et.al, 2021).

4.3 Regulating corruption in Hong Kong

Hong Kong was once known as the country with the worst corruption cases. Currently, Hong Kong ranks high as one of the most corruption-free states, and Independent Commission Against Corruption, ICAC, has played an essential role in tackling corruption since 15 February 1974. This organization was established to tackle the prevailing corruption cases back in the time. At first, it was not easy for Hong Kong to deal with the issue. In 1960, corruption seemed unstoppable, and not until 1970 did Hong Kong manage to transform into a better country with a clean government following the establishment of ICAC and the corruption handling in Hong Kong has been better than ever before (Scott, Ian and Gong, Ting, 2019).

In the early days of its establishment, ICAC faced new challenges, yet this organization has successfully transformed Hong Kong into one of the most corruption-free states in Asia. Hong Kong is a good example in the world of corruption eradication (Scott, Ian and Gong, Ting, 2019).

Corruption cases in Hong Kong decreased in numbers following the three strategic pillars of law enforcement aiming to investigate corruption and sue corruptors. The strategies are also intended to encourage people to report corruption cases and to raise funds for corruption activities. An institutional design is also regarded as essential to help narrow the chances of corruption in an office organization. While the three powers given to ICAC so that they can carry out their duties properly, namely is, investigation, prevention and educating or mobilizing the public. (Najih, Mokhammad and Wiryani, Fifik, 2017).

Hong Kong, according to the Constitution of China, is a socialist republic, although its development is far below the economic-socialist. Hong Kong is a special administrative region adhering to the one-state-under-two-systems principle under the control of China, ruled by an executive head, Carrie Lam, in 2020. The flag of Hong Kong, with red as the main color and a flower in the middle and white petals with a red star at the center indicates that China is the land of Hong Kong, making the land have several regulations in place. (Hong Kong Special Administrative Region Government. (2015).

ICAC of 1974 delegates responsibilities and draws more effective scopes in dealing with corruption. ICAC specifically allows the Director of Operations Department of ICAC to authorize its official staff to confine the movement of the suspects, assess bank accounts and safety boxes for a deposit, restrict use of the suspects' property and require the suspects to provide detailed information on financial conditions. The officers in charge of ICAC could arrest suspects without any written warrant for the crime committed under the Bribery Prevention Act and ICAC Act. Those officers are also empowered to conduct search and confiscate properties as evidence of the crime. Under ICAC, Operations Department detects and investigates the criminal case and files a lawsuit, while Public Relations Department is responsible for the education and mobilization of the members of public. An institutional design is performed by Corruption Eradication Department. Hong Kong regards corruption as a high-risk crime (Balashov et al., (2022). In short, legislative instruments to fight corruption crimes in Hong Kong comprise The Independent Commission Against Corruption Ordinance, The Prevention of Bribery Ordinance and The Elections (Corrupt and Illegal Conduct) Ordinance (Kusumastuti, Cynthia Dewi, 2015).

Hong Kong has never been reluctant to sentence corruptors to death. Lai Xiaomin, a Chief Asset Management, for example, was sentenced to death on Tuesday, January 2020, since he was discovered using his position to gain benefits from bribes for ten years. He was alleged to have gained 276.7 million US Dollars, equivalent to 3.8 trillion rupiahs, from bribes. Hong Kong also poses a threat to officials, and it is done as an initial reminder for them to diminish even the slightest thought of committing corruption, including laziness at work, as corruption could lead to dismissal from one's position. Enforcement of this regulation started in 2015. The law treats this regulation as equal to Criminal law, making it possible to put government officials on a trial if they are accused of violating the law. Surprisingly, before starting their tenure, candidates of government officials must undergo certain programs, like an induction course, that requires them to visit a prison or detention facility. During the visit, they usually have one day to go around the cells and they are allowed to talk to inmates, including the corrupt convicts. The visit is intended to create awareness on them and provide an opportunity for them to witness the inmates suffering the consequences of their acts of corruption.

4.4 Corruption Eradication Commission in Hong Kong

Hong Kong has ICAC as an Independent Commission Against Corruption. ICAC was established by Governor Sir Murray MacLehose on 15 February 1974 when Hong Kong was ruled by the British government, and corruption cases kept increasing. After a year of the establishment of ICAC, it was getting more obvious that ICAC managed to tackle corruption issues. ICAC surprisingly and successfully executes its authority to investigate corruption cases in both public and private sectors. ICAC is an expert in handling crimes connected to corruption (Chui, Eric Wing Hong., Lo, T. Wing,

2016).

ICAC was established following the incident of Peter Godber, who committed corruption and fled from Hong Kong. This incident sparked backlash, demanding the government's responsibility. The decreasing trust of the people had encouraged the initiation of ICAC independent from the police. ICAC has a unique administrative system that makes it accountable to the Governor General of Hong Kong. The commissioners of ICAC are appointed and they report directly to the Governor. ICAC has autonomous power to appoint and dismiss its own officials, and it is not categorized as civil services. The officials of ICAC are regularly scrutinized and adhere to strict disciplinary standards, but they are paid higher than other officials in the same positions. The Governor General demonstrates a strong commitment, and it is obvious when the governor appoints a qualified head of ICAC. ICAC focuses on the investigation, prevention, and education of members of the public to gain support from the public in controlling corruption, as in line with Article 12 of the ICAC Act (Quah, Jon S.T, 2015).

ICAC can serve as the best corruption eradication committee thanks to strong political commitment as reflected in the basis of its establishment, function, authority, organizational structure, budget, and officers, all of which make up the first factor. The second factor consists of integrated and consistent strategic pillars; the third factor includes the credibility of the anti-corruption organization, while the fourth is linked to the local context of policies. All these factors serve as supporting instruments that reinforce ICAC (Teguh Kurniawan, 1980), and they have elevated ICAC to its present standing, i.e., the best commission in Asia. Indeed ICAC has been performing great to bring the number of corruption cases down every year and shy away cultural corruption stigma (Hong Kong, n.d). Credible working systems and responses given by ICAC have also brought back the trust of the people, and they are getting more active in efforts of report-making to help the performance of ICAC to eradicate corruption.

Table 1. Report on annual corruption cases

Year	Total Corruption Complaints
2011	4,010
2012	3,932
2013	2,653
2014	2,363
2015	2,803
2016	2,891
2017	2,835
2018	2,665
2019	2,297
2020	1,924
2021	2,264

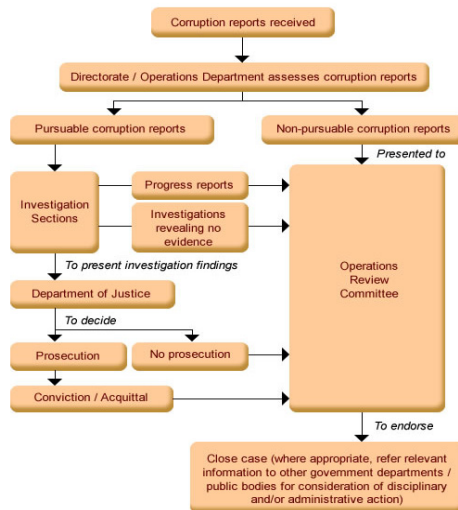**Source:** Independent Commission Against Corruption

The table above shows that corruption has been decreasing every-. However, the number of reported cases saw 18% spike at the beginning of the pandemic, accounting for about 2,264 compared to 1,924 reports received in the previous year (Hong Kong, n.d).
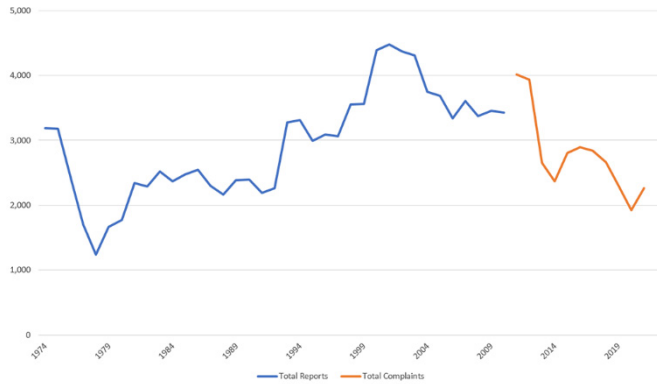
Figure 3. Corruption-related complaints
Source: Independent Commission Against Corruption

The above chart simplifies data on other prosecutions, not including general elections. The following flow chart shows how complaints can be processed at ICAC.

Figure 4. Operations Department's Complaint Investigation Procedures
Source: Independent Commission Against Corruption

5. Results and Discussion

Scrutiny of all the references and related regulations has enabled the authors to make a comparison of laws concerning corruption in Indonesia and Hong Kong, both of which present differences on how regulations were formed and the corruption eradication commission was established. The details are summarised in the following table.

Table 2.

No.	Subject	Indonesia	Hong Kong
1.	Government system	A republic ruled by a president	A socialist republic. Hong Kong is a special administrative region under the ruling of an Executive Head of China.
2.	Legal basis	Law of the Republic of Indonesia Number 31 of 1999 on Corruption Eradication; Law of the Republic of Indonesia Number 20 of 2001 on the Amendment to Law Number 31 of 1999 on Corruption Eradication; and Law of the Republic of Indonesia Number 30 of 2002 on Corruption Eradication Commission	*The Independent Commission Against Corruption Ordinance*; *The Prevention of Bribery Ordinance*; dan *The Elections (Corrupt and Illegal Conduct) Ordinance*.
3.	Corruption Eradication Commission	*Komisi Pemberantasan Korupsi* (KPK) (Corruption Eradication Commission)	Independent Commission Against Corruption (ICAC)
4.	Punishment	Jail sentence Fines Additional sentence Death penalty	Detained and immediately executed. Corruption is regarded as a high-risk crime. Apart from these punishments, some uncommon regulations are also enforced for laziness, and lazy people are at risk of dismissal from their official positions. A requirement of jail visit to interact with corruption convicts prior to commencement of before they start their tenure as government officials. The death penalty is mainly imposed on economic and political crimes.
5.	Corruption eradication strategy	Prosecution Eradication Education	Eradication Investigation Education
6.	Supporting factor	Commitment and positive examples of the leader, participation of all state administrators, special attention to particular matters, and preventive measures.	Strong political commitment, three integrated and consistent strategic pillars, the credibility of the anti-corruption organization, and the local context of policy.
7.	Impeding factor	In addition to politics, other impeding factors are as follows: Lack of officials Limited budget, and Investigation technology	None. There used to be some impeding factors coming from the top authorities (politics), but the issues were under control since the existence of ICAC.
8.	Corruption case number	Decreasing	Decreasing
9.	State loss	Rising	Decreasing

The above comparisons could serve as a reference for Indonesia to learn from. Eradication of corruption in Hong Kong starts with prevention. It is followed by several investigations and education not only to the public but to elites. ICAC remains consistent despite suppression coming from several parties. Indonesia should be as consistent as Hong Kong in terms of the implementation of the regulations and working systems of an anti-corruption organization.

Hong Kong and Indonesia impose different types of punishments. A glaring example is on imposition of death penalty onto the corruptors, unlike Hong Kong, Indonesia imposes a different punishment on the grounds of human rights. Hong Kong is aware of the death penalty imposed and believes that only this punishment could deter corruptors despite the awareness that it violates human rights.

Corruption Eradication Law implies that death penalty could be imposed on corruption repeated offenders or those causing a huge loss or taking disaster mitigation funds. This imposition does not happen in reality, where corruptors still enjoy lenient sentences, and it has gone viral that corruptors could even enjoy access to smartphones while serving their sentence behind bars. Worse, some serve their punishment in opulent cells and are allowed to go overseas. These are worrying trends, indicating that the norms are murky, and injustice remains.

The good news is that recently Indonesia and Hong Kong have made an agreement in terms of corruption eradication, especially to fight corruption in the private sector. KPK of the Republic of Indonesia and ICAC is working to hold training to improve the capacities of the officials at both KPK and ICAC. Moreover, KPK also agreed to work together with ICAC in investigating money laundering in the two countries. Hong Kong could give an example to Indonesia, implying that the consequences imposed in Hong Kong are far more effective, meaning that even acute corruption is dismissible. Hong Kong was faced with corruption cases until anti-riot organizations worked hard on it. ICAC managed to eradicate corruption wholly. A former head of ICAC once stated in a TV program

broadcast in Indonesia that high corruption cases indicate that police need to be investigated. ICAC took the first step of eradication by scrutinizing law enforcement organizations; police departments were investigated, judicial bodies were sterilized, and hundreds of officials proven guilty of corruption were sent to jail.

Like most eradication commissions, it was not easy for ICAC to combat corruption. ICAC has been facing confrontation and backlash from all elements, but it stays robust; ICAC gives no room for corruptors. The key to successful corruption eradication in Hong Kong requires courage, support from authorities, and an anti-corruption attitude reflected in public words and workplaces. The success of combating corruption in Hong Kong indicates that Indonesia should be able to do the same. Public support corruption eradication when those with power are bold enough to admit what they committed and are open to sentencing.

6. Conclusion

Indonesia refers to Law Number 31 of 1999 on Corruption Eradication, Law Number 20 of 2001 concerning the Amendment to Law Number 31 of 1999 on Corruption Eradication, and Law Number 30 of 2002 on Corruption Eradication Commission. Indonesia has KPK that acts as an eradication commission. Similarly, Hong Kong refers to the Independent Commission Against Corruption Ordinance, the Prevention of Bribery Ordinance, and the Elections (Corrupt and Illegal Conduct) Ordinance, while the Independent Commission Against Corruption (ICAC) serves as an anti-corruption organization. The two bodies, KPK and ICAC, have similar strategies, but they are executed differently. KPK puts education as a priority, while ICAC places the law first.

The eradication systems in Hong Kong are far more effective since this country manages to deter corruptors. The fear instilled in every corrupting individual encourages more to stop corrupting. Heavier sanctions should be given to corruptors in Indonesia, considering that corruption has caused significant amounts of loss and the existing punishment is not at all effective. Indonesia needs to be stricter and more assertive in punishing corruptors; it needs honesty and consistency to allow for better corruption eradication.

Data collection is the real challenging part of this research. It was hard at first to classify which laws in Hong Kong serve as references to eradicate corruption, as all corruption-related cases are always referred to ICAC. Thus, no further explanation was found regarding which laws ICAC has referred to in handling corruption in Hong Kong. After further investigation, Hong Kong is a region with its special administration adhering to two systems. That is, Hong Kong is a part of China, and corruption eradication in Hong Kong also considers the regulations enforced in China. This condition has contributed to the difficulty of finding corruption-related regulations and laws. This research recommends that some amendments to the Law of the Republic of Indonesia Number 20 of 2001 on Corruption Eradication be taken into account.

7. Acknowledgement

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