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The Status Quo of Corruption Eradication in Indonesia: Reinterpreting Friedman's Legal System Theory in the Era of the New Criminal Code

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ABSTRACT
Corruption remains one of the most persistent structural challenges in Indonesian governance. Despite a relatively dense anti-corruption legal architecture, the Indonesian anti-corruption regime has not produced consistent and transformative results. This article examined the status quo of corruption eradication in Indonesia through Lawrence M. Friedman's legal system theory, focusing on the interaction among legal substance, legal structure, and legal culture. Using normative juridical research supported by conceptual, statutory, and systems-oriented analysis, the study assessed the implications of the recodification of corruption offences in Law Number 1 of 2023 on the Criminal Code, the fragmentation of institutional mandates among the Corruption Eradication Commission, the Attorney General's Office, and the National Police, and the persistence of permissive social attitudes toward corrupt practices. The findings showed that each component of Friedman's legal system exhibits a distinct dysfunction that reinforces the others, producing a feedback loop in which formal anti-corruption instruments fail to generate substantive change. The article concluded that sustainable corruption eradication requires simultaneous harmonisation of legal norms, coordinated institutional reform, and transformation of public integrity culture.

INTRODUCTION

Corruption in Indonesia has long constituted a systemic governance problem with broad economic, political, and social consequences. It weakens public trust, distorts the allocation of state resources, and undermines the legitimacy of legal institutions. Since the democratic transition following 1998, Indonesia has developed an increasingly elaborate anti-corruption architecture. The establishment of the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi* or KPK) under Law Number 30 of 2002, the operation of the special anti-corruption statute under Law Number 31 of 1999 as amended by Law Number 20 of 2001, the ratification of the United Nations Convention against Corruption, and successive institutional reform programmes reflect sustained political commitment to fighting corruption. Yet the persistence of corrupt practices at multiple levels of government and public life indicates that formal legal reform has not automatically produced systemic integrity.

The problem is not reducible to the absence of rules or enforcement capacity. Indonesia possesses a relatively comprehensive statutory and institutional framework. Nevertheless, enforcement remains uneven, institutional mandates overlap and compete, and a social environment shaped by patronage, collective loyalty, and tolerance of small corrupt exchanges continues to normalise corruption in daily practice. These conditions suggest that corruption eradication must be understood as a systemic legal problem, one in which statutes, institutions, and social attitudes interact to either reinforce or undermine anti-corruption effectiveness.

Two recent developments have sharpened the urgency of this systemic analysis. First, the enactment of Law Number 1 of 2023 concerning the new Criminal Code has prompted serious debate regarding the position of corruption offences within the national criminal law hierarchy. Several corruption-related provisions have been incorporated into the general Criminal Code, generating concern that corruption may gradually lose its status as an *extraordinary crime* and that the *lex specialis* safeguard of the Anti-Corruption Law may be weakened. Second, the creation of the Corruption Crime Eradication Corps within the National Police through Presidential Regulation Number 122 of 2024 has added another institutional actor to an already complex anti-corruption landscape involving KPK, the Attorney General's Office, and the Police. The risk of overlapping mandates, rivalry, and inefficient case handling has become more acute.

This article uses Lawrence M. Friedman's legal system theory to diagnose the current condition of corruption eradication in Indonesia. Friedman argues that a legal system consists of three interdependent components: *legal substance*, *legal structure*, and *legal culture* (Friedman, 1975). This framework is particularly useful because it resists a narrow focus on statutory text and directs analytical attention toward the social and institutional conditions that determine whether law works in practice. The article contributes to anti-corruption scholarship by offering an integrated account of the Indonesian experience, showing that the misalignment among these three components is the root cause of the regime's limited effectiveness, and by proposing a systems-oriented reform agenda that addresses all three dimensions simultaneously.

RESEARCH METHODS

This study employed normative juridical legal research supported by conceptual and statutory approaches. As a doctrinal study, it examined legal rules, principles, and doctrines as they are set out in primary legal materials and interpreted in secondary scholarly literature, without empirical fieldwork. Its value lies in developing an analytical framework that can organise and explain the key tensions in Indonesia's anti-corruption regime and that can guide further empirical and policy research.

The primary legal materials consisted of Indonesian statutes and regulations governing corruption eradication and criminal law: Law Number 31 of 1999 and Law Number 20 of 2001 on the Eradication of Corruption Crimes, Law Number 30 of 2002 on the Corruption Eradication Commission, Law Number 7 of 2006 on the ratification of the United Nations Convention against Corruption, Law Number 1 of 2023 on the Criminal Code, and Presidential Regulation Number 122 of 2024 on the Indonesian National Police. Secondary materials included books, journal articles, policy papers, and reports on Friedman's legal system theory, *lex specialis*, institutional overlap, *legal culture*, and comparative anti-corruption governance.

The analysis was conducted qualitatively. It classified the main problems of anti-corruption law and governance into Friedman's three components and then traced the interactions among those components using a systems-oriented reading. This method is appropriate because corruption is not solely a criminal law violation but a recurring pattern produced by the interplay of incentive structures, institutional design, and social norms. The conceptual and statutory approaches were used together to assess whether Indonesia's anti-corruption legal framework is internally coherent and whether it is aligned with the institutional and cultural conditions necessary for effective enforcement.

RESULTS AND DISCUSSION

Lawrence M. Friedman’s Legal System Theory as an Analytical Lens

Friedman's legal system theory represents a sociological reconceptualisation of how law operates. In his view, a legal system is not merely a collection of written norms to be mechanically applied. It consists of three components that function as an integrated social machine: *legal substance*, *legal structure*, and *legal culture* (Friedman, 1975). *Legal substance* encompasses the rules, doctrines, decisions, and norms are written and unwritten that govern behaviour. *Legal structure* refers to the institutions, organisations, and procedural mechanisms through which law is made, interpreted, and enforced. *Legal culture* refers to the values, expectations, attitudes, and behaviour of people, both legal officials and members of the public toward law and the legal system.

This framework is particularly powerful for anti-corruption analysis because it resists the temptation to treat corruption as a problem with a simple legislative fix. A strong anti-corruption statute will not be effective if enforcement institutions are fragmented, underfunded, or captured. A well-designed institution will not perform if the surrounding *legal culture* tolerates bribery and patronage. Conversely, a public that demands integrity still needs clear rules and reliable enforcement structures to anchor its expectations. Friedman's theory insists that reform must be understood as a systemic project in which all three components are addressed together (Friedman, 1975; Cotterrell, 1992).

The theory also exposes the limits of single-component reform strategies that have dominated anti-corruption policy in many countries, including Indonesia. Legislative reform creates new offences or increases penalties but cannot alone change how institutions operate or how communities perceive corrupt exchanges. Institutional reform may establish new bodies or restructure existing ones but may generate competition rather than synergy if mandates are not clearly differentiated. Cultural reform campaigns may raise awareness but remain symbolic when violations are not consistently sanctioned. An integrated and simultaneous approach is therefore essential (Siagian, 2023).

Legal Substance: The Tension Between the Special Anti-Corruption Law and Criminal Code Recodification

The foundational problem in the *legal substance* dimension is the changed position of corruption offences within Indonesia's criminal law hierarchy. The Anti-Corruption Law, Law Number 31 of 1999 as amended by Law Number 20 of 2001 was designed as a *lex specialis* that recognised the extraordinary character of corruption. It provided specific offences, heavier minimum sentences, special evidentiary provisions, and asset-recovery mechanisms tailored to the particular dangers that corruption poses to public finance, administrative integrity, and democratic governance (Zuliah & Amalia, 2025). The principle of *lex specialis derogat legi generali* embedded also in Article 63(2) of the former Criminal Code — ensured that when the same conduct was covered by both the general criminal law and the special anti-corruption statute, the special statute would govern.

The enactment of Law Number 1 of 2023 on the new Criminal Code disrupts that hierarchy. Several corruption-related provisions have been incorporated into the general Criminal Code, which may be interpreted as normalising corruption, treating it as an ordinary offence rather than an extraordinary one (Badan Pembinaan Hukum Nasional, 2023). The concern is not simply doctrinal. Lower minimum sentences and reduced fines in the general code, if applied in place of the Anti-Corruption Law's provisions, could weaken deterrence. More critically, the overlap between the two legal regimes creates an opportunity for defendants to invoke the more favourable interpretation under the general code. The *in dubio pro reo* principle, which requires judges to apply the rule more beneficial to a defendant when two rules apply to the same conduct, makes this risk concrete (Suyanto et al., 2023).

This ambiguity in *legal substance* has direct operational consequences. Prosecutors, judges, and enforcement agencies may interpret the applicable legal framework differently, producing inconsistent outcomes and unpredictable sentencing. Public confidence in anti-corruption law depends in part on the perception that corruption is treated with appropriate seriousness. When the normative status of corruption becomes ambiguous, that perception is weakened. From Friedman's perspective, *legal substance* that appears formally available but does not provide a stable and unambiguous guide for behaviour fails its core function regardless of how technically sophisticated its drafting may be (Friedman, 1975).

The constructive response is not to reverse codification but to secure the special status of the Anti-Corruption Law within the codified framework. Harmonisation should clarify that the new Criminal Code does not reduce the *lex specialis* authority of the Anti-Corruption Law and should establish clear interpretive protocols for cases where both regimes appear applicable. This may be achieved through statutory amendment, Supreme Court guidance, prosecutorial directives, or coordinated inter-agency interpretation guidelines (Zuliah & Amalia, 2025; Siagian, 2023).

Legal Structure: Fragmented Mandates and the Problem of Institutional Coordination

The *legal structure* dimension reveals a second systemic weakness: the fragmentation of anti-corruption enforcement authority across multiple institutions with partially overlapping mandates. KPK was established as an independent body with strategic authority spanning investigation, prosecution, coordination, supervision, prevention, and monitoring. The Attorney General's Office holds constitutional and statutory responsibility for prosecution and the execution of court decisions. The

National Police investigate corruption-related offences. The establishment of the Corruption Crime Eradication Corps within the National Police under Presidential Regulation Number 122 of 2024 adds institutional capacity but also introduces new jurisdictional complexity in the domains of investigation, prevention, and asset tracing (Republic of Indonesia, 2024).

Multiple institutions are not inherently problematic. In complex criminal justice systems, differentiated roles can produce specialisation, mutual oversight, and institutional resilience. The problem arises when coordination mechanisms are inadequate. Without clear criteria for case allocation, supervision, data sharing, and asset tracing, institutions may compete over high-profile cases, duplicate investigative work, disagree over jurisdiction, or avoid politically sensitive matters. Comparative research confirms that jurisdictional overlap becomes operationally dysfunctional when institutional independence is not complemented by binding coordination architecture (Kwon, 2023).

The debate between a *single prosecution procedure* which would centralise prosecution authority and a differentiated institutional model which preserves plural roles must be resolved in favour of coordinated differentiation. Centralisation risks creating a single dominant institution vulnerable to political capture and removes the mutual accountability that plural institutions can provide. Differentiation, however, demands enforceable coordination rules rather than voluntary cooperation. The goal is not institutional monopoly but a system in which each institution performs a distinct and complementary role, and in which no institution can delay, obstruct, or override the others without accountability.

From Friedman's perspective, *legal structure* is the machinery that converts written norms into practical enforcement. If the machinery is fragmented and poorly coordinated, *legal substance* however strong on paper loses operational force. Structural reform should therefore prioritise enforceable inter-agency protocols, integrated case-information systems, joint asset-tracing mechanisms, transparent criteria for case referral, and effective supervision that prevents both capture and rivalry (Siagian, 2023; Komisi Pemberantasan Korupsi, 2024).

Legal Culture: Permissiveness, Patronage, and the Challenge of Public Integrity

The third dimension legal culture represents the deepest and most durable obstacle to corruption eradication. Corruption in Indonesia is not only a legal violation but also a social practice sustained by cultural patterns that make certain forms of corruption appear normal, expected, or even obligatory. Patron-client relationships, collective loyalty, gift-giving culture, and the use of personal connections to access public services can function as enabling conditions for corruption when they are not restrained by strong public integrity norms and credible enforcement (Transparency International Indonesia, 2022). People may formally acknowledge that corruption is illegal while informally treating it as unavoidable, particularly when they perceive that enforcement is selective and that powerful actors are protected.

This permissive *legal culture* has concrete operational consequences. Low reporting rates reduce the information available to enforcement agencies. Cynicism about enforcement outcomes weakens cooperation between the public and anti-corruption institutions. Elite impunity when high-ranking officials are prosecuted less vigorously or receive lighter treatment reinforces the perception that law operates asymmetrically. In such conditions, even well-designed legal rules and institutions cannot produce the deterrence effects they were designed to achieve. Legal culture, in Friedman's framework, is not an external variable that law can simply override. It shapes how law is received, interpreted, and acted upon by every participant in the legal system (Friedman, 1975; Cotterrell, 1992).

Cultural transformation requires a more strategic approach than awareness campaigns. In systems-oriented terms, corrupt behaviour is sustained by reinforcing feedback loops in which impunity encourages further corruption, which further weakens institutional credibility, which further reduces compliance (Friedman, 1975; Siagian, 2023). Breaking these loops requires simultaneous action: credible enforcement that demonstrates consequences for all offenders; structural reforms that reduce opportunities for corruption in public services and procurement; integrity education embedded in professional and civic institutions; meaningful whistleblower protection that makes reporting safe and consequential; and visible leadership that demonstrates anti-corruption commitment through consistent personal conduct.

International experience supports this integrated approach. The Hong Kong Independent Commission Against Corruption model succeeded by operating three interdependent pillars: law enforcement, corruption prevention, and community education (Man-wai & Peh, 2011). This model is consistent with holistic integrity frameworks recommended by the United Nations Office on Drugs and Crime, which emphasise that public-sector integrity, social participation, and transparency must be pursued simultaneously rather than sequentially (United Nations Office on Drugs and Crime, 2021). A society internalises anti-corruption norms most effectively when it repeatedly experiences that integrity is rewarded, corruption is detected, and enforcement is applied consistently and fairly.

A Systems Reading of Indonesia’s Anti-Corruption Status Quo

The three components discussed above do not operate in isolation. Their interactions produce the systemic misalignment that defines Indonesia's anti-corruption status quo. Ambiguity in *legal substance* aggravates structural conflict: when enforcement agencies disagree about which legal framework applies, inter-institutional rivalry intensifies and case outcomes become unpredictable. Structural fragmentation reinforces public cynicism: when citizens observe inconsistent or politically influenced enforcement, they lose confidence that anti-corruption law applies equally and that reporting will produce results. A permissive *legal culture* then weakens institutional reform: when public demand for integrity is inconsistent, there is less political pressure to sustain the coordination costs and institutional discipline that effective anti-corruption governance requires. These are feedback loops, and they explain why Indonesia's anti-corruption regime can be formally active that has been producing arrests, prosecutions, and convictions while generating limited systemic change.

A systems reading also identifies the specific leverage points where targeted reform can interrupt those loops. Clarifying the lex specialis position of the Anti-Corruption Law addresses a critical point of normative ambiguity that currently enables legal uncertainty and weakened deterrence. Building an enforceable inter-agency governance mechanism addresses the structural coordination failure that produces rivalry and duplication. Strengthening whistleblower protection and public integrity norms addresses the cultural preconditions for credible enforcement. Reform is more effective when these leverage points are pursued simultaneously rather than sequentially, because addressing one dimension alone leaves the reinforcing dynamics in the other dimensions intact. Table 1 summarises these interactions and priority leverage points.

Table 1 A Systems Reading of Indonesia’s Anti-Corruption Status Quo

Friedman component	Current symptom	Systemic effect	Priority leverage point
Legal substance	Potential ambiguity between the Anti-Corruption Law and the new Criminal Code	Uncertainty in interpretation, sentencing, and institutional authority	Clarify the special status of corruption law through harmonisation and interpretive guidance
Legal structure	Overlapping mandates among KPK, the Attorney General’s Office, and the Police	Rivalry, duplication, inconsistent case handling, and weak asset tracing	Create enforceable coordination protocols and integrated case-information systems
Legal culture	Permissive attitudes, patronage, and selective compliance	Low reporting, weak deterrence, and normalisation of corrupt practices	Build integrity culture through enforcement, prevention, education, and whistleblower protection

Source: Authors’ elaboration based on Friedman’s legal system theory.

Toward an Integrated Reform Agenda

The analysis above points toward a reform agenda that is integrative rather than sequential. Three priorities emerge. First, the relationship between the new Criminal Code and the special Anti-Corruption Law must be clarified. The objective is not to roll back codification but to ensure that codification does not dilute the extraordinary status of corruption as a crime. The *lex specialis* authority of the Anti-Corruption Law must remain visible and enforceable across all stages of the criminal justice process, from investigation and prosecution to adjudication and sentencing.

Second, institutional coordination must be transformed from a voluntary and episodic arrangement into a binding governance mechanism. This means establishing clear jurisdictional criteria for case selection and referral, creating integrated information systems that allow agencies to share data in real time, developing joint protocols for asset tracing and recovery, and building accountability mechanisms that prevent both competitive rivalry and strategic avoidance. The principle of differentiated function in which each institution performs a distinct and complementary role is the appropriate model, provided that differentiation is accompanied by effective coordination rather than used as justification for institutional independence from accountability.

Third, *legal culture* must be treated as a core rather than a peripheral component of anti-corruption policy. Integrity education, professional ethics, transparent public services, procurement accountability, and leadership by example are all instruments of cultural transformation. Their effectiveness depends, however, on the credibility of enforcement: citizens will adjust their behavioural expectations when they repeatedly observe that corruption is detected, sanctions are applied proportionally, and reporters are protected rather than penalised. Anti-corruption reform that neglects *legal culture* leaves the social infrastructure of corruption intact.

CONCLUSION

This article concludes that the *status quo* of corruption eradication in Indonesia reflects a systemic misalignment among *legal substance*, *legal structure*, and *legal culture*, as framed by Lawrence M. Friedman's legal system theory. Indonesia has developed a substantial formal anti-corruption framework, but its effectiveness is constrained by three interacting dysfunctions: normative ambiguity following the recodification of corruption offences in the new Criminal Code, institutional fragmentation among enforcement agencies operating without effective coordination, and a *legal culture* shaped by patronage, permissiveness, and selective compliance. These three dysfunctions reinforce one another through feedback loops that perpetuate symbolic reform visible in legal texts and institutional structures, but limited in everyday legal practice.

Sustainable anti-corruption reform in Indonesia requires simultaneous action across all three dimensions of Friedman's framework. Harmonising the *lex specialis* position of the Anti-Corruption Law, building an enforceable inter-agency coordination architecture, and investing in the cultural conditions for public integrity are not alternative strategies, they are interdependent preconditions for a legal system that can effectively address corruption. Without that integrated commitment from government, law enforcement institutions, and civil society, the gap between Indonesia's anti-corruption ambitions and its anti-corruption outcomes will persist.

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