
Legal Certainty of Criminal Responsibility For Corruption Crime to its Perpetrators with the Strictest Imposition of Sentences

Nani Widya Sari¹, Nandang Sambas², Yoyon M Darusman³

¹²Bandung Islamic University, Indonesia

³Pamulang University, Indonesia

Correspondent: dosen02124@unpam.ac.id¹

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ABSTRACT: This research is purposed to know and understand the legal certainty of criminal liability for perpetrators of criminal acts of corruption? Then also to know and understand what efforts must be made to overcome, prevent and eradicate corruption that has occurred so far. The method used in this research is normative juridical research method conducted by collecting secondary data through literature study. The results of the study indicate that the legal certainty of criminal liability for perpetrators of corruption is that the perpetrators of corruption must be sentenced to the most severe punishment as stated in the provisions of existing laws and regulations as part of legal objectives. Efforts that can be made to overcome, prevent and eradicate corruption are that anyone must uphold ethics and morals in carrying out their duties and responsibilities, especially legal officials and no less important is the community in this case must be willing and brave to report if there are allegations of criminal acts of corruption that occur in their environment. And last but not least, public services must be continuously improved. So that opportunities for corruption can be avoided.

Keywords: Legal Certanty, criminal Responsibility, Corruption Crimes.



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INTRODUCTION

Various groups, including academics, students, civil society, government and the private sector, held many discussions, seminars, workshops and research related to corruption. Corruption is discussed in many places by various groups. The discussion aims to ensure that corruption can be prevented or minimized or even eliminated. However, the reality that we see is that corruption is not decreasing, in fact it is increasing.

Almost every day, various mass media report about corrupt criminal practices that occur in Indonesia. Almost every level of society has been contaminated with corruption. Both horizontally and vertically, it could be said that no one was involved or at least involved in various acts that could be classified as criminal acts of corruption. (Hasbullah F. Sjawie, 2017).

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The term corruption comes from the Latin word *corruptio*. In English it is corruption or corrupt, in French it is called corruption and in Dutch it is called *corruptie*. It seems that it was from Dutch that the word corruption was born in Indonesian. (Hendry Campbell Black, 1997).

Legally, corruption is "an act carried out with the intention of providing benefits that are not in accordance with the official duties and rights of other people. (Muhammad Amin Hamid, 2015)

In another sense, corruption can be defined as "behavior that does not comply with principles", carried out by individuals in the private sector or public officials. And decisions are made based on personal or family relationships, corruption will arise, including conflicts of interest and nepotism. (Muhammad Amin Hamid, 2015) There are also those who believe that acts of corruption are acts with the aim of providing unofficial benefits to the rights of other parties in a wrongful manner. (Syamsuddin, A, 2011). These criminal acts cause losses in very large amounts so that they threaten the economy and state finances and also have an impact on security, social and political stability. (Hidayatullah, 2021: 34)

There is seven types, namely state financial losses, bribery, extortion, embezzlement in office, fraud, conflict of interest in the procurement of goods and services, as well as gratuities. Theft of money through acts of corruption is very contrary to society's sense of justice. Society will be prosperous with the absence of corruption. At least the corrupted money can help the community in alleviating poverty and so on. It is ironic that many regulations related to corruption have been made and various commissions and bodies have also been formed.

It is as if the existing legal rules and norms are not obeyed. In fact, legal rules and norms are legal rules set by the government. (Rodliyah and Salim HS, 2017: 4). However, the state and existing law enforcement officials still seem to have difficulty controlling corrupt behavior. Diseases and a culture of corruption continue to thrive in almost all walks of life. It's sad that this problem is so rampant that it continues to live in our lives.

These criminal acts cause losses in very large amounts so that they threaten the economy and state finances and also have an impact on security, social and political stability. (Hidayatullah, 2021: 34). Corrupted state money which is state money which of course comes from the people is taken and confiscated by corrupt elements for personal gain and fun, while on the one hand there are still many people who live in poverty.

Corruption has occurred in all areas of government, be it executive, legislative or judicial. This is widely known as bureaucratic corruption, namely corruption carried out by people who currently hold state institutional power, whether executive, legislative or judicial. (Amir Syamsuddin, 2008). Looking at the losses caused, corruption can be categorized as regulatory offenses or offenses that hinder or even rob the government of its efforts to improve the welfare of its people.

In practice, corruption occurs in almost all spheres of power. Not only in the executive, legislative and even judicial environments. These corrupt individuals sometimes do not hesitate to take people's money. Even though this money can be used for the complete welfare and prosperity of the people.

The phenomenon that we see today is that various corruption cases were revealed by the legal apparatus, both the Corruption Eradication Commission (KPK), the Attorney General's Office and the National Police throughout 2023. Officials at the ministerial level, even the Chairman of the KPK, were named as suspects for allegedly embezzling state money or accepting bribes for their personal interests. For example, the Attorney General's Office investigated alleged corruption in the 4G Base Transceiver Station (BTS) construction project carried out at the

Ministry of Communication and Information Technology. In another case, the KPK named the Minister of Agriculture as a suspect in extortion and money laundering.

Perpetrators of corruption, in general society wants tried by imposing the harshest possible, because their actions are detrimental to the state's finances and impoverish the people, where many Indonesian people have a low economic level or are poor, on the other hand, the corruptors enjoy state money which creates a gap in living a life full of luxury that is not commensurate with their salary or income. (Monang Siahaan, 2014). Criminal responsibility is a consideration in the imposition of punishment. (Muhammad Ainul Syamsu, 2018: 5). Law is a means of expressing values and morals. (Satjipto Rahardjo, 2009: 58). There is a moral problem, a rotten situation regarding corruption. (Suherry, 2017). Seeing how extraordinary the consequences are regarding moral issues and rotten behavior related to corruption, it seems appropriate that corruption is classified as a crime that must be given priority to be handled. Corruption is an evil act that harms many people.

The occurrence of uncontrolled corruption crimes will certainly have an impact on state losses in terms of finances, so that it will affect the national economy and ultimately will have an impact on the life of the nation and state. (Ermansjah Djaja, 2010). Even worse, acts of corruption will cause misery and suffering for the people. If this corruption continues to occur, it is certain that people's suffering will become longer, ultimately resulting in chaos in people's lives. And it could also destroy the country slowly.

People will experience more and more suffering. (La Sina, 2008). The enemy's corruption crimes can destroy a country. With widespread corruption, it is difficult to make Indonesia a prosperous country. (Faiz Guslan, 2018) In fact, corruption makes society chaotic because there is no good social system. Society will actually be selfish. (M. Umer Chapra, 1995).

What is currently seen is that corrupt behavior occurs in all sectors of life and many people like to do it, no matter what the consequences are. Those who commit corruption do not seem to feel guilty about consuming people's rights. The corruption crimes that have occurred have become a style and trend for the perpetrators. It has become a very popular issue and more than any other issue.

Corruption crimes often occur as if they have become something normal and ingrained in society. Almost every day the mass media reports about corrupt practices. (Hasbullah F. Sjawie, 2017). In fact, the threat of punishment is very severe, namely the threat of the death penalty in corruption regulations. However, the threat of the harshest punishment actually makes corrupt behavior even more violent and rampant. Because the gravest threats, such as the death penalty, are very rarely imposed. The rampant nature of corrupt behavior as a result of the low levels of legal sanctions provided is a concern for the public. Because those who do it live with a wealth of money from crime, while many people still live in poverty all the time.

The corruption crime is a form of crime that can hinder the implementation of development and regional equality, so that its resolution and eradication must really be considered and prioritized. This priority of eradicating corruption aims to ensure that complete human development can run well. Full human development can be implemented when the existing state budget can be utilized to the greatest extent possible for the prosperity of the people. Therefore, in order to achieve all of this, there is no other way, the state must eradicate all forms of corruption crimes that occur.

From the description above, it is necessary for all elements of the nation and state to understand that the crime of corruption is a social disease that is rampant in people's lives. Corruption is a

real threat to the life of the nation and state. Because corruption is a threat to the nation and state, corrupt acts are rotten and have extraordinary destructive power, such as causing poverty, social inequality and can damage mental health, and what is certain is that corrupt behavior will cause a country to not be prosperous, and in the end the people will bear all the consequences, so it is necessary for corrupt behavior to be minimized or eliminated by giving the perpetrators the harshest punishments and carrying out various kinds of efforts to prevent it. We as a society are certainly very sad to see and hear this. Because of what, because this crime has a very negative impact on people's lives. It's sad indeed, if it has such a big impact on society, but it is still a chronic disease that seems difficult to cure.

Based on the background description of the problems above, the following problem formulations can be made: How is the legal certainty of criminal liability for perpetrators of criminal acts of corruption? What efforts must be made to overcome, prevent and eradicate corruption that has occurred so far?

METHOD

Research is a scientific activity to obtain correct knowledge about a problem. (Ario Prio Agus Santoso, 2022). In writing this research, the method used is the normative juridical research method. This research was carried out by exploring, finding, researching and analyzing data through literature study. (Amiruddin dan Zinal Asikin, 2012). Therefore, the data used in this research comes from secondary data traced through literature study. (Sugiyono, 2018). Apart from that, data searches were also carried out regarding legislation and conceptual approaches to analyze the threat.

Furthermore, the data collected is then selected, then the data is analyzed using descriptive qualitative analysis through literature study or qualitative data is described descriptively to answer the existing problems.

RESULT AND DISCUSSION

Heaviest Punishment

Law is the provisions that become the rules of community life which are controlling, preventing, binding and coercive. (Wawan Muhwan Hariri, 2014). One of the legal provisions to prevent crime is the provisions regarding criminal acts of corruption. Corruption crimes must be controlled by existing laws.

Because, corruption is a violation of social rights. (Widyo Pramono, 2017). Corruption is a deviation from responsibility. These deviant actions have caused state financial losses. In fact, the corrupted state finances could have been intended for the community in terms of poverty alleviation, health and education. How much state money has been corrupted by related

individuals, they enjoy it with their groups, families and people around them, without caring about the fate of the people. The people live a life full of suffering while the perpetrators of corruption live in all their luxury. It cannot be denied that currently Indonesia is faced with various big problems. One of them is the issue of corruption, as a result of which various other problems also arise. It cannot be denied that. There is much that can be done for the welfare of the people if people's money is not corrupted, such as overcoming the problem of poverty, free education and health.

Talking about corruption, this could be a form of crime committed by those who have power and they basically have great ability to do it. In this case it is clear that what they took or stole was of course money belonging to the state, either centrally or regionally. (Andi Hamzah, 2005). In a formal sense, the criminal act of corruption is a disgraceful act which, according to public justice, must be prosecuted and punished. (Azis Syamsudin, 2011). Even though the corruption was initially carried out, it was only because of the low salary. (Monang Siahaan, 2020). But it still goes against the sense of justice.

Therefore, access to education and health as well as poverty alleviation must be a priority to be addressed. This is done by eradicating corrupt behavior. So that the various problems mentioned above can be overcome or at least reduced. So that people's lives can be prosperous.

In terms of eradicating corruption, of course it can be done with effort and intention that really wants to rid Indonesia of corruption. Therefore, the most severe punishment must be imposed, such as life imprisonment and even or heavier than that.

Regarding the imposition of the death penalty, in society's social life there are sometimes different views. Because there are those who agree and disagree, for example regarding the issue of the right to life in the context of human rights. This is of course a very natural thing, because differences are a gift and should be appreciated. However, one thing that must be remembered is that the threat of the death penalty has been confirmed in existing provisions, such as in regulations relating to criminal acts of corruption. And the crime of corruption actually also robs people of their rights. Actually, the money that is corrupted can be for the welfare of the people, to build facilities that can support the continuity of people's lives. For example, building a complete school with all the facilities, paying for children from school to college and paying for people who cannot afford medical treatment related to health costs.

If for human rights reasons, then what about the perpetrators of corruption who openly take state money for personal interests and ignore the rights of the people, where the corrupted state money could actually be used to alleviate poverty, health and education costs. Doesn't this also violate and ignore the human rights of many people.

In life, corruption grows very high. The perpetrators sometimes come from people who have very honorable positions and even occupy certain positions. However, they ignore the values of honesty. In carrying out acts of corruption, the money that is corrupted is state money. The rise of corruption has certainly undermined the values that exist in national and state life.

Therefore, the collapse of these values cannot be allowed. Let's not stay silent. There must be a reversal of all values. Sometimes it is surprising that we as a society see the phenomenon of corruption crimes that occur. Why do certain individuals have the heart to commit corruption? And why are the perpetrators of corruption not punished with severe penalties or commensurate with their actions as stated in existing laws and regulations.

Due to the corruption is deviant behavior and is a crime that is planned by calculating profits and losses by those who have a respected status, one strategy that can be implemented is to impose severe punishments. (Yonta Do Parapat, 2020). Criminal responsibility is a consideration in the imposition of punishment. (Muhammad Ainul Syamsu, 2018: 5).

Legal certainty confirms the clear and consistent application of the law. (R. Tony Prayogo, 2016). For this reason, because the provisions regarding the death penalty for perpetrators of corruption are clearly written in the law, for perpetrators of corruption the death penalty should be applied if the elements of the act are fulfilled.

From the description above, the author in this case certainly strongly agrees that perpetrators of corruption must be sentenced to the harshest punishment or the threat of the death penalty. This is one form of accountability of legal subjects in corruption offenses to the perpetrators. So that by imposing the death penalty, legal certainty will be achieved and created.

Efforts That Can Be Taken To Overcome and Eradicate Corruption

As we can see together, corruption occurs in almost all sectors of life. It crystallizes in the cornerstones of national life. Corruption threatens human rights, basic rights to freedom. Besides that, corruption has hampered development and exacerbated poverty. This has been happening since previous times, both the independence era, the old order, the new order and continues to develop until now in the reform era. There are many ways to do it but it doesn't work. (Lasmauli Noverita Simarmata, 2021)

Corruption is a threat to the ideals of a just and prosperous society. Corruption is a domestic problem that we continue to strive to overcome. It is very important to tackle corruption crimes continuously. Therefore, the countermeasures were carried out long ago, both before and after the reform.

In the past, when corruption was only handled by the prosecutor's office, one of the 'extraordinary efforts' made was to form a new law enforcement agency in the criminal justice system, namely the Corruption Eradication Commission (KPK). This commission was established through Law Number 30 of 2002 concerning the Corruption Eradication Commission as a mandate of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes.

In addition to establishing the Corruption Eradication Commission (KPK) institution, rules and regulations have also been improved so that there is no room for the corruption epidemic to grow and develop. Just look, several regulations were born in the context of eradicating

corruption. Many bodies were also formed to overcome and eradicate corruption. However, all these efforts and efforts have not produced results. Corruption continues to be rampant. As if it is difficult to eradicate, the perpetrators also come from people who should be role models. However, they are all also involved in a vortex of corruptio.

In society, perhaps talking about corruption is very boring. Why is that, because this crime happens very often. When a perpetrator of corruption is arrested and has not yet finished being tried, other perpetrators arrive. Finally, society sees it as something normal. And when the perpetrator is tried, the punishment is sometimes very unfair.

In response to the above, it seems that at this time it is necessary to carry out various kinds of efforts and methods so that corruption can be eliminated or eliminated. However, what is more important than that is that the efforts that must be made are the willingness of the state or legal authorities to impose the harshest punishments on the perpetrators. When the elements of a criminal act are met, and in accordance with existing laws deserve to be sentenced to the harshest punishment, so legal officials must have the courage to sentence them. Because of this, good human resources are needed in every existing government agency. It could be that the corruption problem that has occurred so far is due to the existence of inadequate or inadequate human resources. So that when there are perpetrators of corruption who are caught, they are not given the proper punishment. Therefore, good human resources are needed and understand that when dealing with perpetrators of corruption they must not hesitate to remove them and then bring them to justice and the court with existing human resources can also impose punishments commensurate with their actions. Of course, based on the facts revealed during the trial. Then what is more important is to uphold ethics and morals for law enforcers in carrying out their duties.

Law is a means of expressing values and morals. (Satjipto Rahardjo, 2009: 58). This is important, because thin ethics and morals cause a person to be easily tempted by all kinds of pleasures of wealth or wealth.

Talking about morals, morals are equated with an idea about human behavior regarding good and bad. Meanwhile, the ethical function is to search for measures of assessing human behavior regarding good and bad. (Totok Wahyu Abadi, 2016). So it is true that thin ethics and morals cause a person to be easily tempted by all kinds of pleasures of wealth or wealth. So to get all this, they do not hesitate to commit evil acts, such as corruption. These corrupt behaviors violate ethics and morals.

Ethical behavior is often interpreted as the same as moral behavior. Moral actions or behavior generally have ethical characteristics. There are considerations to determine what actions are considered ethical and which are unethical, and what is unethical should not be done. Besides that, there is an awareness that living in society has responsibilities. However, the most important thing is that ethical or moral behavior is based on human values. (Trubus Rahardiansah, 2011). Ethics relates to the assessment of something, whether good or bad. Ethics is a science related to morality. (R. Jossi Belgradoputra, Mardani, 2023)

Therefore, ethics and morals are the main issues for regulating human life and behavior. Therefore, the thing that needs to be paid attention to is to improve the ethics and morals of people who have the opportunity to commit corruption. The way to do this is by always increasing your faith and devotion and always being grateful for what you have and received. Everyone must have an attitude and responsibility for all the tasks given by getting closer to the Creator. If this is done, it will prevent a person from committing vile acts that are not approved by God Almighty.

What is no less important is that the community, in this case, must be willing and take part in reporting if there are allegations of criminal acts of corruption occurring in their environment.

In conjunction with the eradication of corruption, it is also necessary to have a high level of public legal awareness, this legal awareness is also the goal of corruption law enforcement. (Adami Chazawi, 2017). The role of the community is really needed to eradicate corruption by reporting it to the authorities, such as the Corruption Eradication Commission (KPK) as well as to the prosecutor's office and other authorities. Therefore, when there are reports and complaints from the public, the authorized agencies must immediately follow up on them. The Corruption Eradication Commission and the Prosecutor's Office must be committed to restoring public trust in resolving corruption cases that occur.

Then it is also necessary to take other steps such as increasing and improving public services, this is very useful in increasing community empowerment in every matter that requires good public services. Bad public servants will influence the government's subsequent actions. For this reason, public services must continue to be carried out well. By fulfilling public services according to existing standards, it will be possible to reduce or avoid acts of maladministration. So that illegal levies, irregularities in procedures and so on, all of which create loopholes that can allow acts of corruption to be avoided.

CONCLUSION

The legal certainty of criminal liability for perpetrators of corruption is that perpetrators of corruption must be sentenced to the most severe punishment as stated in the provisions of existing laws and regulations. With the imposition of the heaviest punishment, such as imprisonment for two decades, life imprisonment or even death penalty, legal certainty will be achieved as part of the purpose of law. To eradicate corruption, the state, in this case law enforcement officials, must be sincere and serious in carrying out law enforcement duties fairly and in favor of the interests of the community, of course by always prioritizing responsibility. Therefore, laws and regulations governing sanctions related to corruption must have a deterrent effect on the perpetrators in the judicial process. So that in the future corruption can be minimized or eradicated.

Efforts that can be made to overcome, prevent and eradicate corruption are that anyone must uphold ethics and morals in carrying out their duties and responsibilities, especially legal

officials. Therefore, anyone who is involved in corruption must be dealt with firmly and no less important is the community in this case must be willing and brave to report if there are allegations of criminal acts of corruption that occur in their environment. And last but not least, public services must always be improved continuously. So that opportunities for corruption can be avoided.

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