



Power, Politics, and Anti-Corruption Reform in Indonesia: A Historical Analysis of Regime Formation

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Abstract

Corruption in Indonesia is not merely a matter of law enforcement; it is also deeply embedded in the configuration of political power that shapes the direction, character, and effectiveness of the country's anti-corruption regime. This study historically examines the relationship between shifts in political power and the formation of Indonesia's anti-corruption regime from the Old Order and New Order periods to the Reform era. It employs a qualitative approach with a historical research design, combined with a legal-political perspective. The findings demonstrate that Indonesia's anti-corruption regime has evolved not simply as a normative response to corruption, but as the product of sustained interaction among law, elite interests, the distribution of political power, and changing sources of political legitimacy. In certain periods, anti-corruption policies and institutions have operated primarily as instruments of law enforcement; in others, however, they have also exhibited tendencies to function as mechanisms of political legitimation, control, and power consolidation. These findings underscore the need to reconstruct the anti-corruption regime through stronger functional independence, more robust checks and balances, multipolar oversight, and an integrity-governance approach capable of insulating anti-corruption institutions from political domination without undermining democratic accountability. This study contributes to the development of historical institutionalism, political settlement, and rule-of-law scholarship by conceptualising the anti-corruption regime as an institutional arena in which law and political power have historically constituted, constrained, and reshaped one another.

Keywords: *Anti-corruption, Historical institutionalism, Integrity in governance, Political power, Political settlement*

INTRODUCTION

Corruption is a governance issue with intertwined historical, political, legal and institutional dimensions. In the context of developing countries, corruption is understood not only as a breach of criminal law, but also as a manifestation of the configuration of power relations that shape patterns of resource distribution, patronage mechanisms and the accumulation of power by the political elite. Consequently, the effectiveness of an anti-corruption regime is never independent of the political dynamics underpinning its formation.

History shows that anti-corruption institutions emerged not merely as a consequence of the development of modern law, but also as the result of negotiations over political interests, changes in government regimes, pressure from civil society, and demands from the international community for the establishment of clean and accountable governance.¹ From this perspective, an analysis of anti-corruption regimes cannot be confined to a normative approach to regulation or institutional evaluation alone; rather, it must be understood as part of the historical process of state-building, shaped by the configuration of power during each period of government.

Indonesia's experience demonstrates that the development of anti-corruption regimes has undergone transformations significantly influenced by shifts in the political system, from the Old Order and New Order eras through to the Reformation era.² Each period presented distinct characteristics in the relationship between the state and political power, resulting in differing institutional designs for anti-corruption frameworks. In the early years of independence, efforts to combat corruption remained largely administrative in nature, with limited authority and lacking the support of a comprehensive legal system. With the advent of the New Order era, state-centred economic development, accompanied by the strengthening of political patronage, gave rise to a power structure that allowed corrupt practices to flourish systemically.³ Although various anti-corruption institutions and regulations were established during this period, their effectiveness tended to be low as law enforcement agencies were in a subordinate relationship to the executive branch.

The 1998 reforms subsequently marked a turning point, bringing about fundamental changes through democratisation, decentralisation, the strengthening of the rule of law, and the establishment of various independent institutions, including the Corruption Eradication Commission (KPK), which became a symbol of the emergence of a modern anti-corruption regime in Indonesia.⁴ However, subsequent developments have shown that the dynamics of the relationship between political power and anti-corruption institutions continue to fluctuate in line with changes in the national political configuration, revisions to various strategic regulations, and shifts in the balance of power between state institutions.

This phenomenon demonstrates that the establishment and development of an anti-corruption regime cannot be separated from changes in the structure of political power. In the fields of political science and law, an anti-corruption regime is understood as a system

¹ Stijn Kuipers, "Rethinking Anti-Corruption Efforts in International Development," *Journal of Financial Crime* 29, no. 4 (2022): 1370–81, <https://doi.org/10.1108/JFC-08-2021-0176>.

² Yudi Kristiana and Benny Hutahayan, "Judicial Corruption in the Post-Reform Era: Assessing the Effectiveness of Legal Reforms in Indonesia," *International Criminal Law Review* 25, no. 2–3 (2024): 420–41, <https://doi.org/10.1163/15718123-bja10208>.

³ Suud Sarim Karimullah et al., "Pancasila Economy: Forgotten Dream or Weapon Against Inequality?," *Jurnal Lemhannas RI* 13, no. 1 (2025): 103–17, <https://doi.org/10.55960/jlri.v13i1.1023>; Nur Insani et al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 88–117, <https://doi.org/10.18860/j-fsh.v16i1.26159>; Cahaya Rembulan et al., "The Impact of the Digital Economy on Economic Empowerment Models for Muslim Youth in Indonesia," *Jurnal Lentera Insani* 1, no. 1 (2025): 48–63, <https://doi.org/10.65586/jli.v1i1.17>.

⁴ Martin Petlach and Veronika Říčanová, "From People's Champion to Power Consolidator: Examining Jokowi's Role in Indonesia's Democratic Backsliding," *Policy Studies*, 2025, 1–24, <https://doi.org/10.1080/01442872.2025.2562359>.

encompassing regulations, institutions, law enforcement mechanisms and social norms designed to prevent and eradicate corruption.⁵ However, the effectiveness of such a system is highly dependent on political will, institutional capacity, the independence of law enforcement agencies, and the balance of power between the branches of government.

A wide range of literature has long explained that the success of the fight against corruption is closely linked to political institutions and the quality of democracy.⁶ Studies on good governance identify political accountability, transparency, the rule of law, and the independence of oversight bodies as key prerequisites for the effectiveness of an anti-corruption regime.⁷ Other studies emphasise that corruption is a consequence of weak checks and balances and the dominance of elites in the public policy-making process. The historical institutionalism perspective also explains that path dependence, critical junctures, and long-term processes of institutional adaptation influence the development of anti-corruption institutions. Meanwhile, the political settlement approach suggests that the success or failure of anti-corruption institutions is determined not only by formal institutional design, but also by compromises and the distribution of power amongst the elite groups that control the state.

In the Indonesian context, various previous studies have examined anti-corruption efforts from a range of perspectives. Some studies have focused on the institutional effectiveness of the KPK, the independence of law enforcement, bureaucratic reform, regulatory harmonisation, and the implications of legislative changes for anti-corruption efforts.⁸ Other studies have examined the legal-political dynamics of the formulation of anti-corruption regulations, the relationship between democratisation and corruption levels, the impact of decentralisation on the emergence of regional corruption, and the challenges of coordination between law enforcement agencies.⁹ On the other hand, studies on the history of anti-corruption efforts in Indonesia are generally structured as chronological accounts of policy developments or descriptions of institutional transformations, without conducting an in-depth analysis of how historical shifts in the configuration of political power have shaped the character of anti-corruption regimes during each period of government.¹⁰ Research that integrates historical, political, legal and institutional dimensions remains relatively limited. Consequently, the causal relationship between changes in political regimes and the transformation of anti-corruption regimes has not yet been comprehensively explained.

This situation highlights a significant research gap. The majority of studies still treat anti-corruption regimes as standalone legal institutions or evaluate their effectiveness through institutional performance indicators and regulatory implementation, whilst the historical dimensions of institutional formation and the underlying political power relations have not

⁵ Suyahman Suyahman, Suud Sarim Karimullah, and Muh Akbar Fhad Syahril, "Intersectionality in Social Justice: Unpacking the Complexity of Oppression," *Jambura Law Review* 7, no. 1 (2025): 275–308, <https://doi.org/10.33756/jlr.v7i1.27828>.

⁶ M Nawawi, Ellena Lee, and Rifqi Muhammad Firdaus, "The Meaning of Pancasila in Civil Society Movements for Strengthening Democracy," *Jurnal Pelita Raya* 1, no. 3 (2025): 166–81, <https://doi.org/10.65586/jpr.v1i3.31>.

⁷ Mutiara Safira Nour Mansour, Anisa Rahma, Siti Aisyah, Karim Abdullah, "Reformulating the Sentencing System in Corruption Cases Based on Effectiveness," *Indonesian Journal of Corruption and Criminal Justice* 1, no. 1 (2026): 14–26, <https://doi.org/10.65586/ijccj.v1i1.7>.

⁸ Ade Paranata, "A Systematic Literature Review of Anti-Corruption Policy: A Future Research Agenda in Indonesia," *Public Organization Review* 25, no. 3 (2025): 1181–1214, <https://doi.org/10.1007/s11115-025-00847-8>; A Achmad Aulia, "Disruption in Corruption Eradication in Indonesia," *Public Integrity* 27, no. 6 (2025): 736–57, <https://doi.org/10.1080/10999922.2025.2455757>.

⁹ Kamsi Kamsi, Very Julianto, and Suud Sarim Karimullah, "Intentionally Changing Everything: Deliberate Constructing in Corruption Case," *Lex Scientia Law Review* 7, no. 2 (2023): 449–88, <https://doi.org/10.15294/lesrev.v7i2.59866>; Michael Johnston, "From Object to Subject: Recasting the Global South in the Anti-Corruption Debate," in *Corruption and Anti-Corruption Upside down: New Perspectives from the Global South* (Springer, 2024), 23–47, https://doi.org/10.1007/978-3-031-66032-0_2.

¹⁰ Tinuk Dwi Cahyani, Muhamad Helmi Md Said, and Muhamad Sayuti Hassan, "A Comparison between Indonesian and Malaysian Anti-Corruption Laws," *PJIH: Fakultas Hukum Padjadjaran Jurnal Ilmu Hukum* 10, no. 2 (2023): 275–99, <https://doi.org/10.22304/pjih.v10n2.a7>; Nurul Huda Sakib, "Bottom-Up Anti-Corruption Approach," in *Global Encyclopedia of Public Administration, Public Policy, and Governance* (Springer, 2023), 789–94, https://doi.org/10.1007/978-3-030-66252-3_3931.

been systematically analysed. Previous research has also tended to separate the study of political history, legal politics and anti-corruption institutions into distinct analytical frameworks; consequently, it has not been able to explain how changes in government regimes have led to shifts in policy orientation, the redistribution of institutional powers and the transformation of the anti-corruption paradigm over time. Consequently, there remains a knowledge gap regarding the historical mechanisms that explain why anti-corruption institutions were strengthened during one period but weakened or restructured in the next, even though the formal legal framework appeared to be increasingly developed.

Building on this gap, this study positions political power relations as the historical variable that determines the direction of the formation, development, and transformation of anti-corruption regimes in Indonesia. This approach enables a more comprehensive analysis by viewing the anti-corruption regime not merely as a collection of regulations and law enforcement organisations, but as a politico-legal institution shaped through historical processes, elite interest negotiations, changes in state configuration, and the dynamics of democratisation. Based on this argument, this study aims to analyse, from a historical perspective, the relationship between political power and the formation of the anti-corruption regime in Indonesia by tracing changes in political configurations, regulatory developments, institutional transformations, and the dynamics of inter-institutional relations within the state during each period of government. This study is expected to make a scholarly contribution to enriching the development of research in political law, institutional history, and anti-corruption governance by presenting an integrative analysis of the process of forming an anti-corruption regime as a product of the interaction between history, law, and political power.

METHODS

This study employs a qualitative approach using a historical research design, combined with a political-legal approach, to analyse the dynamics of political power in the formation of the anti-corruption regime in Indonesia chronologically and contextually. The focus of the study is on the dynamics of the relationship between political power configurations and the development of the anti-corruption regime, as manifested through changes in the political system, legal policies, the establishment and transformation of anti-corruption institutions, and the practice of inter-institutional relations within the state during each period of government. The subject matter of the study consists of primary and secondary documents, including constitutions, legislation, state archives, court rulings, minutes of regulatory drafting, institutional documents, academic literature, and official publications, selected purposively based on their relevance to the focus of the study.

Data collection was carried out through a literature review, the examination of historical documents, and a systematic review of the literature, whilst the validity of the data was ensured through source triangulation, external and internal criticism of the documents, and cross-checking between sources.¹¹ Data analysis employed a historical-qualitative approach comprising heuristic stages, source criticism, interpretation and historiography, enriched through content analysis, thereby enabling the reconstruction of the historical development of the anti-corruption regime whilst comprehensively explaining the causal relationship between changes in the configuration of political power and the formation of the anti-corruption regime, in accordance with the study's objectives.

¹¹ Margarithe Charlotte Schlunegger, Maya Zumstein-Shaha, and Rebecca Palm, "Methodologic and Data-Analysis Triangulation in Case Studies: A Scoping Review," *Western Journal of Nursing Research* 46, no. 8 (2024): 611–22, <https://doi.org/10.1177/01939459241263011>.

RESULTS AND DISCUSSION

Political Power Relations as a Determining Factor in the Emergence and Evolution of Anti-Corruption Regimes

During the Old Order era, anti-corruption policy-making took place whilst the state was still in the process of post-independence institutional consolidation. The government's priorities were focused more on political stabilisation, national integration and the resolution of ideological conflicts than on the development of a robust administrative oversight system. Although corruption was beginning to be viewed as a threat to the administration of government, the state's capacity to establish oversight institutions remained severely limited. The relationship between the executive, the military, the bureaucracy and the political elite formed a highly centralised power structure, meaning that accountability mechanisms had not yet developed effectively.

Various efforts to establish a legal framework to tackle administrative malpractice were geared more towards enforcing discipline amongst civil servants than towards building an independent anti-corruption system. In this context, anti-corruption policies during the Old Order era reflected the need to maintain the state's legitimacy rather than to build autonomous mechanisms for the oversight of power. This situation indicates that the direction of anti-corruption policy had, from the outset, been influenced by the political orientation of a regime that regarded governmental stability as its top priority.

The transformation in the relationship between political power and the anti-corruption regime became increasingly apparent during the New Order era, when economic development was made the primary instrument of governmental legitimacy.¹² The centralisation of power resulted in a highly hierarchical bureaucracy with authority concentrated in the executive, meaning that oversight of state administration operated through vertical mechanisms. Such a political structure created a space for the development of patronage, clientelism, and collaboration between the political elite, the bureaucracy, and business actors.

From the perspective of political settlement theory, political stability during that period was maintained through the distribution of economic resources to strategic groups that supported the regime's survival.¹³ Consequently, corruption was no longer viewed as an individual aberration, but became part of the mechanism for distributing political benefits that underpinned the power structure.¹⁴ Various anti-corruption institutions and policies were indeed established throughout this period; however, their existence was not accompanied by institutional independence or adequate law-enforcement capacity, as oversight institutions remained within the sphere of executive control.

The multidimensional crisis at the end of the New Order served as a critical juncture that altered the trajectory of the anti-corruption regime in Indonesia. The collapse of the centralised government opened the way for democratisation, the strengthening of civil society, press freedom, constitutional reform and the restructuring of inter-institutional relations within the state. In this context, the demand for the eradication of corruption emerged as part of a broader

¹² Bo Liu and Jincheng Liu, "Did the Integrity Transition Promote Economic Growth? Empirical Research Based on the Perspective of Anti-Corruption Approaches," *International Review of Economics & Finance* 101 (2025): 104156, <https://doi.org/10.1016/j.iref.2025.104156>.

¹³ Suud Sarim Karimullah, "Religion and State in the Islamic Political Paradigm in Indonesia Perspective of Prof. Kamsi," *Analisis: Jurnal Studi Keislaman* 22, no. 1 (2022): 53–74, <https://doi.org/https://doi.org/10.24042/ajsk.v22i1.12648>.

¹⁴ Rodhotun Nimah, Imam Sya'roni, and Suud Sarim Karimullah, "Protection of Outsourced Labor in Indonesia: Political Law and Contemporary Islamic Law," *BAYAN: Jurnal Studi Islam Dan Humaniora* 2, no. 1 (2026): 166–86, <https://doi.org/10.67864/bayan.v2i1.125>; Fathul Ghaffari et al., "The Relationship Between Religion and Politics of Muhammad Iqbal: A Philosophical and Its Relevance," *Suhuf: International Journal of Islamic Studies* 37, no. 1 (2025), <https://doi.org/10.23917/suhuf.v37i1.10286>.

political reform agenda aimed at curbing the dominance of executive power through mechanisms of checks and balances.

The introduction of various new regulations, including the establishment of the Corruption Eradication Commission, represented a paradigm shift: the eradication of corruption must be carried out through independent institutions possessing authority outside the conventional bureaucratic structure. These changes demonstrate that institutional reform is not merely a legal innovation, but a logical consequence of the redistribution of power, which necessitates stronger oversight of state administrators. Nevertheless, the development of the anti-corruption regime following the Reform era also shows that the relationship between political power and anti-corruption institutions remains dynamic.¹⁵ When the balance of power shifts due to the consolidation of political parties, the strengthening of governing coalitions, and the increasing complexity of inter-institutional relations within the state, the position of anti-corruption institutions once again becomes the subject of political debate.

Various regulatory changes, institutional restructuring, and adjustments to oversight mechanisms demonstrate that the design of anti-corruption institutions is always situated within the arena of political interest negotiation. From the perspective of New Institutionalism, institutions are not static, as they continually adapt to changes in the political, economic and social environment.¹⁶ Consequently, changes to the powers or institutional design of anti-corruption bodies cannot be understood merely as administrative reforms, but rather as a reflection of shifting preferences amongst political actors regarding the distribution of state authority. This phenomenon demonstrates that the strength of anti-corruption institutions is heavily influenced by their ability to maintain independence amidst shifting power configurations.

The relationship between law and politics is dialectical. Politics shapes the law through the legislative process, whilst the law serves to limit the exercise of political power through accountability mechanisms.¹⁷ However, in practice, this relationship is not always balanced. When political power is more dominant than legal institutions, the anti-corruption regime tends to weaken because the law becomes an instrument of power legitimisation. Conversely, when the balance of power allows for the development of independent oversight mechanisms, the law gains greater scope to fulfil its corrective function against the abuse of power.

From a governance perspective, the development of Indonesia's anti-corruption regime demonstrates that the success of the fight against corruption depends on the ability to strike a balance between political legitimacy, the rule of law, institutional independence and public participation.¹⁸ Democratisation does indeed open up space for the strengthening of public oversight; however, democracy itself does not automatically result in an effective anti-corruption regime if law enforcement institutions remain vulnerable to political intervention. Conversely, institutional independence without the support of political legitimacy and a culture of integrity also risks encountering resistance in its implementation.

An anti-corruption regime must be understood as an institutional ecosystem built through the ongoing interaction between power structures, the legal system, the bureaucracy, civil

¹⁵ Christopher Carothers, "Taking Authoritarian Anti-Corruption Reform Seriously," *Perspectives on Politics* 20, no. 1 (2022): 69–85, <https://doi.org/10.1017/S1537592720001371>.

¹⁶ Sumiyati Beddu et al., "From Doctrine to Action: Islamic Law's Journey towards Social Change," *Jurnal Wawasan Yuridika* 8, no. 1 (2024): 1–24, <https://doi.org/10.25072/jwy.v8i1.4177>; Eka Sutisna et al., "The Geopolitics of Critical Minerals and the Future of National Economic Sovereignty," *Jurnal Pelita Raya* 2, no. 1 (2026): 1–15, <https://doi.org/10.65586/jpr.v2i1.43>.

¹⁷ Katharina Kausche and Moritz Weiss, "Platform Power and Regulatory Capture in Digital Governance," *Business and Politics* 27, no. 2 (2025): 284–308, <https://doi.org/10.1017/bap.2024.33>.

¹⁸ Kristiana and Hutahayan, "Judicial Corruption in the Post-Reform Era: Assessing the Effectiveness of Legal Reforms in Indonesia."

society, the media, and mechanisms of public accountability.¹⁹ This approach demonstrates that the success of anti-corruption efforts is determined not only by the repressive capacity of law enforcement, but also by the political system's ability to create a balanced and accountable distribution of power. Through this historical reconstruction, it can be understood that changes in political regimes, from the Old Order, through the New Order, to the Reform era, have not merely resulted in changes of government, but have also shaped the direction of the transformation of Indonesia's anti-corruption regime.

Each change in the configuration of power brings with it distinct policy characteristics, institutional designs and levels of oversight effectiveness, in line with the political orientation of the ruling regime. Consequently, anti-corruption regimes cannot be viewed merely as a consequence of the need for law enforcement, but rather as a historical product of power relations that are constantly undergoing negotiation, adaptation and reconstruction in every phase of the state's development. This understanding broadens the perspective that anti-corruption analysis must move beyond a normative evaluation of regulations towards a historical interpretation of the dynamics of power distribution that shape, transform and, at the same time, determine the capacity of anti-corruption institutions to safeguard the integrity of state governance.

Instruments of Law Enforcement and Tools for the Consolidation of Political Power

An anti-corruption regime is, in essence, an institutional construct established to realise governance with integrity through the strengthening of systems for prevention, enforcement and oversight against the abuse of power. However, from an institutional political perspective, the establishment of an anti-corruption regime never takes place in a vacuum devoid of political interests. Every anti-corruption institution, regulation, or policy emerges through a political process involving state actors with differing interests, preferences, and distributions of power.²⁰ Consequently, anti-corruption regimes do not merely fulfil a legal function as instruments for enforcing norms. Still, they can also be transformed into political instruments used to strengthen the government's legitimacy, manage elite conflicts, build a reformist image, and even consolidate power. This perspective broadens the conventional understanding, which has largely viewed anti-corruption institutions as administrative and legal mechanisms, by situating them within the dynamics of state-building and political competition.

In this context, an anti-corruption regime cannot be understood as a wholly neutral institution. The law is indeed designed to limit the abuse of power through the principle of the rule of law. Still, at the same time, the process of law-making is subject to the influence of the prevailing political configuration. Therefore, the relationship between law and politics is dialectical. Politics determines the direction of regulatory development, whilst the law serves to regulate and limit the exercise of political power.²¹ When the balance between the two is maintained, the anti-corruption regime develops as an instrument of public accountability. Conversely, when the distribution of power becomes highly asymmetrical, anti-corruption institutions are at risk of political instrumentalisation, a condition in which the legal framework

¹⁹ Artem M Tsirin, Yuri V Truntsevsky, and Vyacheslav V Sevalnev, "Anti-Corruption Legal Awareness in the Field of Rulemaking: Insights from Complex Systems Theories," in *Complex Social Systems in Dynamic Environments: Advanced Theories, Innovative Methods, and Interdisciplinary Research Results* (Springer, 2023), 853–66, https://doi.org/10.1007/978-3-031-23856-7_73.

²⁰ Joseph Pozsgai-Alvarez and Oksana Huss, "The Meeting of Two Worlds: Strategic Corruption as an Emerging Concept in (Anti-) Corruption Studies and International Relations," *Contemporary Politics* 31, no. 2 (2025): 306–27, <https://doi.org/10.1080/13569775.2024.2370695>.

²¹ Ronald Sáenz-Leandro and Mireia Fernández-Ardèvol, "The Politics of Policy Change in Platform Capitalism: A Systematic Review of the Literature on the Regulation of Transportation Network Companies (TNCs)," *Platforms & Society* 1 (2024): 29768624241304600, <https://doi.org/10.1177/29768624241304599>.

is exploited for purposes beyond law enforcement, such as strengthening the government's legitimacy, controlling the bureaucracy, or managing competition between political actors. This situation explains why the existence of increasingly complex anti-corruption regulations does not always correlate directly with the effectiveness of anti-corruption efforts. Such effectiveness is, in fact, largely determined by the surrounding institutional context, as the actors with the authority to formulate and implement anti-corruption policies are often the very same parties who have a political stake in the outcomes of those policies. It is this institutional paradox that causes anti-corruption reforms to frequently face structural obstacles despite enjoying strong normative legitimacy.

This phenomenon demonstrates that anti-corruption regimes have two faces operating simultaneously. On the one hand, they serve as constitutional instruments to ensure clean government, enhance public accountability, strengthen public trust, and protect the state's interests from the abuse of power. On the other hand, anti-corruption institutions also hold strategic value in the political arena as they are capable of generating high moral legitimacy.²² Governments that demonstrate a commitment to combating corruption generally reap political benefits in the form of increased public trust, civil society support, and international recognition of the quality of their governance.

Anti-corruption policies often form part of a political strategy to build an image of clean governance. To a certain extent, such a strategy is a reasonable practice provided that political commitment is accompanied by the strengthening of institutional independence, transparency and consistency in law enforcement. Problems arise when the anti-corruption narrative remains merely a political symbol without being followed by substantive institutional strengthening, so that the anti-corruption regime functions more as a source of legitimacy than as a mechanism to correct the abuse of power.²³

The 'political settlement' approach offers a more in-depth explanation of this phenomenon. This theory posits that state institutions are essentially the result of compromises between elite groups that control political and economic resources.²⁴ Consequently, the design of anti-corruption institutions will always be tailored to the need to maintain the stability of the ruling coalition. When the political configuration calls for stronger accountability, anti-corruption institutions are granted a wide degree of independence.²⁵ Conversely, if the balance of power shifts and the interests of the elite demand greater control over oversight mechanisms, these institutions tend to face restrictions on their powers, organisational restructuring, or regulatory changes. This perspective demonstrates that the success or failure of anti-corruption reforms cannot be adequately explained by the concept of 'political will' alone, but must be understood as a consequence of the structure of power distribution that develops within a political regime.

Institutional reforms that focus solely on technical improvements, without taking into account the political configuration underpinning them, tend to result in formal changes that fail to bring about substantive changes in the exercise of power.²⁶ Recent findings regarding Indonesia also indicate that many anti-corruption initiatives face limitations not because of

²² Ting Gong and Chi Ho Lau, "Navigating Anti-Corruption Strategies," *Global Public Policy and Governance* 4, no. 3 (2024): 225–30, <https://doi.org/10.1007/s43508-024-00099-0>.

²³ Noor Fatima Zahwa Khairunnisa, Naura Khadijah, Raisa Amani, "Reformulation of Corruption Sentencing Policy Based on Substantive Justice," *Indonesian Journal of Corruption and Criminal Justice* 1, no. 1 (2026): 27–40, <https://doi.org/10.65586/ijccj.v1i1.8>.

²⁴ Maharatna Shifa Nurizka et al., "Criticism of the Neoclassical Approach in Islamic Economic Policy in Indonesia," *Jurnal Pelita Raya* 1, no. 1 (2025): 17–30, <https://journal.mahkotascience.org/index.php/jpr/article/view/9>.

²⁵ Jian Xu and Jing Xu, "Differential Public Support and the Independence of Anti-Corruption Agencies," *European Political Science Review* 16, no. 1 (2024): 72–93, <https://doi.org/10.1017/S1755773923000231>.

²⁶ Salma Khairunnisa Nur Azizah, Dewi Lestari, Putri Amalia, Nabila Zahra, "Redefining the Role of Judges in Achieving Substantive Justice in Corruption Cases," *Indonesian Journal of Corruption and Criminal Justice* 1, no. 1 (2026): 1–13, <https://doi.org/10.65586/ijccj.v1i1.6>.

weak legal instruments, but because such reforms are confronted by patterns of competitive clientelism and a deficit in accountability stemming from the political configuration itself.²⁷

Historically speaking, the embryonic form of Indonesia's anti-corruption regime began to develop during the Old Order era, when the state was still in a phase of post-independence consolidation characterised by political instability, limited bureaucratic capacity and severe economic pressures.²⁸ In this context, the abuse of power came to be viewed as a threat to the legitimacy of the newly formed state. However, the perception of corruption during this period was not yet framed as a governance problem, but was rather understood as a moral deviation on the part of state officials that hampered the effectiveness of public administration. This orientation led the government to adopt policies focused more on fostering discipline amongst civil servants and strengthening administrative controls than on establishing an independent and sustainable anti-corruption system.

This situation cannot be separated from the nature of the political system during the era of Parliamentary Democracy, which was characterised by high levels of political party fragmentation, rapid cabinet reshuffles, and low governmental stability. Within such a political configuration, the government's attention was directed more towards efforts to maintain the continuity of government than towards establishing oversight institutions with a high degree of independence. Every cabinet reshuffle brings about a shift in policy priorities, meaning that the anti-corruption agenda has never evolved into systematic institutional reform. Instead, anti-corruption policies more often emerged as a response to short-term political pressure or public demands in the face of increasing malpractice within the state administration.²⁹ This situation demonstrates that the formulation of anti-corruption policies was, from the outset, influenced by the dynamics of political competition, meaning that the institutional orientation was reactive rather than transformative.

A more significant change occurred when President Sukarno implemented 'Guided Democracy' in the late 1950s. Through this concept, state power underwent increasingly strong centralisation under the president's leadership, with military support serving as one of the main pillars of power. This centralisation did indeed enable the government to make decisions more swiftly, including in establishing various legal frameworks to oversee the bureaucracy and control misconduct by civil servants. However, at the same time, mechanisms for overseeing the exercise of power became increasingly limited, as state institutions were in a highly subordinate relationship to the centre of power.

From the perspective of principal-agent theory, such conditions create a fundamental problem, as the actors tasked with oversight are simultaneously under the control of the very parties they are supposed to oversee.³⁰ Consequently, the effectiveness of anti-corruption policies depended heavily on the political preferences of those in power, rather than on institutional independence or legal certainty. This phenomenon demonstrates that the establishment of the anti-corruption regime during the Old Order era was paradoxical in nature. On the one hand, the government sought to build legitimacy through a commitment to combating corruption as part of the national transformation and state-building agenda.

²⁷ Yuki Tanaka Fitri Ramadhani, Fitria Handayani, Humaira Syakira, Olivia Smith, "Reorientation of the Principle of Legality in the Handling of Corruption Offences in Indonesia," *Indonesian Journal of Corruption and Criminal Justice* 1, no. 1 (2026): 41–53, <https://doi.org/10.65586/ijccj.v1i1.9>.

²⁸ Ngurah Wisnu Murthi et al., "Indonesia's Inclusive Economic Diplomacy Based on the Pancasila Ideology," *Jurnal Pelita Raya* 1, no. 3 (2025): 152–65, <https://doi.org/10.65586/jpr.v1i3.30>.

²⁹ Simon St-Georges and Denis Saint-Martin, "Anti-Corruption Policies," in *Encyclopedia of Public Policy* (Springer, 2024), 1–9, https://doi.org/10.1007/978-3-030-90434-0_118-1.

³⁰ Cunfang Li et al., "Government-enterprise Collusion and Public Oversight in the Green Transformation of Resource-based Enterprises: A Principal-agent Perspective," *Systems Engineering* 27, no. 2 (2024): 417–29, <https://doi.org/10.1002/sys.21731>.

Corruption was positioned as a threat to the ideals of transformation, thereby lending its eradication strong moral and ideological justification. On the other hand, however, the centralisation of power meant that oversight institutions lacked the autonomous space to correct abuses of authority involving political elites or strategic actors close to those in power.³¹

A historical analysis of this period also reveals that the relationship between law and politics is not antagonistic, but rather mutually constitutive. Anti-corruption regulations are indeed designed to reduce the abuse of power, but the scope of their implementation remains determined by the surrounding power structures. When the political configuration is highly centralised, legal institutions lose the capacity to carry out their oversight functions independently.³² Conversely, political power gains additional legitimacy through the narrative of combating corruption, which reinforces the state's image as the protector of the public interest. From the perspective of legitimation theory, the use of the anti-corruption agenda during this phase can be understood as part of a strategy to build the government's legitimacy through the symbolisation of a commitment to state integrity.³³

These characteristics form an important foundation for the development of the anti-corruption regime in the subsequent period. The centralisation of power established during the Old Order created an 'institutional path' that was subsequently inherited and even reinforced during the New Order. From a path dependence perspective, the institutional choices made in the early period influence the direction of institutional development in subsequent periods, as they create patterns of power relations that are difficult to change radically. Consequently, Indonesia's anti-corruption regime did not develop through an entirely new process when a change of government occurred, but rather through a process of adaptation based on the power structures that had previously been established. This explains why regulatory changes do not always result in substantial changes in anti-corruption practices, as institutional transformation remains within the limits determined by the dominant political configuration.³⁴

Reconstructing an Anti-Corruption Regime Free from the Dominance of Political Interests

The historical experience of the development of the anti-corruption regime in Indonesia shows that the success or failure of anti-corruption efforts is not determined solely by the comprehensiveness of regulations or the number of institutions established, but is significantly influenced by the relationship between institutional design and the surrounding political power configuration.³⁵ Each phase of political change demonstrates that anti-corruption institutions are always situated within a space of competing interests between the need to build a clean government and the interests of maintaining stability or the dominance of power. This situation explains why legal reforms that, in theory, strengthen anti-corruption mechanisms do not necessarily enhance effectiveness if such changes are not accompanied by a transformation of the power relations underpinning law enforcement institutions.

This approach stems from the understanding that anti-corruption institutions form part of a state's constitutional architecture, serving to maintain a balance between the exercise and

³¹ Walter C Ladwig III and Anit Mukherjee, "Institutions of Democratic Control and Oversight," in *Research Handbook on Civil-Military Relations* (Edward Elgar Publishing, 2024), 99–116, <https://doi.org/10.4337/9781800889842.00015>.

³² Suud Sarim Karimullah, "The Role of Law Enforcement Officials: The Dilemma Between Professionalism and Political Interests," *Jurnal Hukum Dan Peradilan* 13, no. 2 (2024): 365–92, <https://doi.org/10.25216/jhp.13.2.2024.365-392>.

³³ Seyed Ashkan Zarghami, "The Role of Integrated Governance Principles in the Fight against Corruption: A Configurational Analysis," *Public Administration and Development* 45, no. 2 (2025): 96–111, <https://doi.org/10.1002/pad.2085>.

³⁴ Suyuti Dahlan Rifa'i et al., "Deconstructing Colonial Law Through Critical Race Theory in Indonesian Regulations," *Jurnal Pelita Raya* 1, no. 1 (2025): 46–60.

³⁵ Jesse W Campbell and Oscar Radian Danar, "Institutional Independence, Credible Commitment, and Anti-Corruption Reform Failure in Developing Contexts: Three Illustrative Examples from Indonesia," *Public Integrity* 27, no. 6 (2025): 777–95, <https://doi.org/10.1080/10999922.2025.2462294>.

oversight of power. In modern constitutional theory, the limitation of power is a key prerequisite for the realisation of the rule of law, as unchecked power tends to evolve into an instrument of domination that disregards the public interest.³⁶ Therefore, anti-corruption agencies should not merely be positioned as law enforcement organisations tasked with prosecuting corrupt actors, but must be understood as countervailing institutions that ensure the exercise of state authority remains within the framework of the constitution, transparency and accountability. This function can only be fulfilled if the institutional design is built upon the principle of substantive independence, that is, independence which is not merely reflected in legal norms, but is also realised through safeguards for decision-making processes, mechanisms for the appointment and dismissal of officials, the management of organisational resources, and freedom from political pressure in the exercise of law enforcement functions. Without safeguards for these aspects, institutional independence risks becoming a mere formal concept, easily undermined by shifts in the political landscape.

Historical analysis shows that an institutional design which focuses solely on organisational independence does not necessarily result in an effective anti-corruption regime if inter-institutional relations within the state remain dominated by imbalances in the distribution of power. From the perspective of new institutionalism, institutional behaviour is determined not only by formal rules, but also by norms, political incentives, organisational culture, and the informal relationships that develop within the system of government. Consequently, political intervention in anti-corruption institutions is not always carried out through legislative changes or organisational restructuring. Still, it can also take place through more subtle mechanisms, such as controlling the appointment process for strategic positions, restricting institutional resources, shaping public opinion, and implementing administrative procedures that indirectly affect the institution's independence.

This phenomenon demonstrates that the dominance of political interests does not always manifest in an explicit form, but often develops through institutional processes that gradually erode the capacity of anti-corruption agencies to carry out their oversight functions over public officials. Given these circumstances, the reconstruction of the anti-corruption regime must be directed towards a paradigm shift from an approach focused on institution-building to one that emphasises the development of an institutional ecosystem. This approach views the effectiveness of the fight against corruption as the result of the interaction between law enforcement agencies, the legislature, the judiciary, the government, civil society, the media, academia, and public oversight mechanisms that mutually monitor and correct one another.³⁷

Within this framework, the success of anti-corruption institutions no longer depends on the superiority of any single institution, but on the ability of the entire system of government to establish a mechanism of checks and balances that functions consistently.³⁸ This concept differs from the conventional approach, which tends to measure the effectiveness of an anti-corruption regime based on repressive powers or the number of cases successfully handled. Instead, effectiveness is understood as the institutional system's ability to create a balance of power capable of preventing the abuse of authority before it develops into corrupt practices.

This paradigm simultaneously positions the rule of law as the primary foundation for the reconstruction of the anti-corruption regime. The rule of law, in this context, is not merely

³⁶ T R S Allan, "Constitutionalism at Common Law: The Rule of Law and Judicial Review," *The Cambridge Law Journal* 82, no. 2 (2023): 236–64, <https://doi.org/10.1017/S000819732300017X>.

³⁷ Salma Khairunnisa Muhammad Ali, Muhammad Syaifuddin, Yasmin Ahmed, "The Reconstruction of Criminal Law on Corruption Based on the Integrity of the Judicial System," *Indonesian Journal of Corruption and Criminal Justice* 1, no. 1 (2026): 54–66, <https://doi.org/10.65586/ijccj.v1i1.10>.

³⁸ Nkosingiphile Mkhize, "Plans without Action? Politics and Institutional Challenges of Anti-Corruption Reforms in the BRICS Countries," *Journal of Economic Criminology*, 2025, 100197, <https://doi.org/10.1016/j.jeconc.2025.100197>.

understood as compliance with legislation, but as the principle that all exercise of public authority must be subject to laws that are democratically formulated, consistently enforced, and monitored through independent mechanisms.³⁹ Consequently, the law must not be treated as an instrument that follows short-term shifts in political interests. Still, it must instead serve as a normative standard binding all political actors without exception. This approach reinforces the notion that the independence of anti-corruption institutions is not an institutional privilege, but a logical consequence of the rule of law, which requires the existence of institutions capable of overseeing public officials objectively and free from conflicts of interest.

From a governance perspective, this approach broadens the focus of anti-corruption efforts from a repressive model to one that is preventative, adaptive and collaborative. Corruption is understood as a failure of the governance system.⁴⁰ Consequently, its resolution requires reforms to institutional structures, decision-making procedures, administrative transparency, bureaucratic integrity, and the strengthening of public participation in oversight. Consequently, the success of an anti-corruption regime is no longer measured solely by the intensity of enforcement, but by the government system's ability to create an institutional environment that sustainably limits opportunities for the abuse of power.

This approach addresses the limitations of previous studies, which generally focused on the effectiveness of specific institutions without explaining the systemic relationship between the distribution of political power, institutional design, and the quality of governance. Through this reconstruction, centred on the institutional ecosystem, the anti-corruption regime is positioned as an integral part of the constitutional system that safeguards the balance of power, strengthens public accountability, and ensures that every anti-corruption policy is formulated and implemented in the public interest and in accordance with the rule of law, rather than as an instrument driven by short-term political interests.

CONCLUSION

The anti-corruption regime in Indonesia is not merely a product of the need for law enforcement, but rather the result of a historical configuration of power that determines the limits of independence, the direction of regulation, and the capacity of institutions to rectify abuses of power. Consequently, the transitions from the Old Order, through the New Order, to the Reform era demonstrate that the strength of the anti-corruption regime has always depended on the extent to which the law is able to maintain a functional distance from political interests without losing democratic accountability. This finding expands upon previous studies by positioning anti-corruption as an institutional arena where the law, legitimacy and the distribution of power interact, whilst also pointing to the need to build a regime based on integrity governance, distributed institutional independence and legally accountable independence that is resilient to shifts in political coalitions.

Theoretically, this study reinforces the integration of historical institutionalism, political settlement and the rule of law in analysing the transformation of anti-corruption institutions; in practical terms, it calls for the strengthening of checks and balances, the protection of law enforcement processes, and the design of selection, budgeting and oversight mechanisms that are not easily subjugated by short-term interests. The limitations of historical-documentary analysis open the way for further research to empirically test the relationship between changes

³⁹ Rainer Arnold, "The Concept of the Rule of Law," in *Writing Constitutions: Volume 3: Constitutional Principles* (Springer, 2025), 183–256, https://doi.org/10.1007/978-3-031-85059-2_7.

⁴⁰ Leonardo Borlini, "Monitoring and Compliance Mechanisms as a Diagnostic and Prognostic Tool of International Anti-Corruption Cooperation: A Data-Driven Study," *International Journal of Constitutional Law* 22, no. 2 (2024): 487–513, <https://doi.org/10.1093/icon/moae033>.

in political configurations and institutional performance through comparative and longitudinal approaches. Ultimately, the quality of an anti-corruption regime is not determined by how strongly the state declares war on corruption, but by the extent to which the state is willing to limit its own power so that the law remains capable of holding those in power to account.

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