



The Historical Role of Anti-Corruption Social Movements in Shaping Criminal Law Reform

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Abstract

Anti-corruption criminal law reform in Indonesia has conventionally been understood as the product of the formal authority vested in state law-making institutions. In contrast, anti-corruption social movements have largely been positioned as external forces of oversight operating beyond the formal legal system. This study examines the historical role of anti-corruption social movements as a source of criminal law reform in Indonesia. It explores their implications for the future trajectory of criminal law reform. It adopts a normative juridical method within a historical-conceptual research design, employing statutory, conceptual, historical, and comparative approaches. The findings demonstrate that anti-corruption criminal law reform has not evolved linearly as a mere manifestation of state will. Rather, it has emerged through a dialectical interaction between the formal legitimacy of law-making institutions and the social legitimacy generated through the mobilisation of civil society, the media, and academic communities. On this basis, the study advances the proposition that anti-corruption social movements should be conceptualised as a normative source of criminal law reform, capable of supplying legitimacy, knowledge, and value orientations to the formulation of criminal policy without displacing the constitutional authority of the state as the formal law-maker. This perspective contributes to the development of legal reform theory by integrating responsive law, legal mobilisation, and historical institutionalism within a unified analytical framework. It further provides a conceptual foundation for formulating criminal law policies that are more participatory and responsive, while strengthening the integrity of the criminal justice system within the framework of a democratic rule-of-law state.

Keywords: *Anti-corruption, Criminal law reform, Historical institutionalism, Legal mobilization, Responsive Law*

INTRODUCTION

Corruption has evolved into a structural problem that extends beyond mere legal violations and poses a serious threat to democracy, economic development, human rights protection, and the legitimacy of state governance. Various international instruments, including the United Nations Convention against Corruption (UNCAC), classify corruption as an ‘extraordinary crime’ that requires a comprehensive approach to combating it by strengthening criminal law, institutional reform, good governance, and active public participation.¹ In practice, the success of anti-corruption efforts is determined not only by the effectiveness of law enforcement agencies or the quality of existing criminal law provisions. Still, it is also influenced by civil society’s capacity to establish social controls, monitor the exercise of power, and drive changes in legal policy.

The historical trajectory of anti-corruption efforts in various countries demonstrates that changes to criminal law generally do not arise linearly from the will of the state but rather result from a complex interplay among public pressure, shifts in the political landscape, evolving social values, and demands for public accountability. Various anti-corruption criminal law reforms in several developing countries and established democracies demonstrate that civil society movements, non-governmental organisations, the mass media, academics and professional communities play a strategic role in driving the establishment of anti-corruption institutions, the refinement of sentencing systems, the strengthening of evidentiary mechanisms, the protection of whistleblowers, and the expansion of the concept of corporate criminal liability. This phenomenon underscores that the development of criminal law is, in fact, a reflection of ongoing shifts in social values. Consequently, the law is understood not merely as a product of the state (law as command), but also as a social construct (law as a social product) shaped by the relationship between the state and society.

In the Indonesian context, the political reforms of 1998 marked a significant turning point for the emergence of a more open, organised anti-corruption social movement that has had a significant influence on the direction of national legal policy. Various civil society organisations, non-governmental organisations, universities, investigative media, advocacy groups and networks of activists have succeeded in building public pressure that has driven the creation of various new legal instruments, including the establishment of the Corruption Eradication Commission, the strengthening of regulations on corruption offences, the introduction of an asset declaration system for public officials, and the refinement of law enforcement mechanisms through various amendments to legislation.

On the other hand, these dynamics also demonstrate that the reform of anti-corruption criminal law has never occurred in a vacuum, free from political conflicts of interest. Various attempts to weaken anti-corruption institutions, controversial regulatory changes, the criminalisation of anti-corruption activists, and resistance to public transparency indicate that the law-making process is an arena of contestation between the interests of the state, the political elite, and civil society. Therefore, understanding the history of the anti-corruption social movement is crucial to explaining how changes to criminal law norms are actually shaped through a lengthy process of social negotiation.

Developments in modern legal theory also reveal a paradigm shift from a legalistic approach towards a socio-legal approach, which views the law as a social institution undergoing

¹ Safira Wahyu Agatha, Emi Puasa Handayani, and Siciliya Mardian Yoel, “Challenging Corruption: Impacts on State Finances, Economy, and the Ratification of UNCAC,” *Estudiante Law Journal* 6, no. 3 (2024): 607–19, <https://doi.org/10.33756/eslaj.v6i3.16576>.

continuous transformation.² The 'responsive law' perspective positions the law as an instrument that must be capable of responding to the needs of society, whilst the theory of legal mobilisation explains how social groups use legal instruments to drive changes in public policy.

On the other hand, social movement theory asserts that changes to state institutions result from the mobilisation of resources, issue framing, the structure of political opportunity, and the ability of social actors to build public legitimacy. The integration of these three perspectives provides a conceptual foundation that the reform of criminal law cannot be understood solely through a normative analysis of legislation, but must also be examined through the historical process by which the social pressures underpinning such legal changes emerged.

Research on anti-corruption social movements has developed rapidly over the past two decades. Most studies have focused on the effectiveness of civil society movements in enhancing government transparency, strengthening public accountability, monitoring state administration, and fostering an anti-corruption culture. Other studies have centred on the relationship between civil society organisations and anti-corruption institutions, policy advocacy strategies, the use of digital media in anti-corruption campaigns, and the impact of public participation on governance.

In the field of criminal law, various studies have examined the effectiveness of criminal sanctions for corruption, criminal policy, institutional reform of law enforcement agencies, corporate criminal liability, the recovery of assets derived from criminal offences, and the harmonisation of anti-corruption legislation.³ The findings of these studies make an important contribution to enriching our understanding of the fight against corruption from various perspectives, including politics, law, public administration and governance. Nevertheless, developments in the literature still reveal a fragmented tendency in explaining the relationship between anti-corruption social movements and criminal law reform.

Most studies position social movements as instruments of control over the implementation of the law or as external factors influencing public policy, whilst studies on criminal law tend to focus primarily on normative analyses of the substance of regulations, the effectiveness of law enforcement, or institutional evaluations.⁴ Consequently, few studies have systematically reconstructed the historical trajectory of anti-corruption social movements as a determining factor shaping the direction of criminal law reform, whilst also explaining the mechanisms by which social demands are transformed into binding legal norms. This disconnect among historical approaches, social movement theory, and criminal law reform has prevented the development of an analytical framework to explain how social change generates sustainable legal change.

Another limitation still evident in previous studies is the predominant reliance on either a normative legal or a public policy approach in isolation, without integrating historical, sociological, and theoretical dimensions into a single, comprehensive analytical framework. Some studies merely catalogue changes to anti-corruption regulations without tracing the social actors behind these changes, whilst others place greater emphasis on the dynamics of civil society movements without linking them to the transformation of the national criminal law

² 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>.

³ Georgios Pavlidis, "Global Sanctions against Corruption and Asset Recovery: A European Approach," *Journal of Money Laundering Control* 26, no. 1 (2023): 4–13, <https://doi.org/10.1108/JMLC-10-2021-0120>; Nabilah Talithania Azaria Putri, Ayu Ratnasari, and Givana Adhitya Firananda, "Restorative Justice and Anti-Corruption Law: Toward a Progressive Penal Policy in Indonesia," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 13, no. 2 (2024), <https://doi.org/10.14421/hnqvpv26>.

⁴ Salmah Harun, "Environmental Fiqh as a Framework for Social Sustainability," *Jurnal Lentera Insani* 1, no. 2 (2025): 96–110, <https://doi.org/10.65586/jli.v1i2.25>; Aristo Pangaribuan, "Indonesia's Criminal Justice System: A Case Study of Inter-Agency Conflict and the Fight for Power," *Asian Journal of Law and Society* 12, no. 4 (2025): 600–626, <https://doi.org/10.1017/als.2025.10018>.

framework. This situation highlights a conceptual gap regarding the causal relationship between social mobilisation, changes in the political configuration, and the formation of anti-corruption criminal law norms.

In light of this, this study is based on the argument that anti-corruption social movements are not merely actors supporting the eradication of corruption but are also among the primary sources of criminal law reform that shape the direction of national legal policy development. This study offers an integrative approach that links historical studies of social movements, legal change theory, and criminal law reform within a single, comprehensive analytical framework, thereby explaining how public demands are transformed into legal norms, institutional structures, and criminal policy. It is hoped that this approach will broaden the theoretical understanding of the relationship between social dynamics and law-making, whilst also serving as a conceptual foundation for developing a paradigm of criminal law reform that is more responsive to public aspirations and the principles of democratic rule of law.

This study aims to analyse, from a historical perspective, the development of the anti-corruption social movement as a source of criminal law reform, to identify the mechanisms through which social demands are transformed into changes in criminal law norms, and to explain the implications for the direction of criminal law policy-making in Indonesia. Theoretically, this study is expected to contribute to the development of criminal law scholarship by integrating historical perspectives, social movement theory and legal change theory to explain the process of legal reform. In practical terms, the findings of this study are expected to serve as an academic foundation for legislators, law enforcement agencies, anti-corruption bodies and civil society organisations in formulating criminal law policies that are more adaptive, participatory and geared towards strengthening a sustainable anti-corruption system.

METHODS

This study employs a normative legal approach with a historical-conceptual research design, combined with statutory, conceptual and historical approaches, to analyse the development of the anti-corruption social movement as a source of criminal law reform. The study focuses on the historical dynamics of the anti-corruption social movement, the transformation of public demands into criminal law policy, and the implications for criminal law reform in Indonesia. The research data consists of primary, secondary, and tertiary legal materials purposively selected for their academic and historical relevance, including legislation, court rulings, official documents, archives, academic literature, and reputable publications on social movements and the reform of criminal law.

Data collection was carried out through a systematic literature review using documentation and literature search techniques, whilst data validity was ensured through source triangulation, external and internal criticism of historical documents, and comparative analysis across sources.⁵ All data were analysed qualitatively using content analysis and historical-hermeneutic analysis to reconstruct the relationship between the development of anti-corruption social movements and changes in criminal law policy in a chronological, contextual and argumentative manner, thereby producing a conceptual synthesis regarding the contribution of social movements to criminal law reform.

⁵ Mathew Azarian et al., "Do We Perform Systematic Literature Review Right? A Scientific Mapping and Methodological Assessment," *Logistics* 7, no. 4 (2023): 89, <https://doi.org/10.3390/logistics7040089>.

RESULTS AND DISCUSSION

Anti-Corruption Social Movements as the Main Drivers of Change in Criminal Law

Before the 1998 Reform era, the fight against corruption was often framed in an administrative, repressive approach heavily influenced by the configuration of state power.⁶ Although various regulations on the eradication of corruption had been enacted from the Old Order through to the New Order, their effectiveness was relatively limited due to the weak independence of law enforcement agencies, a lack of government transparency, and limited scope for public participation in overseeing the administration of the state. Under these conditions, criminal law functioned more as an instrument of legitimising power than as a mechanism for protecting the public interest.

Change began to take hold when the multidimensional crisis of the late 1990s gave rise to large-scale social mobilisation, placing the eradication of corruption at the forefront of the political reform agenda. Student demonstrations, civil society movements, the academic community, independent media, and various professional groups succeeded in building a social consensus that corruption was the root cause of the state's crisis and thus required fundamental legal reform. This momentum demonstrated that social pressure not only accelerated political reform but also shifted the orientation of criminal law-making towards a paradigm of public accountability.

The relationship between social movements and changes in criminal law became increasingly evident during the formulation of various anti-corruption legal instruments following the reform.⁷ The establishment of independent anti-corruption agencies, the strengthening of the evidentiary system, regulations on the integrity of public officials, the development of asset declaration mechanisms, and the increase in criminal penalties for corrupt officials cannot be separated from the public pressure that consistently monitored the legislative process.⁸ At various stages of policy formulation, civil society organisations have not only acted as pressure groups but also as knowledge producers, drafting academic papers, providing normative input, advocating for legislation, and monitoring policy implementation.

This phenomenon demonstrates that changes to criminal law occur through a process of legal mobilisation, that is, the use of legal instruments by social actors to transform public aspirations into binding legal norms. Consequently, the reform of anti-corruption criminal law cannot be understood merely as a product of formal legislation but also as the result of knowledge mobilisation, policy advocacy, and political negotiation in the public sphere.

The role of the mass media reinforces these dynamics through its functions of shaping public opinion, disseminating information, and scrutinising the exercise of power. From the rise of investigative journalism to the transformation of digital media, various corruption cases have garnered widespread attention through systematic media exposure. Reports on the abuse of authority, conflicts of interest, or corrupt practices involving public officials create political pressure that compels the state to take legal action that had previously not been prioritised. From the perspective of agenda-setting theory, the media not only determines which issues receive public attention but also shapes perceptions regarding the urgency of legal reform. In many cases, changes to anti-corruption regulations occur following the buildup of intense public pressure, meaning the media acts as a bridge between public interests and the criminal policy-making process.

⁶ Ketevan Bolkvadze, "Corrupt or Repressive? How Political Competition Incentivizes Hybrid Regimes to Subvert Police in Distinct Ways," *Governance* 38, no. 3 (2025): e70030, <https://doi.org/10.1111/gove.70030>.

⁷ Olha Maletova and Maryna Utkina, "Interaction and Collision of Moral and Legal Norms in the Process of Anti-Corruption Measures Implementation: Natural and Actual Aspects," *Foresight* 27, no. 3 (2025): 543–55, <https://doi.org/10.1108/FS-09-2023-0186>.

⁸ 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>.

The contribution of the academic community is distinct in nature, as it operates by producing scientific knowledge that lends intellectual legitimacy to the legal reform agenda.⁹ Various research findings, policy studies, comparative legal analyses and the drafting of academic recommendations form an important foundation in the process of formulating anti-corruption regulations.¹⁰ Academics play a role in bridging the practical needs of policy-makers and developments in modern legal theory, ensuring that updates to criminal law are not based solely on political considerations but also receive adequate scientific justification.

Universities and research institutions not only produce critiques of weaknesses in the existing legal system but also develop new concepts on the independence of anti-corruption agencies, asset recovery, corporate criminal liability, the protection of whistleblowers, and the strengthening of the national integrity system.¹¹ This body of knowledge is subsequently adopted, modified, or negotiated during the legislative process, thereby demonstrating that the formulation of criminal law results from an interaction between political power and epistemic authority.

The state has not always taken a progressive stance when it comes to reforming anti-corruption criminal law. In various periods, regulatory changes have in fact occurred following public resistance to policies perceived as undermining the fight against corruption. Waves of public protests against regulatory revisions, student demonstrations, academic petitions, statements from professional organisations, and digital campaigns demonstrate that civil society continues to play a corrective role in shaping state policy. The government's response to such pressure reveals a pattern whereby legal changes more often arise as a consequence of rising political costs should public demands be ignored.

Anti-corruption social movements serve a function that goes beyond the concept of public participation as understood in procedural democracy theory.¹² Social movements shape the mechanisms of norm production through issue framing, the mobilisation of resources, the formation of cross-sectoral coalitions, and the creation of moral pressure that influences policy-makers' orientation. From the perspective of historical institutionalism, changes to criminal law result from a long, cumulative process shaped by 'critical junctures', historical moments when social pressure can alter the institutional balance and open space for the emergence of new rules. The 1998 reforms represented one such turning point. Still, subsequent developments indicate that legal reform occurs in a cycle of social mobilisation, political response, regulatory change, and public evaluation.

The sources of criminal law reform can no longer be reduced to the formal authority of the legislature, as assumed in the classical legalistic paradigm. The formulation of anti-corruption criminal law in Indonesia demonstrates a transformation towards a collaborative model of law-making, in which normative legitimacy is determined not only by legislative procedures but also by the law's ability to accommodate evolving social demands. Within this framework, civil society movements, the media, and the academic community function as agents of change, generating political pressure, moral legitimacy and scientific knowledge that influence the direction of criminal law-making. This perspective broadens our understanding of legal reform

⁹ Muhammad Ilham Daffa et al., "The Narrative of New Order Development in the Relationship between Pancasila and the Legitimacy of Power," *Jurnal Pelita Raya* 1, no. 3 (2025): 215–30, <https://doi.org/10.65586/jpr.v1i3.34>.

¹⁰ 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.

¹¹ 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>.

¹² Luiz Vilça, "A Social Movement Model for Judicial Behavior: Evidence from Brazil's Anti-Corruption Movements," *Social Forces* 103, no. 1 (2024): 223–44, <https://doi.org/10.1093/sf/soae065>.

theory by positioning social movements as normative sources that actively shape the substance of the law, rather than merely acting as overseers of its implementation.

The Contest between Public Demands and Legal Politics in the History of Anti-Corruption Efforts

The history of anti-corruption efforts in Indonesia demonstrates that the development of anti-corruption law has never taken place in a neutral space, but rather within a field of contestation between public demands for the integrity of power and political interests seeking to maintain the existing configuration of power.¹³ From a legal-political perspective, the formulation of legislation is not merely a technical process for translating the value of justice into legal norms, but also an arena in which various interests compete to determine the direction, substance and limits of legal intervention.¹⁴ Consequently, the history of anti-corruption law in Indonesia reveals a fairly consistent paradox: the stronger the public demand for the eradication of corruption, the greater the likelihood of political resistance from actors whose interests are threatened by the strengthening of oversight and law enforcement systems. This situation underscores that the reform of anti-corruption law does not always progress linearly towards strengthening integrity, but rather often experiences advances, stagnation, or even regression as a result of the tug-of-war between democratic legitimacy and the interests of those in power.¹⁵

In the pre-Reform era, a political configuration centred on the executive meant that the anti-corruption agenda was heavily dependent on the government's will.¹⁶ Various anti-corruption instruments and institutions were established, but their authority, independence and scope were severely limited when confronted with the dominant power structure. This pattern demonstrates that the existence of anti-corruption norms does not in itself guarantee the effectiveness of the law if oversight institutions are placed in a subordinate relationship to political power.¹⁷ Ultimately, the law tends to operate selectively and is not fully capable of reaching actors who are closely connected to the centre of power. From the perspective of the political economy of law, this situation illustrates how the law can function not only as an instrument for controlling behaviour, but also as a mechanism for maintaining a particular distribution of power.¹⁸

A fundamental shift occurred when the 1998 Reform created a critical juncture, transforming the structure of political opportunities for civil society.¹⁹ A crisis of government legitimacy, coupled with pressure from students, civil society movements, independent media, and the academic community, generated strong demands for a more transparent and accountable legal system. At this stage, anti-corruption was no longer merely an administrative agenda but had

¹³ 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>.

¹⁴ Rohmawati Rohmawati, Muhammad Zulfan Abdusyakur, and Ghazy Ahmad Filando, "The Dynamics of Islamic Law in the Practice of Modern Religious Philanthropy," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 2 (2025): 144–61, <https://doi.org/10.65586/insani.v1i2.41>; Georgios I Zekos, "Politics Versus Law," in *Political, Economic and Legal Effects of Artificial Intelligence: Governance, Digital Economy and Society* (Springer, 2022), 157–254, https://doi.org/10.1007/978-3-030-94736-1_5.

¹⁵ 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>.

¹⁶ Junyang Wang, "The Political Limits of China's Anti-Corruption Reform: An Institutional Analysis of the New Supervision Commission," *Journal of Contemporary China* 33, no. 145 (2024): 151–72, <https://doi.org/10.1080/10670564.2022.2148457>.

¹⁷ 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>.

¹⁸ Suud Sarim Karimullah et al., "Pancasila Economy: Forgotten Dream or Weapon Against Inequality?," *Jurnal Lemhamas RI* 13, no. 1 (2025): 103–17, <https://doi.org/10.55960/jlri.v13i1.1023>.

¹⁹ Nikolaos Voulvoulis et al., "Systems Thinking as a Paradigm Shift for Sustainability Transformation," *Global Environmental Change* 75 (2022): 102544, <https://doi.org/10.1016/j.gloenvcha.2022.102544>.

become part of the demands for democratisation and the restructuring of the relationship between the state and its citizens.²⁰

The establishment of more progressive anti-corruption regulations and the emergence of relatively independent law enforcement agencies were manifestations of the success of social pressure in influencing national legal policy.²¹ However, this success did not eliminate contestation. Indeed, once anti-corruption institutions gained greater powers and began to encroach on the interests of the political and economic elites, resistance to the anti-corruption system also became increasingly complex, manifesting in legislative mechanisms, budgetary politics, the delegitimisation of institutions, and normative restrictions on their powers.

This situation demonstrates that public demands and legal policy do not always move in the same direction. Public aspirations generally call for greater independence of anti-corruption agencies, increased transparency, more effective investigations, strengthened accountability of public officials, and greater public participation. Conversely, political interests may drive the creation of regulations that reduce the autonomy of anti-corruption institutions or increase political control over the law enforcement process. When the legislative process is dominated by political actors who are themselves subject to scrutiny, the potential for structural conflicts of interest arises.

In such situations, the politics of law ceases to be merely a mechanism for formulating public policy and can also function as an instrument for regulating the intensity and direction of oversight of power itself. This phenomenon highlights the issue of the 'self-regulation of power', a situation in which the very parties subject to potential oversight possess the normative capacity to determine the design of oversight institutions.

This contest can be understood through the theories of 'responsive law' and 'autonomous law'. Responsive law demands that institutions be open to social aspirations and oriented towards substantive objectives, whilst law that is too closely tied to political interests risks losing its autonomy as a mechanism for limiting power. In the context of anti-corruption in Indonesia, the reform process shows that the law oscillates between these two poles.

At certain stages, public pressure has succeeded in pushing the law to become more responsive and to strengthen mechanisms for controlling power. At other stages, the legislative process has, in fact, shown a tendency to steer the law back into the orbit of political interests. This fluctuation indicates that the quality of anti-corruption law cannot be measured solely by the existence of regulations, but rather by the extent to which its normative design is capable of maintaining the independence of law enforcement, preventing conflicts of interest, and ensuring that regulatory changes are not used to undermine the capacity of oversight institutions.

The role of civil society becomes particularly important in this context, as the public serves as both a source of legitimacy and a countervailing force against formal political dominance.²² Demonstrations, petitions, academic studies, digital campaigns, policy advocacy, constitutional challenges, and investigative journalism are forms of legal and political mobilisation that challenge the legitimacy of policies when formal legislative procedures are deemed inconsistent

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

²¹ 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>.

²² Alisa Moldavanova, Tamaki Onishi, and Stefan Toepler, "Civil Society and Democratization: The Role of Service-providing Organizations amid Closing Civic Spaces," *Public Administration and Development* 43, no. 1 (2023): 3–13, <https://doi.org/10.1002/pad.2005>.

with society's substantive aspirations.²³ This phenomenon highlights the distinction between procedural legitimacy and substantive legitimacy. A regulation may be formally valid because it was enacted through constitutional procedures. It still suffers from a legitimacy deficit if its process and substance do not reflect the principles of transparency, meaningful participation, the independence of law enforcement, and the objective of eradicating corruption.

These dynamics also demonstrate that anti-corruption legal policy in Indonesia operates within two often-conflicting logics. On the one hand, the state requires strong anti-corruption policies to maintain public trust, economic stability, and democratic legitimacy.²⁴ On the other hand, the strengthening of the anti-corruption system may threaten the interests of certain political actors who rely on patronage, access to state resources, or informal power networks. This tension gives rise to what might be termed an institutional anti-corruption paradox: the state requires anti-corruption institutions as a symbol of credibility, yet certain actors within the state may have incentives to limit their effectiveness.

From the perspective of principal-agent theory, corruption is often understood as a failure of oversight between the public, as the principal, and officials, as the agent.²⁵ However, the Indonesian context reveals a more complex issue: the actors tasked with designing oversight mechanisms may simultaneously be the very parties being monitored. Consequently, a collective action approach is relevant for explaining why collectively organised interests often hinder changes to anti-corruption legislation.

The media play a role in amplifying public pressure by producing and distributing information about legal changes, corruption cases, and elite behaviour. In the context of digital democracy, this function has expanded further through social media, which enables the mobilisation of public opinion in a short space of time. The formation of public framing around anti-corruption policies can influence perceptions of a regulation's legitimacy, even before it comes into force. Consequently, political contestation over the law takes place not only in parliament and government institutions, but also in the digital public sphere. Regulations that are normatively considered legitimate may face strong social resistance if the public perceives the process of their formulation as opaque or their substance as at odds with the reform agenda.²⁶ This shift demonstrates that contemporary legal politics is becoming increasingly difficult to separate from the politics of information, as the legitimacy of the law is also determined by the state's ability to publicly account for the rationality of its policies.

The academic community also plays a strategic role by providing a basis for argument that enables criticism of legal policy to move beyond practical political debate. Studies on institutional independence, institutional design, conflicts of interest, the effectiveness of law enforcement, and the compatibility of regulations with constitutional principles enrich the quality of public scrutiny of the state.²⁷ In this context, academics function as an epistemic community that generates knowledge to assess whether a legal change genuinely strengthens

²³ 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>.

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>; 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>.

²⁵ Mamdouh Abdulaziz Saleh Al-Faryan, "Agency Theory, Corporate Governance and Corruption: An Integrative Literature Review Approach," *Cogent Social Sciences* 10, no. 1 (2024): 2337893, <https://doi.org/10.1080/23311886.2024.2337893>.

²⁶ 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.

²⁷ Dodi Jaya Wardana Dodi Jaya Wardana, "Law Reform in the Relationship between State Institutions in Natural Resource Management: A Constitutional and Environmental Law Perspective," *Indonesia Law Reform Journal* 5, no. 3 (2025): 392–406, <https://doi.org/10.22219/ilrej.v5i3.42073>.

the fight against corruption or merely confers normative legitimacy on specific political interests.²⁸

The production of independent knowledge is crucial because legal policy is often framed in seemingly neutral legal language, even though it embodies value choices and interests. Academic analysis allows this layer to be unpacked so that the public can understand that institutional design, limitations on authority, oversight mechanisms and accountability structures are political decisions with direct consequences for the effectiveness of anti-corruption laws.

The relationship between public pressure and legal policy also exhibits a cyclical pattern. When policies are perceived to strengthen the fight against corruption, public trust in state institutions tends to increase. Conversely, when regulations are perceived to weaken oversight institutions, social mobilisation emerges, demanding corrective action regarding those policies. This cycle demonstrates that changes to anti-corruption laws do not cease once regulations are enacted, but remain subject to ongoing social evaluation. From the perspective of historical institutionalism, such changes can occur gradually through layering, drift, conversion, or displacement.

An institution can be weakened without necessarily being abolished, for example through the addition of new layers of regulation, changes to internal procedures, the restructuring of authority, or the transfer of functions. Consequently, an analysis of anti-corruption efforts cannot be limited to comparing the text of the law before and after changes. It must also assess how normative changes shift institutional capacity, the distribution of powers, and the relationship between anti-corruption bodies and other branches of government. From this perspective, the reform of anti-corruption criminal law in Indonesia can be understood as a process of contested institutional development.²⁹

The law evolves through a continuous struggle between groups advocating for the expansion of accountability and those seeking to preserve political discretion. This approach provides a more adequate explanation than the assumption that legal change is merely a manifestation of legislative rationality. Legislation is, in reality, the product of negotiations influenced by power structures, the distribution of political resources, public opinion, the advocacy capacity of civil society, and specific historical momentum.

Democratisation does not automatically result in legal policies that are consistently progressive in the fight against corruption. Democracy provides space for political participation and competition, but it also opens the possibility of consolidating interests through representative institutions.³⁰ Where public scrutiny is weak or participatory mechanisms are merely formal, the legislative process may still produce laws that reflect the preferences of the elite rather than the public interest. Therefore, substantive democracy in the context of combating corruption requires meaningful participation, legislative transparency, academic freedom, an independent media, protection for civil society, and constitutional checks and balances. These elements serve as a social infrastructure that ensures that legal policy does not become an instrument for consolidating the interests of those in power.

²⁸ Bahrul Ulum et al., "The Narrative of Pancasila as Indonesia's Moral Identity in Global Politics," *Jurnal Pelita Raya* 1, no. 3 (2025): 182–97, <https://doi.org/10.65586/jpr.v1i3.32>.

²⁹ Zumiyati Ibrahim et al., "Integration of Maqasid Al-Shariah in the Criminal Law Reform to Achieve Justice and Human Dignity," *Jurnal Hukum Islam* 23, no. 1 (2025): 105–44, <https://doi.org/10.28918/jhi.v23i1.04>.

³⁰ Michael Chan and Jingjing Yi, "Social Media Use and Political Engagement in Polarized Times. Examining the Contextual Roles of Issue and Affective Polarization in Developed Democracies," *Political Communication* 41, no. 5 (2024): 743–62, <https://doi.org/10.1080/10584609.2024.2325423>.

Positioning Social Movements as a Source of Future Criminal Law Reform

Social movements not only serve as instruments of oversight over the administration of the state, but have also evolved into a normative force that tangibly influences the direction of criminal law-making.³¹ Until now, the reform of criminal law has tended to be understood as a logical consequence of the legislature's constitutional authority, such that the legitimacy of legal change has been measured primarily by procedural validity within the legislative process. This perspective has not fully accounted for the reality that various fundamental changes in anti-corruption law have in fact emerged following intensive social mobilisation by civil society, the media, academics, professional organisations and communities of corruption victims.

This history indicates that changes to criminal law are, in fact, the result of an interaction between the formal legitimacy held by the state and the social legitimacy built through public participation. Therefore, the experience of the anti-corruption movement should be understood not merely as a historical record of democracy, but as a source of normative learning for designing a model of criminal law reform that is more adaptive to societal dynamics without compromising the fundamental principles of the rule of law. Such a perspective broadens the understanding that the sources of legal reform do not stem solely from legislative authority, but also from the legal system's capacity to incorporate social aspirations in a measured and constitutional manner.

Developments in modern legal theory provide a conceptual foundation that supports this paradigm shift. The theory of 'responsive law' positions the law as an institution that gains legitimacy when it can respond to social needs on an ongoing basis, rather than merely maintaining normative certainty.³² Within this framework, the formulation of criminal law is not understood as a unilateral act of the state, but rather as a dialogical process that brings together the state's interests and society's aspirations. This approach differs from the classical legalistic paradigm, which treats society merely as the object of legal application once a regulation has been enacted. Conversely, responsive law positions society as an integral part of the norm-forming process, such that the quality of the law is measured not only by its compliance with legislative procedures, but also by its capacity to address the evolving needs for justice within society.³³

The anti-corruption social movement has demonstrated the characteristics of a 'norm entrepreneur', that is, a social actor capable of shaping, disseminating and institutionalising new values within the legal system.³⁴ Various agendas, such as the independence of anti-corruption institutions, public access to information, the protection of whistleblowers, the strengthening of corporate criminal liability, transparency in the management of state finances, and the expansion of mechanisms for public participation, initially emerged as social demands before gaining normative recognition through legal policy.

This process demonstrates that society functions not only as a user of the law but also as a producer of legal norms, gradually influencing the direction of the national legal system's development. This phenomenon illustrates that criminal law is formed through a mechanism of knowledge circulation among the public, academics, the media, state institutions, and legislators. Thus, the law evolves as a social construct, continually refined to meet changing societal needs.

³¹ 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>.

³² Wolf Sauter, "Responsive Competition Law," *European Law Open* 3, no. 4 (2024): 768–93, <https://doi.org/10.1017/elo.2025.10>.

³³ 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>.

³⁴ Ratna Juwita, "Norm Entrepreneurship and Legal Frameworks against Corruption: Human Rights Perspectives in International Law," *Asia Pacific Law Review* 32, no. 2 (2024): 370–91, <https://doi.org/10.1080/10192557.2024.2349373>.

An important implication of this experience is the need to reconstruct the paradigm of criminal law reform, moving from a state-centred model towards a more participatory model. This shift does not imply a reduction in the constitutional authority of the legislature, but rather strengthens the quality of legislation by institutionalising meaningful public participation. Participation in this context cannot be understood merely as formal consultation on draft legislation. Still, it must be realised through deliberative mechanisms that enable the public to provide evidence-based input, critique the substance of legal norms, and evaluate the social impact of any criminal policy to be enacted.

Strengthening public participation is also strategically important for maintaining a balance between the effectiveness of the fight against corruption and the protection of the rule of law. One of the main challenges in criminal law reform is the tendency for highly repressive policies to emerge in the name of effective law enforcement, or, conversely, for regulations to be overly compromising due to the dominance of political interests.³⁵ Historical experience of the anti-corruption movement shows that civil society often acts as a corrective mechanism against both these tendencies. When the state develops policies that could undermine the independence of law enforcement, civil society exercises oversight through advocacy, constitutional challenges, academic research, and shaping public opinion. Conversely, when demands for punitive populism become excessive, the academic community and civil society organisations also play a role in ensuring that legal reforms remain within the bounds of proportionality, the protection of human rights, the principle of legality, and the principle of due process of law.

This historical experience demonstrates that the integrity of the criminal justice system is determined not only by the quality of legal norms or the professionalism of law enforcement officials, but also by the level of public trust in the legal system as a whole. Such trust grows when the public is convinced that the law is formulated through a process that is open, participatory, accountable, and free from conflicts of interest. From the perspective of institutional legitimacy, laws that enjoy social support tend to command a higher level of compliance than those that rely solely on the state's coercive authority.³⁶ Consequently, future reforms of criminal law must incorporate the dimension of public trust as an indicator of legislative quality.

The experience of the anti-corruption movement shows that public support for a regulation does not arise solely from the threat of criminal sanctions, but rather from a sense of ownership of the values embodied in that norm. This demonstrates that social legitimacy is an institutional asset no less important than formal legitimacy in maintaining the effectiveness of criminal law.

Digital transformation has also expanded the possibilities for institutionalising public participation in the reform of criminal law. Advances in information technology have made it possible for public consultation, voicing concerns, policy evaluation, and monitoring of the legislative process to be conducted more openly and inclusively than in previous periods. Contemporary anti-corruption movements demonstrate that the digital sphere can accelerate the dissemination of information, foster social solidarity, and broaden the scope of public scrutiny of the law-making process.³⁷ However, the utilisation of the digital sphere must also be balanced by mechanisms for information verification, data transparency, and safeguarding the

³⁵ 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>.

³⁶ Kristy Holtfreter, Natasha Pusch, and Scott E Wolfe, "Beyond the Half-Empty Glass: How Theory and Research on Organizational Crime Can Better Inform Regulation and Compliance in Policing," *Regulation & Governance*, 2025, <https://doi.org/10.1111/rego.70081>.

³⁷ Giulia Mugellini, "Corruption," in *The Palgrave Encyclopedia of Interest Groups, Lobbying and Public Affairs* (Springer, 2022), 260–68, https://doi.org/10.1007/978-3-030-44556-0_75.

quality of deliberation, so that public participation does not become trapped in political polarisation or dominated by disinformation.

The experience of the anti-corruption movement also teaches us that criminal law reform will be more sustainable if it is based on inter-institutional collaboration rather than relying on specific figures or institutions. Synergy between legislators, the judiciary, law enforcement agencies, universities, professional organisations, the media and civil society enables the law-making process to proceed more objectively, as each actor brings different perspectives, experiences and oversight mechanisms to the table. This collaborative approach simultaneously minimises the risk of political interests dominating the formulation of criminal law, as horizontal control mechanisms operate concurrently.

At the same time, strengthening the role of social movements in the reform of criminal law must remain within the framework of democratic rule of law. Public participation cannot be used as a basis for disregarding the principles of legality, legal certainty, the separation of powers, or constitutional mechanisms in the legislative process. Social movements gain their relevance precisely when they can transform public aspirations into rational, evidence-based arguments that are academically and constitutionally accountable.

Indonesia's experience in positioning social movements as a source of criminal law reform takes on greater significance when compared with anti-corruption developments in several jurisdictions with different institutional configurations and political traditions.³⁸ This comparison demonstrates that the effectiveness of anti-corruption legal reform is not determined by a single model but by the quality of the relationship among state capacity, institutional independence, public participation, and the legal system's ability to translate social demands into stable policies. In this context, Mexico and the United Kingdom offer significant variations. Mexico provides the most explicit example of the institutionalisation of public participation in the anti-corruption system,³⁹ whilst the United Kingdom demonstrates a model of legal reform through consultation, institution-based policy development, and the involvement of the public and the business sector. These variations are significant because they demonstrate that public participation and state capacity are not two variables that must be pitted against one another, but can be combined in different designs for criminal law reform, in accordance with each country's political and constitutional context.

Mexico provides a more progressive example of the institutionalisation of civil society within the integrity framework. In Mexico's anti-corruption system, public participation is not merely confined to an advisory role, but takes on an institutional form.⁴⁰ The OECD notes that at the Mexico City level, the constitution and legislation governing the anti-corruption system assign a key role to civil society in overseeing the system's implementation through the Citizen Participation Commission, which is composed of independent individuals with expertise and a proven track record in transparency, accountability and the fight against corruption. The national anti-corruption system is also underpinned by regulations requiring the states to develop similar structures, supported by mechanisms for providing information via digital platforms.

This model represents a more advanced form of the idea that citizens are not merely objects of oversight or pressure groups, but rather integral parts of the oversight structure itself. However, Mexico's experience also serves as a reminder that the institutionalisation of

³⁸ Pangaribuan, "Indonesia's Criminal Justice System: A Case Study of Inter-Agency Conflict and the Fight for Power."

³⁹ Leonel Corona-Treviño, "Public Service Innovation to Fight Corruption: Metrics and Policy in Mexico 2019–2022," *Journal of Innovation and Entrepreneurship* 12, no. 1 (2023): 83, <https://doi.org/10.1186/s13731-023-00347-3>.

⁴⁰ Marcela López-Vallejo and Jorge A Schiavon, "Sub-Federal Deliberative Exclusions and Free Trade: Mexico's Centralized Federalism and Weak Institutional Capacities," *Revue Québécoise de Droit International*, 2022, 59–78, <https://doi.org/10.7202/1090917ar>.

participation does not in itself guarantee effectiveness. The latest OECD data reveals a gap between the quality of the regulatory framework and its implementation across several dimensions of public integrity in Mexico. This is significant for Indonesia as it demonstrates that incorporating the public into institutional design is merely the first step.

Its effectiveness remains dependent on members' independence, access to information, genuine authority, mechanisms for following up on recommendations, and protection against political interference. Therefore, the idea of making social movements a source of criminal law reform must not stop at simply adding public representation to formal committees. What is needed is a design that ensures that the public's knowledge, experience and criticism have procedural consequences for both the formulation and evaluation of criminal policy.

The UK offers yet another model through its relatively institutionalised tradition of policy consultation and legal reform. Anti-corruption and anti-bribery reforms are developed by involving state institutions, law enforcement agencies, civil society, the public and the business sector in various consultation processes. UK government documents on the development of anti-corruption policy, for example, explicitly indicate that consultations have been held to gather input from civil society, the public, law enforcement agencies and the business community regarding the benefits and risks of regulatory changes.⁴¹ The UK's anti-corruption strategy, published in 2025, also continues to prioritise institutional reform, bribery prevention, support for the business sector, and the strengthening of enforcement capacity as part of an integrated approach. This experience demonstrates a form of engagement that differs somewhat from street protests or direct political pressure: the public influences the law through consultative channels, the production of evidence, studies and policy deliberation, which are subsequently translated into the legislative process.

For Indonesia, the UK model is particularly relevant in reinforcing the concept of 'meaningful participation'. Participation should not be judged by the number of consultation forums held, but rather by the extent to which public input can be traced in substantive changes to policy. Criminal law reform can be advanced through the requirement for a 'legislative response statement' explaining which members of the public's views have been accepted or rejected, along with the reasoning behind this. The publication of regulatory impact assessments. Transparency regarding the data used in policy formulation, and post-implementation evaluations involving civil society and academics. Such a framework can mitigate the risk of symbolic participation whilst upholding the constitutional authority of the law-making body.

Mexico grants citizens a structural role within the oversight framework, whilst the UK places greater emphasis on deliberation, consultation and the application of expert knowledge in the legal reform process. These differences underscore that there is no simple causal link between high levels of public participation and the effectiveness of anti-corruption efforts. What is decisive is how such participation is combined with institutional independence, enforcement capacity, information transparency, legal certainty, and accountability mechanisms. International principles on public integrity are also moving towards a 'whole-of-society' approach, which positions citizens, civil society and the private sector as integral parts of the integrity system, rather than merely as recipients of state policy.

In the Indonesian context, this synthesis suggests that the historical experience of the anti-corruption movement should not be institutionalised by emulating any one specific country, but rather translated into a model of criminal law reform that might be termed 'participatory-

⁴¹ Mesharch Walto Katusiimeh and Mary Baremirwe Bekoreire, "Civil Society, Accountability, and Anti-Corruption: A Critical Examination of CSOs in Uganda," *Journal of Government and Civil Society* 9, no. 2 (2025): 216–31, <https://doi.org/10.31000/jgcs.v9i2.14301>.

responsive criminal law reform'.⁴² This model positions the state as the holder of constitutional authority to enact laws, but requires a continuous structure of public participation from the identification of issues and the drafting of norms, through deliberation on legislation and implementation, to post-enactment evaluation.

Civil society and academics serve as sources of knowledge and mechanisms of control. The media upholds transparency and public accountability; whilst the state is responsible for ensuring that social demands received through this process are tested against the constitution, human rights, the principle of legality, proportionality, and the principle of due process of law. Such a configuration enables Indonesia's experience to transcend the dichotomy between state-dominated legal reform and legal reform driven solely by social pressure.

Social movements need not be construed as a source of law in the formal sense, one possessing the direct authority to shape criminal norms, as this would potentially conflict with the principle of legality and the constitutional structure of law-making. Social movements are more appropriately positioned as a normative source of legal reform, that is, a source of aspirations, social experience, knowledge and legitimacy, which must be channelled through institutional mechanisms in the process of formulating criminal policy. This distinction is important because it preserves the supremacy of the constitution whilst addressing the weaknesses of an overly state-centred legal reform paradigm. Through this framework, legislative authority remains with constitutional institutions, but formal political interests do not monopolise the process of determining the substance of legal reform.

CONCLUSION

Updates to Indonesia's anti-corruption criminal law do not arise solely from state initiatives but also develop through contestation and interaction among policymakers, civil society, the media, and academics, as well as the political dynamics that shape the direction and intensity of legal reform. These findings expand upon previous studies by positioning social movements not merely as external oversight forces, but also as a normative source of criminal law reform that generates pressure, knowledge, legitimacy and value orientations for legal change, whilst the formal authority for its formulation remains within the constitutional framework of the rule of law.

Theoretically, this perspective links responsive law, legal mobilisation and historical institutionalism to explain legal reform as a non-linear socio-political process. In practical and policy terms, the study's findings underscore the need to institutionalise meaningful, independent, evidence-based public participation, whose impact can be traced at every stage of criminal policy formulation and evaluation. Although limited by the predominance of historical document analysis and not yet having empirically measured the causal strength of each actor in every period, this study demonstrates that the sustainability of anti-corruption reforms depends on a balance among state capacity, social control, and the rule of law. Therefore, further research needs to test this participatory-responsive model comparatively and empirically so that it can be formulated as a blueprint for the reform of Indonesia's criminal law that is more democratic, upholds integrity, and is resilient to political regression.

⁴² 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>.

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