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The Transformation of Anti-Corruption Narratives in the Development of Specialised Criminal Legislation: A Historical Analysis

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Abstract
This study examines the historical transformation of anti-corruption narratives in the development of special criminal law in Indonesia, positioning discursive change as a factor that has shaped the legitimacy, regulatory design, and institutional orientation of anti-corruption enforcement. It adopts a normative legal approach within a historical-juridical research design, complemented by a conceptual approach. The findings reveal that corruption has been progressively reframed from an administrative irregularity into an extraordinary crime through a process shaped by shifting configurations of legal politics, public pressure, media discourse, and international norms. This transformation has provided the normative and political legitimacy for the emergence of a specialised criminal law regime characterised by distinctive institutional arrangements, enforcement mechanisms, and legal powers that depart from those of ordinary criminal law. However, an anti-corruption strategy centred predominantly on punitive enforcement is no longer sufficient to address the complexity of contemporary corruption. The study therefore argues for a reconstruction of the anti-corruption paradigm that integrates enforcement, risk-based prevention, asset recovery, institutional integrity, and the protection of human rights within the framework of a democratic rule-of-law state. By conceptualising anti-corruption narratives as historically constitutive elements in the evolution of special criminal law, the study extends existing scholarship. It provides a conceptual foundation for the development of Indonesian anti-corruption policy that is more proportionate, preventive, restorative, and sustainable.

Keywords: *Anti-corruption narratives, Special criminal law, Legal policy, Extraordinary crimes, Reform of criminal law*

INTRODUCTION

Corruption is a legal and governance issue whose meaning, form and strategies for combating it have historically evolved in line with political and economic dynamics, as well as the configuration of the state in Indonesia.[1] In the development of national criminal law, corruption is no longer understood merely as a criminal offence that causes financial loss to the state, but has been constructed as an 'extraordinary crime' that threatens the survival of democracy, the rule of law, economic stability and the protection of people's rights. This shift indicates that the development of specialised criminal law on corruption has not proceeded linearly as a response to rising crime rates, but is rather the result of a transformation in the anti-corruption narrative, influenced by ideological struggles, political orientations within the legal system, demands for institutional reform, and developments in international norms regarding good governance.[2]

This transformation can be traced back to the colonial era, when corruption was primarily viewed as an abuse of office to be addressed through general criminal law. In the early years of independence, the narrative of combating corruption began to develop as part of efforts to maintain the stability of the newly formed state administration. During the Old Order and New Order eras, the enactment of various anti-corruption regulations reflected a tendency to perceive corruption as a threat to national development.[3] However, their implementation remained heavily influenced by the configuration of political power.[4] The 1998 Reforms subsequently marked a fundamental turning point, as the anti-corruption narrative shifted from an administrative approach towards a law enforcement paradigm that characterised corruption as an extraordinary crime, requiring extraordinary measures for its eradication.[5]

This shift gave rise to various specialised criminal law instruments, the establishment of independent institutions, the expansion of forms of criminal liability, the strengthening of evidentiary techniques, and the adoption of various international standards through the ratification of anti-corruption conventions. These changes demonstrate that the transformation of specialised criminal law is driven not only by changes in legal norms, but also by changes in the way the state constructs and reproduces the narrative regarding the dangers of corruption as a threat to the existence of the rule of law.

In recent developments, the transformation of the anti-corruption narrative has once again garnered attention following the introduction of various changes to national criminal law policy, including the recodification through Law No. 1 of 2023 on the National Criminal Code (KUHP Nasional). This recodification has sparked debate regarding the relationship between general criminal law and special criminal law, particularly concerning the continued characterisation of corruption as an 'extraordinary crime', the consistency of the principle of 'lex specialis derogat legi generali', and the future direction of anti-corruption legal policy.

At the same time, various institutional dynamics in law enforcement, changes in anti-corruption policy, and the emergence of large-scale corruption cases indicate that the anti-corruption narrative is no longer constructed solely through the enactment of legislation, but also through a battle of ideas concerning institutional effectiveness, the legitimacy of law

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[1] 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.

[2] 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.

[3] Miao Zhang et al., "Corruption, Anti-Corruption, and Economic Development," *Humanities and Social Sciences Communications* 10, no. 1 (2023): 434, https://doi.org/10.1057/s41599-023-01930-5.

[4] Sainun Sainun et al., "Political Legitimacy through the Narrative of Moderate Islam in Indonesia," *Jurnal Lentera Insani* 2, no. 1 (2026): 41–53, https://doi.org/10.65586/jli.v2i1.70.

[5] 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.

enforcement, and the balance between the protection of human rights and the need to combat corruption.[6] These various developments demonstrate that the formulation of specialised criminal law cannot be understood in purely normative terms, but must be analysed through a historical approach capable of explaining the reciprocal relationship between shifts in the anti-corruption narrative and the direction of criminal law policy formulation.[7]

Research into the development of criminal law on corruption in Indonesia has, in fact, progressed quite rapidly. Historical studies on the development of criminal law on corruption confirm that anti-corruption regulations have transformed from the colonial period through to the Reformation era, with distinct characteristics under each governing regime.[8] Such studies place greater emphasis on the development of legislation and the effectiveness of the legal policies implemented during each historical period. Other studies have focused on the recodification of corruption offences within the national Criminal Code, highlighting its implications for the status of corruption as an 'extraordinary crime' and the relationship between general criminal law and special criminal law.[9]

A study on the harmonisation of anti-corruption regulations also emphasises the importance of integrating the Law on the Eradication of Corruption Offences, the Law on the Corruption Eradication Commission, the provisions of the United Nations Convention against Corruption (UNCAC), the provisions on money laundering offences, and the National Criminal Code as an effort to strengthen legal certainty.[10] Meanwhile, comparative studies on the transformation of corruption practices in Indonesia and Malaysia have tended to focus more on changes in patterns of corruption as an institutional phenomenon, without elaborating on how shifts in the anti-corruption narrative have shaped the design of specialised criminal law.[11] Whilst making important contributions to the development of research on criminal law relating to corruption, previous studies still exhibit several conceptual limitations.

Most studies treat the history of the development of criminal law on corruption as a chronology of regulatory changes or as an analysis of the effectiveness of legal policies.[12] Consequently, they fail to explain how anti-corruption narratives are shaped, produced, negotiated and transformed by the state during each period of legal policy. Studies on the recodification of the Criminal Code also tend to focus on issues of harmonisation of norms, conflicts of principles, or the legal consequences for the status of corruption as a special criminal

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[6] 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.

[7] 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.

[8] Liesbeth Feikema, "Anti-Corruption Law as a Fiction: The Illusion of Serving Morality by Controlling It through Rules and Regulations with an International Reach," *Global Perspectives* 5, no. 1 (2024): 115472, https://doi.org/10.1525/gp.2024.115472; Daniel N Mlambo, Mandla A Mubecua, and Victor H Mlambo, "Post-Colonial Independence and Africa's Corruption Conundrum: A Succinct South African Critique Post-Democratisation," *Insight on Africa* 15, no. 2 (2023): 184–202, https://doi.org/10.1177/09750878231176260.

[9] Rahmat Taufiq Hidayat, Erdianto Effendi, and Davit Rahmadan, "Corruption Crimes in the 2023 Indonesian Criminal Code vs. the Anti-Corruption Laws: A Comparative Legal Analysis," *Jurnal Ilmiah Advokasi* 13, no. 4 (2025): 1566–78, https://doi.org/10.36987/jiad.v13i4.8164.

[10] 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; Milda Istiqomah, "Asset Recovery Of Corruption Proceeds Through Mutual Legal Assistance In Indonesia," *Jurnal Legalitas* 19, no. 1 (2026): 82–102, https://doi.org/10.33756/jelta.v19i1.37318.

[11] Adithiya Diar and Saidatul Nadia Abd Aziz, "A Comparative Study of Anti-Corruption Education in Indonesia, Malaysia, Mexico, and Ukraine," *Indonesian Comparative Law Review* 8, no. 1 (2025): 16–43, https://doi.org/10.18196/iclr.v8i1.28375; Kanti Pertiwi and Teguh Wijaya Mulya, "Mistresses, Mothers, and Headscarves: Media Representations of Women in Corruption Scandals in Indonesia," *Feminist Media Studies* 23, no. 5 (2023): 2135–51, https://doi.org/10.1080/14680777.2022.2042832.

[12] Henry Kristian Siburian et al., "Comparative Analysis of Corruption Criminal Regulations between the New Criminal Law and the Corruption Act," *Awang Long Law Review* 5, no. 2 (2023): 535–44, https://doi.org/10.56301/awl.v5i2.753; Gonzalo Croci, "Effectiveness and Corruption in the Criminal Justice System of Latin America: An Overview," *International Journal of Comparative and Applied Criminal Justice* 49, no. 1 (2025): 81–105, https://doi.org/10.1080/01924036.2023.2292032.

offence, without historically examining the process of change in the narrative construction that underpinned the creation of these criminal law instruments.[13] On the other hand, studies on anti-corruption institutions tend to discuss the effectiveness of law enforcement agencies rather than linking them to the transformation of narratives that influence the direction of the development of special criminal law. Consequently, the causal relationship between the transformation of anti-corruption narratives, changes in the orientation of legal policy, and the development of special criminal law in Indonesia has yet to be explained in a comprehensive and systematic manner.

Given these circumstances, there is a clear research gap: no study has yet integratively analysed the historical transformation of anti-corruption narratives as the primary variable shaping the development of special criminal law in Indonesia across political regimes, from the colonial period, through the Old Order, the New Order, the Reformation era, to the era of the recodification of the National Criminal Code. Previous studies have tended to treat the historical analysis of law, legal policy, regulatory developments, and anti-corruption institutions as separate fields of study. Consequently, they have been unable to explain the dynamics of the relationship between changes in the construction of anti-corruption narratives and the formation of norms, institutions, and the character of specialised criminal law that evolved during each period. This analytical gap has resulted in the absence of a conceptual framework capable of explaining why changes in anti-corruption regulations have taken on different characteristics depending on the political configuration, and how anti-corruption narratives serve as instruments of legitimisation in the formulation of criminal law policy.

Building on this gap, this study offers a different perspective by positioning anti-corruption narratives both as the object of historical analysis and as a factor influencing the formation of specialised criminal law in Indonesia. This approach enables a more comprehensive understanding of the interplay between shifts in state ideology, the dynamics of legal politics, the institutional development of anti-corruption efforts, and the transformation of criminal law norms in shaping the character of the anti-corruption regime in Indonesia. Based on this overview, this study aims to historically analyse the transformation of anti-corruption narratives in the formation of specialised criminal law in Indonesia and to explain the interrelationship between these narrative shifts and developments in legal politics, the formulation of regulations, and the institutional design of anti-corruption efforts across various periods of the state's political history.

METHODS

This study employs a normative legal approach, utilising a historical-legal research design combined with a conceptual approach and a statutory approach to analyse the transformation of the anti-corruption narrative in the formation of special criminal law in Indonesia. The focus of the study is directed at changes in the construction of the anti-corruption narrative as reflected in the development of legal policy, the formulation of regulations, and the institutional dynamics of anti-corruption efforts from the colonial era to the enactment of the National Criminal Code as the unit of analysis. The research data consists of primary, secondary and tertiary legal materials, selected purposively based on their historical and substantive relevance to the development of criminal law on corruption, with the research instrument comprising a document review protocol developed through a chronological and thematic analysis matrix.

[13] 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.

The validity of the data is ensured through source triangulation, historical tracing, consistency of interpretation, and critical analysis of various scholarly literature, legislative documents, court rulings, and public policies relating to the fight against corruption. Data collection was carried out through a systematic literature review by cataloguing, classifying, and evaluating each source based on periods of legal and political development,[14] whilst data analysis employs historical-qualitative analysis combined with content analysis and interpretative analysis to identify shifts in the anti-corruption narrative and comprehensively explain its relationship with the formation of specialised criminal law, thereby generating an argumentative framework that addresses the study's objectives in depth.

RESULTS AND DISCUSSION

The Transformation of the Anti-Corruption Narrative as the Basis for the Legitimacy of the Creation of Special Criminal Laws

Historically, corruption was initially understood as a form of administrative misconduct and abuse of office inherent in the behaviour of individual civil servants. Within this framework, corruption was viewed as a breach of official duties. Consequently, its resolution relied predominantly on general criminal law, public administrative law and civil service disciplinary mechanisms. These characteristics indicate that the early narrative of corruption was not yet framed as a threat to the constitutional system, but rather as a form of ethical and administrative misconduct that undermined the effectiveness of governance.

Subsequent developments show that the shift in the anti-corruption narrative did not occur naturally, but was the result of a political-legal construction influenced by changes in the state's orientation in responding to the challenges of national development. During the Old Order era, corruption began to be perceived as an obstacle to the economic stability of the newly independent state.[15] Consequently, the formulation of various anti-corruption regulations was directed towards strengthening the government's authority in controlling the civil service. However, the prevailing narrative still framed corruption as an administrative issue related to the administration of government, rather than as a threat to democracy or the rights of the people. This stance meant that the development of criminal law instruments did not yet demonstrate a clear differentiation from the general criminal justice system.

This narrative underwent a more significant shift during the New Order era, when economic development was prioritised as the state's main agenda. In this context, corruption was no longer viewed merely as an administrative offence, but began to be framed as a threat to the success of national development. This shift revealed a close relationship between the developmentalist paradigm and the formulation of criminal law policy. The state began to utilise the anti-corruption narrative to build political legitimacy, arguing that effective development required a clean and orderly government apparatus. However, although the narrative regarding the dangers of corruption has been increasingly reinforced, the implementation of legal policy still reflects the dominance of executive power, meaning that the fight against corruption has not yet been fully directed towards the establishment of an independent legal system. This situation indicates that the anti-corruption narrative at this time functions more as an instrument of development legitimisation rather than as the basis for the formation of a truly autonomous specialised criminal law regime.

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[14] Muhammad Safdar et al., "Research Data Services in Libraries: A Systematic Literature Review," *Information Discovery and Delivery* 51, no. 2 (2023): 151–65, https://doi.org/10.1108/IDD-04-2021-0044.

[15] 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.

The most fundamental transformation occurred following the 1998 Reform, when corruption underwent a conceptual redefinition as an 'extraordinary crime'. This shift did not merely alter legal terminology, but also transformed the entire paradigm of anti-corruption efforts in Indonesia. Corruption is no longer understood as an offence that causes individual financial loss to the state, but rather as a systemic crime that undermines democracy, the rule of law, economic development, public trust, and the fulfilment of human rights.[16] This change stemmed from the development of the good governance paradigm, growing demands for government transparency, and the strengthening influence of the international anti-corruption legal regime, which regards corruption as a threat to sustainable development.

This shift in conceptualisation has significant implications for the formulation of specialised criminal law. In legal political theory, a change in the perception of the level of danger posed by a criminal offence will influence the design of criminal policy adopted by the state. When corruption is constructed as an extraordinary crime, the use of general criminal law mechanisms is no longer considered adequate, as they are deemed incapable of addressing the characteristics of corruption, which are complex, organised, involve power relations, and require a high standard of proof. It is on this basis that the legitimacy for establishing a special criminal law regime, which deviates from the general principles of criminal law, arose.

This legitimacy was subsequently realised through the enactment of various legal instruments that possess distinctive characteristics compared to general criminal law. These deviations are reflected in the expansion of the scope of legal subjects, regulations concerning gratification, a limited reversal of the burden of proof regarding certain assets, the criminalisation of various forms of abuse of authority that previously fell within the realm of administrative law, the granting of wiretapping powers as a tool for investigation and inquiry, the establishment of an evidentiary system better adapted to corruption offences, and the creation of law enforcement agencies with special powers outside the conventional law enforcement structure.[17] These characteristics indicate that specialised anti-corruption criminal law is built on the assumption that corruption possesses distinct characteristics from conventional criminal offences and thus requires different instruments.

This phenomenon demonstrates that the anti-corruption narrative serves a far broader function than merely raising public awareness of the dangers of corruption.[18] This narrative functions as an instrument of normative legitimisation, enabling the state to expand its powers in the process of criminal law-making. From a law-making perspective, normative legitimisation is the process by which a policy gains social acceptance because it is perceived to be in line with the public interest and the values of justice that have developed within society. Through the narrative that corruption is an exceptional crime, various deviations from the principles of general criminal law, which under normal circumstances might be seen as potentially restricting individual rights, become more readily accepted as proportionate consequences in the interest of protecting the public good.

This shift in narrative demonstrates that the development of special criminal law in Indonesia cannot be separated from the dynamics of the relationship between national law and the international legal regime. The ratification of the United Nations Convention against Corruption (UNCAC) broadened the focus of anti-corruption efforts from a repressive approach to one that integrates aspects of prevention, international cooperation, asset recovery,

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[16] Anne Peters, "Human Rights and Corruption: Problems and Potential of Individualizing a Systemic Problem," *International Journal of Constitutional Law* 22, no. 2 (2024): 538–61, https://doi.org/10.1093/icon/moae038.

[17] Fabio Cristiano et al., "Criminalisation of Political Activism: A Conversation across Disciplines," *Critical Studies on Security* 11, no. 2 (2023): 106–25, https://doi.org/10.1080/21624887.2023.2188628.

[18] Nic Cheeseman and Caryn Peiffer, "Opening the Door to Anti-system Leaders? Anti-corruption Campaigns and the Global Rise of Populism," *European Journal of Political Research* 64, no. 1 (2025): 134–55, https://doi.org/10.1111/1475-6765.12682.

witness protection, and the strengthening of institutional integrity.[19] However, the adoption of these various international norms did not occur mechanically, but rather through a process of reinterpretation tailored to the needs of the national legal system. This demonstrates that the transformation of the anti-corruption narrative in Indonesia is the result of an interaction between the country's internal dynamics and global paradigm shifts regarding clean governance.

Changes to the criminal law regime on corruption are, in fact, more accurately understood as a shift in the paradigm of legal legitimacy, rather than merely regulatory changes.[20] Each historical period reveals that the state employs different narratives to justify the legal policy choices it makes. When corruption is understood as an administrative irregularity, the legal instruments established tend to be of an administrative and disciplinary nature. When corruption is positioned as a threat to national development, criminal law is used as a tool to strengthen the effectiveness of governance. Conversely, when corruption is constructed as an 'extraordinary crime', the state gains the legitimacy to establish a specialised criminal law regime with characteristics that deviate from the general criminal law system.

The relationship between anti-corruption narratives and the formation of specialised criminal law is dialectical. On the one hand, shifts in narrative shape the direction of criminal law development through the legitimisation of specialised norms, institutions and enforcement mechanisms. On the other hand, the existence of specialised criminal law subsequently reinforces the narrative that corruption is indeed an extraordinary crime requiring different legal treatment compared to general criminal offences.

This reciprocal relationship illustrates that the status of an 'extraordinary crime' is not an inherent characteristic of the criminal offence of corruption, but rather the result of a historical construction that continues to evolve in line with shifts in legal policy orientation, the need to protect public interests, and the dynamics of state legitimacy in building an anti-corruption system. This perspective provides a more comprehensive understanding that the formation of specialised criminal law in Indonesia is not merely a technical transformation of legislation, but also a reflection of the transformation of the anti-corruption narrative, which, historically, has both shaped and justified the emergence of a specialised criminal law regime, along with enforcement mechanisms that differ from those of general criminal law.

Political-Legal Contestation in the Formation of Special Anti-Corruption Criminal Law

Historically, every change in the regime of government in Indonesia has always been followed by a change in the way the state constructs its anti-corruption narrative. In the early years of independence, the eradication of corruption was positioned more as part of the agenda for bureaucratic consolidation and the strengthening of government administration. This narrative developed within the context of a state still striving to establish political and institutional stability. Consequently, legal policies were directed more towards controlling the behaviour of state officials than towards establishing a specialised criminal law system.

With the advent of the New Order's development era, the anti-corruption narrative was repositioned as an instrument to support the effectiveness of economic development. Corruption was perceived as an obstacle to the success of development, but at the same time this narrative remained under state control, meaning that the scope for public criticism of

[19] Md Atiqur Rahman, "Asset Recovery under the United Nations Convention against Corruption: A Bangladeshi Perspective," *Jindal Global Law Review* 16, no. 2 (2025): 513–41, https://doi.org/10.1007/s41020-025-00257-3.

[20] Viacheslav Tuliakov, "Transnational Criminal Law, Sovereignty and International Justice: Harmonization Challenges and Policy Evolution," *International Annals of Criminology* 63, no. 2 (2025): 383–405, https://doi.org/10.1017/cri.2025.10076.

corrupt practices involving the political elite was relatively limited.[21] These conditions demonstrate that the anti-corruption narrative during that period functioned more as an instrument of government legitimacy than as a basis for the establishment of independent law enforcement mechanisms.

The most significant transformation occurred following the 1998 Reform, when Indonesia's political structure shifted towards a more open democratic system. The Reform not only transformed political institutions but also altered the structure of narrative production regarding corruption. Corruption was no longer interpreted as an internal bureaucratic issue but was constructed as a symbol of the state's failure to realise democratic, transparent and accountable governance.[22] This shift was influenced by increased press freedom, the growth of civil society organisations, the development of anti-corruption movements, and greater public participation in the legal policy-making process. In this context, the legitimacy of establishing specialised criminal law no longer stemmed solely from state authority, but also from social demands calling for fundamental changes to the law enforcement system.

Subsequently, the mass media played a crucial role in transforming the anti-corruption narrative from a legal issue into a political and public moral issue. Through its agenda-setting function, the media not only conveyed information about corruption cases but also shaped the collective perception that corruption is a systemic threat requiring an extraordinary response. The intensity of media coverage regarding state losses, abuse of power, conflicts of interest, and the involvement of public officials in various corruption cases reinforces the social construct that general criminal law mechanisms are no longer considered adequate. From a social constructivist perspective, the media do not merely reflect reality, but also help to produce reality through the framing of corruption as a crime with multidimensional impacts. Consequently, public support for the establishment of specialised criminal law instruments gains increasingly strong legitimacy, as it is built upon a collective perception of the high level of threat that corruption poses to the functioning of the state.

In addition to the media, civil society has also become a key actor in shaping the political direction of anti-corruption law. Non-governmental organisations, the academic community, legal aid organisations, professional bodies and student movements have consistently fostered discourse on the importance of the independence of law enforcement agencies, transparency in the administration of state affairs, and the strengthening of public accountability mechanisms.[23] The presence of these groups demonstrates that the formulation of specialised criminal laws does not take place through a legislative process entirely dominated by the state, but rather through an increasingly open space for public deliberation. From the perspective of deliberative democracy, the law derives its legitimacy not only from being enacted by authorised institutions, but also from emerging through a process of communication that allows for the accommodation of diverse public interests. Consequently, the anti-corruption narrative has developed as a result of dialogue, criticism and sustained public pressure on state policy. Thus, every change to anti-corruption regulations is fundamentally a response to shifting public expectations regarding the quality of governance.

The dynamics of elite politics demonstrate that the formulation of specialised criminal law is also an arena of complex competition between interests. Every change to anti-corruption

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[21] Yanik G Harnois and Stéphane Gagnon, "Killing a Country and Getting Away with It: Neopatrimonialism and Incurable Corruption by Political Elites Linked to International Development Aid," *Journal of Developing Societies* 39, no. 3 (2023): 289–326, https://doi.org/10.1177/0169796X231178568.

[22] 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.

[23] 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.

regulations invariably involves a process of negotiation between political actors with differing interests regarding institutional design, the scope of law enforcement powers, mechanisms of criminal accountability, and inter-institutional relations.[24] From the perspective of legal institutionalism, the design of the law is influenced not only by considerations of normative effectiveness, but also by the institutional preferences of legislators seeking to maintain or redistribute power.[25] Consequently, the formulation of specialised criminal law often reflects a tug-of-war between the interest in strengthening the fight against corruption and the interest in maintaining the balance of power within the constitutional system.

This phenomenon illustrates that changes to anti-corruption regulations are never entirely free from political dynamics. Indeed, they often reflect shifts in the configuration of power during a particular period. The international dimension also exerts a significant influence on the transformation of the anti-corruption narrative in Indonesia.[26] The globalisation of governance has fostered the development of international standards regarding transparency, integrity and accountability as prerequisites for economic development and investment.

The ratification of the United Nations Convention against Corruption (UNCAC), Indonesia's participation in various international forums, and the emergence of global governance indicators such as the Corruption Perceptions Index have broadened the scope of legitimacy for the enactment of specialised criminal legislation.[27] In this context, corruption is no longer viewed merely as a domestic issue, but as a global concern that affects a country's credibility within the international system. This pressure has prompted the state to adopt various legal instruments in line with international practice, including the strengthening of prevention mechanisms, asset recovery, cross-border cooperation, whistleblower protection, and the establishment of independent institutions. However, this adoption process is not linear, as it is always negotiated against the backdrop of the characteristics of the national legal system, political culture, and domestic interests.

This political contestation over the law also demonstrates that the concept of an 'extraordinary crime' is not a legal category that arises objectively based solely on the characteristics of a criminal offence, but rather a normative construct shaped through political and social processes. The designation of corruption as an extraordinary crime is the result of various actors successfully building a consensus that corruption poses a level of danger that surpasses that of conventional criminal offences. This consensus subsequently served as the basis for the state's legitimacy to introduce various legal mechanisms that deviate from the general criminal justice system, such as the establishment of specialised institutions, the expansion of admissible evidence, more progressive investigative techniques, specific rules of evidence, and the strengthening of international cooperation.[28]

The development of specialised anti-corruption criminal law is the result of a multi-layered process involving interaction between the state, society, the media, the academic community, civil society organisations, and the international community.[29] Each of these actors contributes

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[24] Ahmad Jukari, Suud Sarim Karimullah, and Muhajir Muhajir, "Identity Politics in the Construction of Electoral Laws: A Qualitative Analysis," *Walisongo Law Review (Walrev)* 5, no. 2 (2023): 139–54, https://doi.org/10.21580/walrev.2023.5.2.14414.

[25] Massimo La Torre, "Institutionalist Theories of Law," in *Encyclopedia of the Philosophy of Law and Social Philosophy* (Springer, 2023), 1464–71, https://doi.org/10.1007/978-94-007-6519-1_53.

[26] 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.

[27] Satria Unggul Wicaksana Prakasa, "Reconceptualizing Corruption as an International Crime: A Review of International Law," *Lampung Journal of International Law* 6, no. 2 (2024): 55–68, https://doi.org/10.25041/lajil.v6i2.3363.

[28] 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.

[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.

to constructing, maintaining, or altering the narrative regarding corruption in accordance with their respective interests and socio-political positions. Consequently, specialised criminal law cannot be understood merely as a normative response to the rise in corruption offences, but rather as the product of a process of discursive contestation that shapes perceptions of what is regarded as a threat to the state and how the state ought to respond to such threats through legal instruments. This perspective demonstrates that anti-corruption narratives are a variable with a clear influence on changes in legal policy, as these narratives serve as a medium linking social dynamics, political interests and legal developments within an interrelated policy-making process.

Reconstructing the Anti-Corruption Narrative as the Foundation for Future Reform of Special Criminal Law

Theoretically, modern criminal law reform no longer relies on a retributive paradigm that equates justice with inflicting suffering upon the offender, but is evolving towards a more integrative paradigm through preventive, restorative and corrective approaches. From a criminal policy perspective, the effectiveness of criminal law is not merely measured by the number of convictions or the severity of the sanctions imposed, but by its ability to reduce the factors causing crime, redress the harm caused, strengthen the integrity of the government system, and maintain a balance between the protection of public interests and individual rights.[30] Therefore, the reconstruction of the anti-corruption narrative must begin with a shift in perspective regarding the very purpose of criminal law itself.

Corruption must indeed continue to be viewed as a serious threat to the state, but the legal response to this threat must not be limited to the expansion of repressive instruments. Rather, it must be directed towards the development of a legal system capable of preventing corruption before public harm becomes more widespread. In this context, the anti-corruption narrative needs to be reconstructed as a narrative concerning the protection of public integrity rather than merely a narrative concerning the punishment of perpetrators.[31] This conceptual shift is important because corruption is, in essence, a manifestation of the failure of the governance system, which allows the abuse of authority to occur repeatedly.

The focus of reforming specialised criminal law is no longer solely on how the state punishes perpetrators after a crime has been committed, but also on how the law establishes institutional mechanisms capable of reducing the likelihood of abuse of authority through the strengthening of transparency, accountability, internal oversight, risk management systems, the digitalisation of public services, the management of conflicts of interest, and the fostering of a culture of integrity within the bureaucracy.[32] This approach is in line with developments in regulatory governance theory, which positions the law as an instrument for shaping institutional behaviour, rather than merely as a mechanism for imposing sanctions.

The reconstruction of the anti-corruption narrative also needs to shift the focus from a punitive orientation to a recovery-oriented approach (recovery-oriented anti-corruption). Until now, the success of anti-corruption efforts has often been measured by the number of

[30] Anton Moiseienko, "Crime and Sanctions: Beyond Sanctions as a Foreign Policy Tool," *German Law Journal* 25, no. 1 (2024): 17–47, https://doi.org/10.1017/glj.2023.103; Daniel P Mears and Mark C Stafford, "A Theoretical Critique of Deterrence-Based Policy," *Journal of Criminal Justice* 95 (2024): 102305, https://doi.org/10.1016/j.jcrimjus.2024.102305.

[31] Alexandra Iancu, "Meanings and Uses of Anti-Corruption in Political Narratives: Common Vocabularies from Past to Present," in *The Routledge Handbook of Anti-Corruption Research and Practice* (Routledge, 2025), 676–93, https://doi.org/10.4324/9781003303275-50.

[32] 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.

perpetrators convicted or the length of prison sentences imposed. In fact, the primary objective of legal protection for state finances should also be achieved through the optimisation of the recovery of assets derived from corruption and the effective restoration of public losses.

From a legal-economic perspective, state losses that cannot be recovered will remain a social burden borne by the public, even after the perpetrators have served their prison sentences.[33] Therefore, the future anti-corruption narrative must position asset recovery as an integral part of the specific objectives of criminal law, so that the formulation of regulations is directed towards strengthening asset tracing, the freezing of assets, confiscation, the forfeiture of the proceeds of crime, international cooperation, and mechanisms for the reuse of successfully recovered assets for the public good. This paradigm broadens the meaning of justice from mere retribution against perpetrators to the restoration of benefits for the aggrieved public.

At the same time, the reconstruction of the anti-corruption narrative must be built upon respect for the principles of human rights and the rule of law. The nature of corruption as an 'extraordinary crime' does indeed provide legitimacy for the use of specialised legal mechanisms. However, this legitimacy must not develop into an unlimited justification that undermines the guarantees of constitutional rights. In a democratic state governed by the rule of law, the effectiveness of law enforcement cannot be separated from respect for the principles of legality, due process of law, the presumption of innocence, proportionality, equality before the law, and the right to a fair trial.

The future anti-corruption narrative must emphasise that the protection of the public interest and the protection of individual rights are not two conflicting objectives, but rather two principles that must be reconciled in the design of special criminal law. This approach is vital to prevent the emergence of a tendency whereby the status of 'extraordinary crime' is used as a basis for disregarding the fundamental principles of criminal law, which are, in fact, the very foundation of the rule of law.

The reconstruction of the anti-corruption narrative must integrate a risk-based approach into the formulation of criminal law policy. Experience in various countries shows that effective anti-corruption measures rely not only on increased criminal penalties, but also on the state's ability to identify sectors with a high level of vulnerability to the abuse of authority. Therefore, the enactment of specialised criminal laws must be accompanied by the strengthening of preventive regulations in the sectors of procurement of goods and services, licensing, natural resource management, taxation, public services, and local government administration.

This approach enables criminal law to function more strategically as part of a national risk management system, so that repressive measures become a last resort (ultimum remedium) only after preventive, supervisory and administrative corrective mechanisms have been optimally implemented. On the other hand, developments in information technology also demand a reconfiguration of the anti-corruption narrative to address the increasingly complex nature of corruption.

The digitalisation of the bureaucracy, electronic transactions, artificial intelligence, big data and e-government systems have transformed the patterns of abuse of power whilst opening up new opportunities for strengthening public oversight. Therefore, specialised criminal law in the future must not only regulate the expansion of criminal offences but must also promote the integration of technology into the corruption prevention system by strengthening data transparency, the interoperability of oversight systems, technology-based financial transaction analysis, and early detection mechanisms for potential conflicts of interest. In this context, the

[33] C S A Teddy Lesmana et al., "Beyond Legal Moralism: Reconstructing Rational Justice through Economic Analysis of Law in Indonesia's Criminal Policy," *Jambe Law Journal* 8, no. 2 (2025): 871–914, https://doi.org/10.22437/se12ge88.

anti-corruption narrative is evolving from a mere narrative of punishment into one of governance transformation based on integrity and institutional innovation.[34]

This reconstruction of the narrative also has implications for the relationship between general criminal law and specialised criminal law. Until now, the differentiation of specialised criminal law has often been understood as a form of permanent exception to the general criminal law system. However, from the perspective of an integrated legal system, specialised criminal law remains part of the national criminal law system. It must operate within the framework of the fundamental principles of the rule of law. Therefore, the reform of special criminal law should not be directed towards expanding deviations from general criminal law, but rather towards establishing specific mechanisms that maintain consistency with the principles of legality, legal certainty, proportionality, accountability and judicial oversight.

From a legal-political perspective, the reconstruction of the anti-corruption narrative also requires a shift in the orientation of policy-making from a reactive approach towards a proactive one. To date, changes to anti-corruption regulations have generally emerged in response to a rise in high-profile cases, public pressure, or a crisis of confidence in state institutions.[35] This pattern has led to the law developing in a fragmented and often ad hoc manner.

The future anti-corruption narrative must be built upon a long-term vision of strengthening national integrity, which positions the prevention of corruption as an integral part of the strategy for legal development and public governance.[36] Within this framework, the formulation of specialised criminal law is no longer understood as a response to systemic failures, but as a constitutional instrument for building a transparent, accountable and public-service-oriented governance ecosystem.

The reconstruction of the anti-corruption narrative brings about a paradigm shift that positions special criminal law not merely as an instrument for punishing perpetrators of corruption, but as a comprehensive mechanism for safeguarding the integrity of the state and the public interest. This new narrative strikes a balance between the effectiveness of law enforcement and respect for the rule of law through the integration of preventive measures, the recovery of state losses, the protection of human rights, the strengthening of governance, and the development of a legal system that is adaptable to social and technological change. This perspective demonstrates that the future of specialised anti-corruption criminal law does not depend on harsher sanctions or the expansion of the state's repressive powers, but rather on the ability to build legal legitimacy rooted in institutional integrity, substantive justice, and a balance between the protection of public interests and the guarantee of citizens' constitutional rights.[37] This reconstruction simultaneously positions the anti-corruption narrative as the epistemological foundation for a reform of specialised criminal law that is more sustainable, humanistic and responsive to the dynamics of a democratic rule of law in Indonesia.

CONCLUSION

The establishment of specialised anti-corruption criminal law in Indonesia is not merely a normative response to the rise in corruption offences, but also the result of a historical

[34] 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.

[35] 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.

[36] 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.

[37] 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.

transformation in the anti-corruption narrative, from administrative misconduct to an 'extraordinary crime', shaped by the dynamics of legal politics, public pressure, the media, and the influence of international norms. This finding fills a gap in previous studies, which tended to treat the history of regulation, legal politics and anti-corruption institutions as separate spheres, by emphasising that this shift in narrative is a key factor shaping the legitimacy, design and orientation of the specialised criminal law regime. From the perspective of legal reform, the specificity of the anti-corruption regime is no longer sufficient if it relies solely on harsher penalties; rather, it must be directed towards the integration of enforcement, prevention, asset recovery, the strengthening of institutional integrity, and the protection of human rights within the framework of a democratic rule of law. Consequently, this study broadens the understanding of the transformation of anti-corruption criminal law as a process of reconstructing a legal paradigm that links narrative, power and institutional design, whilst providing a foundation for the formulation of anti-corruption policies in Indonesia that are more proportionate, preventative, restorative and sustainable.

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