

Economic Efficiency Versus Legal Dogmatics: A Critical Analysis of Restorative Justice for Indonesian Petty Corruption

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ABSTRACT

The normalization of petty corruption in Indonesia poses a significant sociological and institutional challenge, as evidenced by high rates of public participation in gratification. Paradoxically, law enforcement officials frequently respond to this phenomenon through a pragmatic discourse advocating restorative justice to achieve budgetary efficiency. This research aims to critically evaluate this cost efficiency argument by analyzing the normative and sociological implications of resolving corruption offenses through non-penal mechanisms. Utilizing a normative legal research methodology encompassing statutory, conceptual, and case approaches, this study examines the tension between empirical case handling expenditures and foundational rule of law principles. The findings reveal that the substantial disparity between enforcement expenditures and recovered state assets does not provide a sufficient legal basis to justify the decriminalization of corruption. Law enforcement costs represent a core constitutional function that cannot be reduced to a profit oriented calculation. Sociologically, implementing peaceful resolution mechanisms within a high tolerance society creates a significant risk of institutionalizing impunity and may encourage the collective imitation of corrupt behavior. Furthermore, a dogmatic reconstruction affirms that Article 4 of Law Number 31 of 1999 and Article 82 letter c of Law Number 20 of 2025 explicitly exclude corruption offenses from extrajudicial resolutions, as the inherent *mens rea* element cannot be nullified by mere asset restitution. Consequently, this research concludes that addressing this challenge requires prioritizing a summary proceedings mechanism alongside the modernization of digital prevention systems. This integrated approach ensures legal certainty, maintains the deterrent effect of criminal law, and safeguards institutional integrity without compromising procedural efficiency.

Keywords: Cost Efficiency; petty corruption; restorative justice; retributive law enforcement; summary proceedings.

ABSTRAK

Normalisasi korupsi skala kecil di Indonesia menghadirkan tantangan sosiologis dan institusional yang signifikan, dibuktikan dengan tingginya tingkat partisipasi publik dalam praktik gratifikasi. Secara paradoks, aparat penegak hukum kerap merespons fenomena ini melalui diskursus pragmatis yang mengadvokasi keadilan restoratif demi mencapai efisiensi anggaran. Penelitian ini bertujuan untuk mengevaluasi secara kritis argumen efisiensi biaya tersebut dengan menganalisis implikasi normatif dan sosiologis dari penyelesaian tindak pidana korupsi melalui mekanisme nonpenal. Dengan menggunakan metodologi penelitian hukum normatif yang mencakup pendekatan perundang-undangan, konseptual, dan kasus, studi ini mengkaji ketegangan antara pengeluaran empiris penanganan perkara dan prinsip-prinsip fundamental negara hukum. Temuan penelitian mengungkapkan bahwa disparitas substansial antara biaya penegakan hukum dan pengembalian aset negara tidak memberikan landasan hukum yang memadai untuk membenarkan dekriminialisasi korupsi. Biaya penegakan hukum merupakan fungsi konstitusional inti yang tidak dapat direduksi menjadi sekadar kalkulasi yang berorientasi pada keuntungan. Secara sosiologis, penerapan mekanisme penyelesaian damai dalam masyarakat bertoleransi tinggi menciptakan risiko signifikan berupa pelembagaan impunitas dan berpotensi mendorong peniruan kolektif atas perilaku korup. Lebih lanjut, rekonstruksi dogmatis menegaskan bahwa Pasal 4 Undang-Undang Nomor 31 Tahun 1999 dan Pasal 82 huruf c Undang-Undang Nomor 20 Tahun 2025 secara eksplisit mengecualikan tindak pidana korupsi dari penyelesaian ekstrapudisial, mengingat elemen *mens rea* yang inheren

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tidak dapat dihapuskan semata-mata melalui restitusi aset. Oleh karena itu, penelitian ini menyimpulkan bahwa upaya mengatasi tantangan tersebut mensyaratkan adanya prioritas pada mekanisme peradilan cepat yang diiringi dengan modernisasi sistem pencegahan digital. Pendekatan terintegrasi ini menjamin kepastian hukum, mempertahankan efek jera hukum pidana, dan menjaga integritas institusional tanpa mengorbankan efisiensi prosedural.

Kata kunci: Efisiensi Biaya; korupsi skala kecil; keadilan restoratif; penegakan hukum retributif; peradilan cepat.

INTRODUCTION

Petty bureaucratic corruption remains a persistent challenge that undermines the institutional legitimacy of developing nations, including Indonesia. Beyond its financial consequences, corruption also reflects a deeper moral and institutional crisis that cannot be addressed solely through technical or budgetary calculations (Sambo & Sule, 2021). Although its monetary loss value is frequently underestimated due to its low nominal amount, the impact of petty corruption on public trust and social order stability is profound. Global studies indicate that petty corruption not only distorts the allocation of public resources but also creates psychological and financial barriers restricting citizens' access to fundamental rights. Furthermore, the normalization of bribery and illegal levies within the public service sector has contributed to a permissive social environment where deviation is often perceived as a pragmatic survival mechanism. This phenomenon is significantly exacerbated by regional disparities in tolerance for corruption, suggesting that a purely educational approach is insufficient to prevent the normalization of this offense (Baez-Camargo et al., 2020; Nieto-Morales et al., 2024; Lantara, 2025).

The normalization of corruption in Indonesia presents a significant sociological challenge. Recent empirical data from national research conducted by the Airlangga Institute for Learning and Growth involving 600,000 respondents indicates that a substantial majority of survey respondents admitted to engaging in gratification (Luqman, 2025). Specifically, 50.1% of these actions were initiated by citizens, and 56% occurred within government bureaucratic affairs. These statistics require closer doctrinal examination, as they suggest a shift from the narrative that the community is merely a passive victim of bureaucratic extortion; instead, they indicate that the public frequently participates actively in the cycle of bribery. Consequently, this broad public participation in gratification raises broader concerns regarding public trust, corruption perceptions, and the credibility of legal institutions. In certain contexts, corruption risks becoming internalised as a social norm, including within household and community settings (Wulandari et al., 2024; Behuku et al., 2025). This tendency is closely related to the broader erosion of public ethics, where the conduct of political and institutional elites increasingly departs from the common good and from the moral orientation expected in public office (Adon et al., 2022).

Amid these institutional challenges, legal discourse in Indonesia has increasingly incorporated economic pragmatism. Law enforcement officials have initiated a policy discourse advocating the resolution of petty corruption cases through extrajudicial mechanisms through extrajudicial mechanisms, particularly restorative justice. Anggrainy (2022) notes that the Attorney General's Office has issued guidelines suggesting that corruption cases involving state losses of IDR 50 million or less may be resolved through the recovery of state financial losses, circumventing formal criminal prosecution. This policy is primarily predicated on the logic of budget efficiency, as formalized in the Circular of the Attorney General's Office Number B-113/F/Fd.1/05/2010. Muttaqi (2023) highlights that the core argument asserts that processing petty corruption cases imposes a heavier burden on the state budget than the financial recovery yielded. Consequently, this approach signifies a paradigm shift in law enforcement, transitioning from the principle of retributive deterrence toward an efficiency-based evaluation.

The economic argument utilized to justify the application of restorative justice relies predominantly on the significant disparity in case handling costs. Syah (2025) observes that the operational expenditures required by law enforcement agencies, spanning from the investigative stage to prosecution, are substantial across all institutional levels. When juxtaposed with the nominal value of petty corruption losses, which typically range from IDR 5 million to IDR 50 million, the state experiences a clear cost inefficiency. However, using this inefficiency data to justify non-prosecution raises serious normative concerns. A purely profit-oriented mode of reasoning risks narrowing legal judgment into an economic calculation and neglecting the broader ethical consequences of corruption for public welfare and social justice (Budiman, 2020). Proponents of economic efficiency frequently overlook the principle that law enforcement costs represent a core constitutional function of the state to maintain public order, rather than an activity oriented toward financial returns (Faharuddin & Hakim, 2023). In a broader governance perspective, the legal response to corruption must also preserve accountability, transparency, justice, and public trust, values that cannot be reduced to a purely economic calculation (Ashraf-Khan & Hossain, 2021).

The theoretical and practical gap in addressing petty corruption has divided academic discourse into two primary perspectives. A pragmatic group advocates for the implementation of non penal mechanisms, including peaceful fines and restorative justice, positioning them as an alternative solution to mitigate case backlogs and recover state losses (Lasmadi & Sudarti, 2021; Syahird et al., 2024; Kurniawan, 2025; Marlina et al., 2025). Conversely, a substantial body of critical global and national literature is difficult to reconcile with this paradigm. Recent studies suggest that non conviction based forfeiture mechanisms frequently fail to apprehend key perpetrators and are susceptible to manipulation by professional money launderers acting as legal enablers. Consequently, this mechanism may function merely as a symbolic disciplinary tool lacking a deterrent effect, operating as an informal avenue that creates a risk of impunity, thereby conflicting with the public sense of justice (Chistyakova et al., 2021; Heathershaw & Mayne, 2023; Suhartono & Panjaitan, 2025).

This research establishes its novelty by integrating three dimensions that are often discussed separately in the literature on petty corruption. First, it critically examines the efficiency-based argument that is frequently used to justify restorative justice in low-value corruption cases. Second, it analyzes the sociological risks of normalization that may arise when peaceful settlement mechanisms operate within a society exhibiting high tolerance toward gratification. Third, it reconstructs the doctrinal limits of criminal liability within the latest Indonesian legal framework, particularly following the enactment of Law Number 1 of 2023 and Law Number 20 of 2025. By bringing these three dimensions together, this study moves beyond the conventional dichotomy between efficiency and justice and offers a more systematic normative account of why extrajudicial settlement in petty corruption cases remains difficult to reconcile with the rule of law.

Based on the preceding problem analysis, this research formulates three specific objectives. The first objective is to critically examine the efficiency-based argument utilized to justify restorative justice in petty corruption cases. The second objective is to examine the sociological risks of normalization resulting from the potential implementation of peaceful mechanisms within a society exhibiting high gratification tolerance. The third objective focuses on reconstructing the dogmatic boundaries of criminal liability within the Indonesian criminal justice system, effective as of January 2, 2026. Ultimately, this research's scientific contribution provides a robust theoretical foundation for policymakers to evaluate the decriminalization of corruption solely based on financial losses, while reaffirming the role of criminal law as an instrument for safeguarding public integrity.

RESEARCH METHOD

This research employs normative legal research, specifically doctrinal legal research, which focuses on examining the rules and principles contained in prevailing positive law (Qamar & Rezah, 2020). This method was chosen because the study seeks to identify the structure of legal norms governing petty corruption, assess the consistency of law enforcement policies with statutory regulations, and develop a prescriptive argument regarding the limits of non-penal approaches in corruption cases. Although the study is informed by the sociological phenomenon of petty corruption and by concerns over inefficiency in case handling, the analysis remains grounded in a legal-dogmatic perspective that emphasizes legal certainty, criminal accountability, and coherence within the hierarchy of legislation.

To address the research questions and objectives, this study applies statute, conceptual, and policy-oriented approaches (Sampara & Husen, 2016). The statute approach is used to examine the normative structure and consistency of Law Number 31 of 1999, Law Number 1 of 2023, and Law Number 20 of 2025, particularly in relation to the legal limits of extrajudicial settlement in corruption cases. The conceptual approach is employed to analyze the tension between efficiency-based reasoning in law enforcement and the principles of legal certainty, deterrence, and criminal accountability. In addition, the policy-oriented analysis is used to assess institutional responses and discretionary policy practices that seek to terminate or avoid prosecution through the mere restitution of state financial losses.

The legal materials used in this research are classified into primary and secondary sources. Primary legal materials consist of statutory regulations and official legal instruments relevant to corruption eradication, criminal liability, gratification reporting, and the procedural limits of restorative justice. Secondary legal materials include academic literature, prior research, legal journals, and official reports relevant to the issues of law enforcement efficiency, corruption normalization, and criminal accountability. These materials were collected through library research, digital document tracing, and thematic classification based on their relevance to the legal and policy issues examined in this study.

The collection of legal materials in this study was carried out through systematic identification, selection, and organization of sources relevant to the regulation and enforcement of petty corruption. Particular attention was given to materials that reflect possible norm conflicts, policy inconsistencies, and doctrinal tensions between efficiency-based reasoning and the formal requirements of criminal accountability. To maintain analytical reliability, secondary materials such as reports on state losses and law enforcement expenditures were selected based on their authority, relevance, and direct connection to the issues under examination. The collected materials were then organized comparatively to support the assessment of whether cost-efficiency arguments can be justified within the normative structure of Indonesian corruption law.

The legal materials were analyzed using a qualitative and prescriptive method, with deductive reasoning as the main analytical framework (Irwansyah, 2020). The analysis begins with general legal principles concerning the rule of law, criminal accountability, and the enforcement of corruption offenses, and then examines their application to the policy discourse on restorative justice for petty corruption. Within this framework, teleological interpretation is used to identify the objectives underlying anti-corruption legislation, while systematic interpretation is used to assess the relationship between statutory provisions governing restitution, criminal liability, and the exclusion of corruption from restorative justice mechanisms. Through this process, the study develops a doctrinal assessment of whether non-penal approaches to petty corruption are compatible with the prevailing legal framework in Indonesia.

To strengthen the analysis, this study also uses doctrinal comparison to examine how similar efficiency-based arguments and non-penal responses to corruption have been discussed in other legal and

policy contexts. This comparative reading is not intended to measure empirical outcomes across jurisdictions, but to identify recurring normative concerns regarding the replacement of criminal accountability with financial restitution or administrative compromise. By combining doctrinal interpretation with comparative policy analysis, the study aims to clarify the legal limits of restorative justice in corruption cases and to support a more coherent prescriptive argument within the Indonesian legal framework.

RESULTS

Cost Efficiency Arguments and Their Legal Limits in Petty Corruption Enforcement

The findings indicate a substantial financial disparity between law enforcement operational expenditures and the nominal value of recovered state assets in petty corruption cases. Data from the Indonesia Corruption Watch report demonstrates that processing a single corruption case through the investigation and prosecution stages requires significant state funding. Specifically, the Corruption Eradication Commission allocates IDR 302,302,095 per case. Concurrently, handling cases through conventional channels involving the Police and the Prosecutor's Office requires approximately IDR 114.3 million per case for the lowest budget category. When juxtaposed with the nominal value of petty corruption losses, which frequently fall below the IDR 50 million threshold, the data illustrate a mathematical budget deficit in standard prosecution procedures (Syah, 2025).

This financial disparity has generated a distinct pattern of law enforcement policy that prioritizes cost efficiency over formal criminal proceedings. The findings suggest that expenditure data has been used in policy discourse to justify extrajudicial resolutions. Anggrainy (2022) observes that the Attorney General has expressed policy preferences suggesting that corruption cases with relatively small state losses may be resolved through restitution mechanisms. This pragmatic pattern is corroborated by a specific segment of academic literature. Studies by Lasmadi and Sudarti (2021), Faharuddin and Hakim (2023), and Kurniawan (2025) support the application of restorative justice as a financially advantageous mechanism for the state. Furthermore, Muttaqi (2023), Syahird et al. (2024), and Marlina et al. (2025) confirm that peaceful fines or asset recovery schemes are frequently positioned as efficient alternatives that align law enforcement with the economic analysis of law popularized by Posner (2007).

Despite its economic appeal, implementing this efficiency-based pattern raises serious normative concerns in the context of extraordinary crimes. The analysis demonstrates that treating budget inefficiency as a primary justification for non prosecution is difficult to reconcile with the constitutional function of the state. Law enforcement costs represent a fundamental obligation to maintain public order and institutional integrity, rather than a production expense designed to maximize profit margins. The current expenditure ratio indicates administrative challenges in resource management, but it cannot automatically serve as a legal basis for decriminalization. Terminating prosecution solely to achieve budget savings risks degrading the legal framework. Consequently, Andini et al. (2023) suggest that applying restorative justice in this context is normatively problematic and compromises the integrity of the criminal justice system.

The findings further indicate that the economic efficiency argument conflicts with the prevailing hierarchy of Indonesian positive law. Article 4 of Law Number 31 of 1999 establishes a strict normative limitation, explicitly stating that the return of state financial losses does not abolish the criminal punishability of the perpetrator. This statutory provision demonstrates the intent of the legislator to

separate the financial deficit from the unlawful nature of the corrupt act itself. The element of *mens rea* and the abuse of authority remain legally intact even if the financial damages are fully restored. Therefore, restitution functions exclusively as a mitigating factor during sentencing, rather than as a mechanism for nullifying guilt.

This normative limitation is further reinforced by the latest criminal procedure regime. Law Number 20 of 2025 closes the procedural space for restorative justice in corruption offenses. Specifically, Article 82 letter c of the Law explicitly excludes corruption crimes from any prosecution termination mechanism based on peaceful settlement. This statutory mandate reflects a clear legislative policy to classify corruption as an offense that requires formal judicial resolution. Consequently, internal discretionary policies promulgated by law enforcement institutions that attempt to circumvent these legal boundaries through circular letters or agency regulations are inconsistent with the prevailing statutory hierarchy. Ultimately, the analysis of these legal materials confirms that the analysis suggests that the prevailing legal framework requires formal criminal accountability regardless of the nominal loss value.

The Sociological Trap: Institutionalizing Impunity in a High-Tolerance Society

The available literature suggests that petty corruption in Indonesia cannot be understood solely through a victimisation narrative, as citizens may also actively offer illicit payments to secure administrative advantage. Recent national research conducted by the Airlangga Institute for Learning and Growth indicates widespread public gratification, raising concerns about public trust and the Indonesian Corruption Perception Index (Behuku et al., 2025; Luqman, 2025). This structural indication suggests a risk that the community does not merely function as a passive victim of an extortionate bureaucratic system. Consequently, Nieto-Morales et al. (2024) observe that bureaucratic administrative burdens frequently trigger citizens to offer illicit payments. In this context, Angelucci and Russo (2022) affirm that peaceful resolution mechanisms may be fundamentally irrelevant within such collusion schemes because there is no directly injured party whose individual rights necessitate restoration. Rather, the primary damage consists of a violation of public order and an infringement on the fundamental human rights of other citizens to access clean public services (Juwita, 2023). In a society with high tolerance for gratification, implementing restorative justice offers the possibility of legally accommodating corrupt behaviour without penal risk.

The sociological risk of this normalization process can be further analyzed through the variations in tolerance contexts, specifically regarding gender and regional disparities. Wulandari et al. (2024) identify a paradigm where women in Indonesia increasingly perceive corruption as a normalized practice. This finding is corroborated by Carreras et al. (2024), who demonstrate that gender stereotypes fail to significantly influence public perceptions of bureaucratic corruption. Furthermore, Lantara (2025) identifies significant variations in corruption tolerance across different Indonesian regions. Rather than serving as definitive evidence of the breakdown of national integrity, these findings indicate that, if restorative justice is implemented as a uniform national policy, regions with high tolerance levels may experience broader institutionalisation of corruption whitewashing.

To understand the potential transmission mechanism of this systemic proliferation, the phenomenon can be analyzed utilizing the Broken Windows Theory. Broken Windows Theory helps explain how tolerance toward minor corruption may send permissive signals within bureaucratic settings and may weaken the deterrent message of law enforcement (Pawe et al., 2025). Umam (2021) asserts that this weakening of law enforcement is frequently exploited to perpetuate bureaucratic power, suggesting

that the application of restorative justice may signal to bureaucrats and citizens that legal consequences can be circumvented.

Concurrently, this potential transmission mechanism may be exacerbated by mimetic isomorphism, theoretically defined as the collective imitation of institutional behavior. Kustanti et al. (2023) observe that petty corruption at the village level is often institutionalised through imitation, where the survival of a corrupt official through a peaceful resolution mechanism creates a risk of incentivising other officials to replicate the behaviour. Miao and Brewster (2026) further emphasize that work environment uncertainty strengthens this imitative tendency. Consequently, the application of restorative justice may accelerate this institutionalisation process by fostering a perception of juridical security for would-be corruption perpetrators.

Proponents of restorative justice frequently argue that the approach is humanistic because it relies on local wisdom and social proximity. However, even though local social contexts are highly diverse, this argument poses normative challenges for the eradication of corruption. Hanoteau et al. (2021) and Romero (2025) demonstrate that social proximity and strong-tie social capital can also drive bribery practices, in which kinship ties and friendships may be misused to facilitate bureaucratic collusion. Because restorative justice operates essentially as a deliberative mechanism reliant on social proximity, its application to corruption offences raises concerns that it may actively strengthen illicit clientelism networks rather than dismantle them.

Similarly, the justification advocating lenient treatment based on economic pressure requires critical evaluation. The literature suggests that economic pressure is widely experienced and cannot automatically translate into broad grounds for leniency in corruption cases (Baez-Camargo et al., 2020; Brierley & Pereira, 2023). Accepting economic hardship as a legitimate ground for impunity through restorative justice risks validating the premise that financial struggles justify illicit acquisition, which is normatively problematic for the integrity of honest bureaucrats confronting identical economic constraints.

As a sociological synthesis, the empirical literature indicates that the normalization of corruption presents a significant risk within Indonesian society. In addressing this degradation, the findings suggest that the state requires rigorous legal intervention through strict law enforcement rather than administrative appeasement disguised as peaceful fines. The consistent application of penal sanctions is a necessary mechanism to address the sense of security that corruption perpetrators harbour. The state needs to maintain its coercive authority to restore the deterrent effect that may be eroded by pragmatic policy accommodations. Consequently, addressing this sociological trap necessitates transcending empirical observations to construct a strict juridical boundary, requiring a rigorous dogmatic reconstruction of the *mens rea* element to eliminate remaining avenues for institutionalized impunity.

Dogmatic Reconstruction of Criminal Liability: Defining *Mens Rea* Boundaries and Statutory Imperatives

The rejection of restorative justice in corruption offenses is grounded in the fundamental nature of the crime as a public violation. Isiaka (2025) highlights that corruption constitutes a betrayal of public ethics and the oath of office, which distinguishes it from purely private or administrative matters. Consequently, the primary damage caused by corruption manifests as the erosion of public trust in state administrators, necessitating a legal response based on proportionate retributive justice. The demarcation between administrative errors and punishable corruption lies in the examination of *mens rea*. Dogmatic

analysis suggests that petty corruption involves an intent to unlawfully achieve personal or third-party enrichment, which serves as a significant indicator of criminal liability (Sutopo & Panjaitan, 2025). While proving this intent requires a nuanced examination of specific elements, including the abuse of authority, the presence of *mens rea* indicates that the conduct transcends mere administrative negligence. Furthermore, behavioral studies by Masrom et al. (2023) suggest that corrupt intentions among certain officials can be understood as conscious actions, providing additional context to the intentional aspect of the offense.

As administrative discretion expands, clearer criminal law boundaries become increasingly important to prevent discretion from being used as a shield for corrupt conduct (Sari, 2025). Because corrupt acts may be obscured within discretionary spaces or bureaucratic innovations, criminal law serves as a necessary *ultimum remedium* to prevent administrative authority from being misused. To provide a clear boundary, Indonesian positive law establishes specific mechanisms regarding the receipt of gratification. Article 12B section (1) *juncto* Article 12C section (1) of Law Number 20 of 2001 establishes a strict reporting mechanism for gratification, under which public officials must report gratification to the Corruption Eradication Commission within 30 working days. If this statutory timeframe is exceeded, the act is legally classified as an offense that is difficult to reconcile with subsequent extrajudicial termination mechanisms (Rompegading, 2022).

This strict limitation aligns with the broader normative framework of Indonesian anti-corruption legislation, which dictates that the restitution of state financial losses does not abolish criminal liability. Furthermore, the prevailing criminal procedure regime explicitly excludes corruption offenses from restorative justice mechanisms. Despite these normative instruments, the findings indicate an occasional disparity between formal statutes and institutional policies, a phenomenon described as a paradox within the rule of law (Pawe et al., 2025). Such inconsistency may compromise legal authority, highlighting the necessity of adhering to the supremacy of formal law. Ultimately, law enforcement institutions lack the authority to establish internal regulations that are inconsistent with the hierarchy of statutory norms. The findings confirm that the dogmatic framework of corruption law requires consistent judicial resolution to safeguard institutional integrity, ensuring that criminal liability is not mitigated solely by financial variables.

DISCUSSION

The findings of this research demonstrate that while the argument for cost efficiency is a significant factor in contemporary Indonesian law enforcement discourse, it fails to provide a robust normative justification for the extrajudicial resolution of petty corruption. The analysis reveals three core conclusions: first, the fiscal disparity between prosecution costs and recovered losses does not negate the state's constitutional duty; second, the application of restorative justice in high-tolerance societies carries a severe risk of institutionalizing impunity; and third, the prevailing Indonesian positive law, particularly Law Number 20 of 2025, establishes strict dogmatic boundaries that exclude corruption from non-penal settlements. By separating these results into a dedicated discussion, the following sections analyze the scientific significance and policy implications of these findings.

The emergence of the restorative justice discourse in the context of petty corruption is primarily driven by institutional pragmatism rooted in significant budgetary disparities. As shown in the results, the operational expenditure for a single corruption case often far exceeds the nominal value of the financial loss incurred by the state. This disparity creates pressure on law enforcement agencies to adopt a cost-benefit analysis, viewing criminal prosecution as an inefficient use of public resources. This trend is further

exacerbated by the sociological normalisation of corruption, in which the high frequency of petty offences creates the perception that formal judicial processes are an excessive response to minor deviations. Consequently, the shift toward extrajudicial mechanisms is not merely a technical choice but reflects a deeper transition toward market logic in the administration of justice. At the same time, corruption must also be read as a symptom of moral deterioration among public elites, which directly affects the ethical orientation of public service and accountability (Adon et al., 2022).

Comparing these findings with existing literature highlights a fundamental divide in academic perspectives. While a pragmatic cohort advocates for restorative justice to mitigate case backlogs and maximize state loss recovery (Lasmadi & Sudarti, 2021; Faharuddin & Hakim, 2023; Kurniawan, 2025), this research aligns with critical global studies that warn against the erosion of the rule of law. In the Indonesian context, this concern is reinforced by studies showing that democratic governance continues to face structural weaknesses in the supremacy of law, accountability, and institutional effectiveness (Marta et al., 2020). Comparative experiences in jurisdictions such as the United Kingdom indicate that non-conviction-based mechanisms often fail to deter perpetrators and can mutate into informal governance structures that protect elite interests (Chistyakova et al., 2021; Heathershaw & Mayne, 2023). The novelty of this study lies in its refusal to treat the debate as a simple choice between efficiency and justice; instead, it provides a dogmatic basis for rejection grounded in the latest Indonesian legal regime, demonstrating that the current statutory framework leaves no jurisdictional space for administrative compromises in corruption offences.

Theoretically, the findings suggest that the commodification of law enforcement triggers a criminological pathology identified as policing for profit. When law enforcement success is measured primarily by the calculable value of seized assets rather than by culpability, the integrity of the legal system is compromised (Suhartono & Panjaitan, 2025). This research interprets law enforcement costs not as production expenses, but as constitutional expenditures that the state is obligated to absorb in order to preserve public order and legal accountability. The restitution of financial losses must be understood as a civil consequence that does not substitute for criminal liability, as the unlawful nature of corruption resides in the breach of public trust and the abuse of authority, elements that cannot be monetized. From a governance perspective, this also means that corruption enforcement must protect accountability, transparency, and justice as core public values (Ashraf-Khan & Hossain, 2021). This reading is consistent with broader public governance scholarship showing that rule of law, public accountability, and control of corruption are integral components of effective governance rather than variables that may be relaxed for administrative expediency (Handoyo, 2018).

A critical reflection on these findings acknowledges that the challenge of bureaucratic efficiency is a valid concern for the state. However, the optimal solution is not the decriminalization of offenses through restorative justice, but rather the pursuit of procedural efficiency. There is a fundamental difference between terminating a prosecution for budgetary savings and streamlining the judicial process to reduce costs while maintaining a formal guilty verdict. Implementing summary proceedings for petty corruption cases would allow the state to achieve fiscal efficiency without sacrificing the deterrent effect of criminal law or the principle of equality before the law. This approach ensures that criminal law remains the *ultimum remedium* while addressing the practical limitations of the state budget.

The policy implications of this study necessitate a strategic shift toward modernizing prevention and enforcement frameworks. Rather than accommodating administrative compromises, the state should prioritize the comprehensive digitalization of public services and the implementation of e-government architectures. Evidence suggests that artificial intelligence and digital payment systems are significantly

more effective in suppressing petty corruption by reducing human interaction and limiting the scope of informal discretion (Sadik-Zada et al., 2024; Sukarno et al., 2024; Goel & Nelson, 2025). This preventive strategy can be reinforced by broader digital literacy, digital ethics, and regulatory awareness, which are essential for building a more accountable and informed public sphere (Fathurrohman et al., 2024). At the same time, institutional reform remains indispensable, since weak accountability arrangements and limited public oversight may reproduce informal power concentration and undermine credible law enforcement (Pramono et al., 2026). Furthermore, law enforcement institutions must ensure that internal regulations remain consistent with the hierarchy of statutory norms, specifically Law Number 20 of 2025, to prevent the institutionalization of impunity. This is particularly important because weak transparency, accountability, participation, and adherence to the rule of law have repeatedly been associated with governance failures in Indonesian institutional settings (Zainal & Zeriand, 2022). Ultimately, the future of corruption eradication in Indonesia depends on the state's ability to utilize technological innovation as a preventive tool while reaffirming the uncompromising nature of criminal accountability.

CONCLUSION

This research concludes that applying restorative justice to petty corruption in Indonesia poses significant normative and sociological challenges. First, the analysis of fiscal data indicates that cost-efficiency ratios do not provide a sufficient legal basis for terminating criminal prosecution. Law enforcement expenditures represent a core constitutional function that must be prioritized over short-term budgetary savings. Second, the current sociological context, characterized by high tolerance for corruption, suggests that non-penal mechanisms carry a substantial risk of reinforcing a perception of impunity. Third, the dogmatic reconstruction confirms that the prevailing statutory framework, specifically Law Number 31 of 1999 and Law Number 20 of 2025, establishes strict limitations that exclude corruption offenses from extrajudicial settlements. These findings confirm that the integrity of the rule of law requires consistent judicial resolution regardless of the nominal loss value.

The scientific contribution of this study lies in its integrated approach to analyzing corruption enforcement by simultaneously evaluating economic efficiency, sociological risk, and legal dogmatics. By synthesising these three dimensions within the context of the latest Indonesian legal regime, this research provides a comprehensive theoretical framework for maintaining criminal law's *ultimum remedium* function. This interdisciplinary reading offers a novel perspective that transcends the binary choice between efficiency and justice, providing a robust foundation for evaluating law enforcement policies in developing nations.

This study is limited by its normative methodology, which primarily analyses legal doctrines and statutory hierarchies. Consequently, the research has not empirically tested the actual behavioral impact of restorative justice policies within specific bureaucratic environments or regional jurisdictions. Future research should pursue socio-legal investigations or institutional evaluations to empirically complement these normative findings. Such studies would be vital for understanding the long-term impact of enforcement policies on the Corruption Perceptions Index and public service integrity.

To address the practical challenges of enforcement efficiency, the state should prioritize implementing summary proceedings for petty corruption cases. This mechanism allows for a rapid and cost-effective judicial process without sacrificing the requirement for a formal guilty verdict and a permanent criminal record. Additionally, policymakers must accelerate the modernization of digital prevention systems and e-government architectures to minimize the opportunities for illicit interaction.

Strengthening administrative sanctions, including the dismissal of corrupt public officials, remains an essential policy instrument to uphold an uncompromising standard of public integrity.

REFERENCES

- Adon, M. J., Riyanto, F. A., Pandor, P., & Mangisengi, A. (2022). Implications of the Drama of Jesus' Passion Story in the Gospel of John for the Ethics of the Political Elite in the Public Sphere. *Religious: Jurnal Studi Agama-Agama Dan Lintas Budaya*, 6(2), 231–242. <https://doi.org/10.15575/rjsalb.v6i2.16364>
- Andini, O. G., Nilasari, N., & Eurian, A. A. (2023). Restorative justice in Indonesia corruption crime: A utopia. *Legality: Jurnal Ilmiah Hukum*, 31(1), 72–90. <https://doi.org/10.22219/ljih.v31i1.24247>
- Angelucci, C., & Russo, A. (2022). Petty corruption and citizen reports. *International Economic Review*, 63(2), 831–848. <https://doi.org/10.1111/iere.12567>
- Anggrainy, F. C. (2022, January 27). *Jaksa Agung sebut koruptor di bawah Rp50 juta cukup balikin kerugian negara*. Detik News. <https://news.detik.com/berita/d-5916956/jaksa-agung-sebut-koruptor-di-bawah-rp-50-juta-cukup-balikin-kerugian-negara>
- Baez-Camargo, C., Bukuluki, P., Sambaiga, R., Gatwa, T., Kassa, S., & Stahl, C. (2020). Petty corruption in the public sector: A comparative study of three East African countries through a behavioural lens. *African Studies*, 79(2), 232–249. <https://doi.org/10.1080/00020184.2020.1803729>
- Behuku, J. G., Kusuma, J. I., Chasanah, N. U., Sugianto, F., & Indradewi, A. A. (2025). The judge's role in the effectiveness of anti-corruption enforcement in Indonesia: A juridical analysis. *SIGn Jurnal Hukum*, 7(1), 351–367. <https://doi.org/10.37276/sjh.v7i1.464>
- Brierley, S., & Pereira, M. M. (2023). Women bureaucrats and petty corruption: Experimental evidence from Ghana. *Research & Politics*, 10(1), 1–7. <https://doi.org/10.1177/20531680231161161>
- Budiman, B. (2020). Profit Management and Islamic Business Ethics. *International Journal of Islamic Khazanah*, 10(2), 95–104. <https://doi.org/10.15575/ijik.v10i2.12032>
- Carreras, M., Vera, S., & Visconti, G. (2024). Gender stereotypes and petty corruption among street-level bureaucrats: Evidence from a conjoint experiment. *Research & Politics*, 11(3), 1–7. <https://doi.org/10.1177/20531680241277405>
- Chistyakova, Y., Wall, D. S., & Bonino, S. (2021). The back-door governance of crime: Confiscating criminal assets in the UK. *European Journal on Criminal Policy and Research*, 27(4), 495–515. <https://doi.org/10.1007/s10610-019-09423-5>
- Faharuddin, R., & Hakim, J. (2023). Restorative justice for corruption cases the settlement of corruption cases: Is it possible? *Yuridika*, 38(1), 73–94. <https://doi.org/10.20473/ydk.v38i1.42511>
- Fathurrohman, R., Anna, D. N., Sibawaihi, S., & Fahmi, M. Z. (2024). Framing Religious Hoaxes: Logical, Religious, and Legal Perspectives in Indonesia. *Religious: Jurnal Studi Agama-Agama Dan Lintas Budaya*, 8(2), 141–156. <https://doi.org/10.15575/rjsalb.v8i2.15545>
- Goel, R. K., & Nelson, M. A. (2025). Cash versus digital payments in the public and private sectors: Effects on petty versus grand corruption. *Public Choice*, 1–30. <https://doi.org/10.1007/s11127-025-01352-8>
- Handoyo, S. (2018). The Role of Public Governance in Environmental Sustainability. *Jurnal Ilmiah Peuradeun*, 6(2), 161–178. <https://doi.org/10.26811/peuradeun.v6i2.255>
- Hanoteau, J., Pawitan, G., & Vial, V. (2021). Does social capital reduce entrepreneurs' petty corruption? Evidence across Indonesian regions. *Papers in Regional Science*, 100(3), 651–671. <https://doi.org/10.1111/pirs.12588>

- Heathershaw, J., & Mayne, T. (2023). Explaining suspicious wealth: Legal enablers, transnational kleptocracy, and the failure of the UK's unexplained wealth orders. *Journal of International Relations and Development*, 26(2), 301–323. <https://doi.org/10.1057/s41268-023-00296-0>
- Irwansyah. (2020). *Penelitian hukum: Pilihan metode & praktik penulisan artikel*. Mirra Buana Media.
- Isiaka, O. A. (2025). Examining the effectiveness of restorative justice as an alternative approach to traditional punitive measures in handling corruption cases. *African Journal of Law, Political Research and Administration*, 8(1), 102–110. <https://doi.org/10.52589/ajlpra-hpq3o5qu>
- Juwita, R. (2023). A human rights-based approach to combating corruption in the education sector in Indonesia. *Asia-Pacific Journal on Human Rights and the Law*, 24(2), 230–265. <https://doi.org/10.1163/15718158-24020002>
- Kurniawan, K. D. (2025). New strategies in handling corruption cases under 50 million rupiah: A review of non-criminal policies. In *Proceedings of the International Conference on Law Reform (5th INCLAR 2024)* (Vol. 870, pp. 207–213). Atlantis Press. https://doi.org/10.2991/978-2-38476-362-7_30
- Kustanti, A., Yuliati, Y., & Purnomo, M. (2023). Institutionalization of corrupt activities among Indonesian rural household farmers in surround marginal teak forest areas. *Cogent Social Sciences*, 9(1), 1–18. <https://doi.org/10.1080/23311886.2023.2187008>
- Lantara, I. W. N. (2025). Understanding attitudes toward corruption in Indonesia: Regional disparities and the role of education. *International Journal of Asia Pacific Studies*, 21(2), 1–25. <https://doi.org/10.21315/ijaps2025.21.2.1>
- Lasmadi, S., & Sudarti, E. (2021). Restorative justice as an alternative for the settlement of corruption crimes the adverse state finances in the perspective of the purpose of conviction. *Jurnal IUS Kajian Hukum dan Keadilan*, 9(2), 287–298. <https://doi.org/10.29303/ius.v9i2.904>
- Law of the Republic of Indonesia Number 1 of 2023 on the Penal Code, State Gazette of the Republic of Indonesia of 2023 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 6842. <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1818>
- Law of the Republic of Indonesia Number 20 of 2001 on Amendment to Law Number 31 of 1999 on the Eradication of Corruption Crimes, State Gazette of the Republic of Indonesia of 2001 Number 134, Supplement to the State Gazette of the Republic of Indonesia Number 4150. <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/351>
- Law of the Republic of Indonesia Number 20 of 2025 on the Criminal Procedure Code, State Gazette of the Republic of Indonesia of 2025 Number 188, Supplement to the State Gazette of the Republic of Indonesia Number 7149. <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/2011>
- Law of the Republic of Indonesia Number 31 of 1999 on the Eradication of Corruption Crimes, State Gazette of the Republic of Indonesia of 1999 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 3874. <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/432>
- Luqman, L. (2025, January 25). *Hasil riset nasional AILG*. Airlangga Institute for Learning and Growth. <https://ailg.unair.ac.id/2025/01/25/launching-airlangga-institute-for-learning-and-growth>
- Marlina, A., Karauwan, D. E. S., Juanedy, A., & Ramadhani, A. (2025). The urgency of reformulating the handling of petty corruption through a peaceful fine scheme in Indonesia. *Al-Jinayah: Jurnal Hukum Pidana Islam*, 11(1), 62–76. <https://doi.org/10.15642/aj.2025.11.1.62-76>
- Marta, A., Suwaryo, U., Sulaeman, A., & Agustino, L. (2020). The Crisis of Democratic Governance in Contemporary Indonesia. *Jurnal Ilmiah Peuradeun*, 8(1), 109–128. <https://doi.org/10.26811/peuradeun.v8i1.368>
-

- Masrom, S., Rahman, R. A., Salleh, N. A., Pitaloka, E., Nor, M. A. M., & Zakaria, N. B. (2023). Machine learning prediction of petty corruption intention among law enforcement officers. *Indonesian Journal of Electrical Engineering and Computer Science*, 30(3), 1634–1642. <https://doi.org/10.11591/ijeecs.v30.i3.pp1634-1642>
- Miao, C., & Brewster, C. (2026). Exploring one of the darker sides of expatriation: Chinese expatriates' experiences with petty corruption in Tanzania. *International Business Review*, 35(1), 1–12. <https://doi.org/10.1016/j.ibusrev.2025.102530>
- Muttaqi, N. I. N. (2023). The relevance of applying restorative justice concept in corruption cases with relatively small state financial losses. *Delictum: Jurnal Hukum Pidana Islam*, 2(1), 57–74. <https://doi.org/10.35905/delictum.v2i1.5166>
- Nieto-Morales, F., Peeters, R., & Lotta, G. (2024). Burdens, bribes, and bureaucrats: The political economy of petty corruption and administrative burdens. *Journal of Public Administration Research and Theory*, 34(4), 481–497. <https://doi.org/10.1093/jopart/muae010>
- Pawe, T., Husen, L. O., & Muzakkir, A. K. (2025). The paradox of a rule of law state: A critical reflection on the dialectic between discourse and reality in the eradication of corruption in Indonesia. *Sovereign: International Journal of Law*, 7(1–2), 1–17. <https://doi.org/10.37276/sijl.v7i1-2.56>
- Posner, R. A. (2007). *Economic analysis of law* (7th ed.). Wolters Kluwer Law & Business. <https://books.google.co.id/books?id=ooFDAQAIAAJ>
- Pramono, M. F., Jasmine, A. N., Naz, S., Manaf, H. A., & Mutiarin, D. (2026). Repositioning Oligarchy and Democratic Governance: Institutional Reform in Indonesia. *Jurnal Ilmiah Peuradeun*, 14(1), 123–150. <https://doi.org/10.26811/peuradeun.v14i1.2516>
- Qamar, N., & Rezah, F. S. (2020). *Metode penelitian hukum: Doktrinal dan non-doktrinal*. CV. Social Politic Genius (SIGn). <https://books.google.co.id/books?id=TAQHEAAAQBAJ>
- Romero, D. (2025). Unpacking bribery: Petty corruption and favor exchanges. *Latin American Politics and Society*, 67(2), 36–59. <https://doi.org/10.1017/lap.2024.50>
- Rompegading, A. M. (2022). Deterrence and eradication of gratification crime. *SIGn Jurnal Hukum*, 3(2), 151–162. <https://doi.org/10.37276/sjh.v3i2.161>
- Sadik-Zada, E. R., Gatto, A., & Niftiyev, I. (2024). E-government and petty corruption in public sector service delivery. *Technology Analysis & Strategic Management*, 36(12), 3987–4003. <https://doi.org/10.1080/09537325.2022.2067037>
- Sambo, U., & Sule, B. (2021). Strategies of Combating Corruption in Nigeria: The Islamic Perspective. *International Journal of Islamic Khazanah*, 11(1), 12–28. <https://doi.org/10.15575/ijik.v11i1.10813>
- Sampara, S., & Husen, L. O. (2016). *Metode penelitian hukum*. Kretakupa Print.
- Sari, T. G. P. (2025). Reformulating the boundaries of *freies ermessen*: An analysis of conflict of norms in the Government Administration Law post-enactment of the Job Creation Law. *SIGn Jurnal Hukum*, 7(2), 901–916. <https://doi.org/10.37276/sjh.v7i2.546>
- Suhartono, A., & Panjaitan, H. (2025). Normative reconstruction of asset forfeiture: A legal pathway following demise of corruption suspects. *SIGn Jurnal Hukum*, 7(2), 682–707. <https://doi.org/10.37276/sjh.v7i2.511>
- Sukarno, M., Rodriguez, M. J., & Nursamsiyah, N. (2024). E-government development on control corruption: A lesson learned from Singapore. *Journal of Governance and Public Policy*, 11(3), 271–286. <https://doi.org/10.18196/jgpp.v11i3.21447>
- Sutopo, R. B. P., & Panjaitan, H. (2025). A juridical demarcation: Reconstructing the proof of *mens rea* to differentiate policy and corruption by public officials. *SIGn Jurnal Hukum*, 7(2), 765–784. <https://doi.org/10.37276/sjh.v7i2.525>
- Syah, Z. A. (2025, September 30). *Laporan hasil pemantauan tren korupsi tahun 2024*. Indonesia Corruption Watch. <https://icw.or.id/ZHmn>

- Syahird, A., Musakkir, M., Ilyas, A., & Naswar, N. (2024). Restorative justice approach as *ultimum remedium* of corruption crimes. *Pakistan Journal of Criminology*, 16(3), 949–962. <https://doi.org/10.62271/pjc.16.3.949.962>
- Umam, A. K. (2021). Understanding the influence of vested interests on politics of anti-corruption in Indonesia. *Asian Journal of Political Science*, 29(3), 255–273. <https://doi.org/10.1080/02185377.2021.1979061>
- Veqar Ashraf-Khan, M., & Shahadat Hossain, M. (2021). Governance: Exploring the Islamic Approach and its Relevance for the Modern Context. *International Journal of Islamic Khazanah*, 11(1), 29–40. <https://doi.org/10.15575/ijik.v11i1.10433>
- Wulandari, A., Fitriawan, R. A., Nugroho, C., Nurdiarti, R. P., Nastain, M., & Nasionalita, K. (2024). Indonesia's women: Corruption is a normal thing (Survey of women's perception of corruption in Indonesia). *Sage Open*, 14(2), 1–12. <https://doi.org/10.1177/21582440241259956>
- Zainal, Z., & Zeriand, D. (2022). Good Governance in Corporate Social Responsibility (C.S.R.) Program at Siak Regency. *Jurnal Ilmiah Peuradeun*, 10(3), 763-782. <https://doi.org/10.26811/peuradeun.v10i3.706>