
Corruption: Working Hasn't Completed

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Abstract

This article discusses problems of corruption which until now hasn't been completed in its eradication process. Every effort is made to find both internal and external causes in order to get the solution. The problem that is studied sociologically is, why is corruption incomplete? If corruption isn't yet complete, and work isn't finished yet, then how can work be completed? Understanding Corruption can be called work is complete, must be understood from the anti-corruption values and principles contained therein. It's include honesty, independence, discipline, responsibility, hard work, simple, courage, and justice. It's need to be applied by each individual to be able to overcome external factors so that corruption doesn't occur. To prevent the occurrence of external factors, in addition to having it, each individual needs to deeply understand the anti-corruption principles of accountability, transparency, fairness, policy, and policy control. Therefore the relationship between anti-corruption principles and values is an inseparable unity. Success or failure to solve the problem of corruption is expected in the legal system that makes the handle in solving corruption cases, namely strengthening the legal structure, legal substance and legal culture of the community.

Keywords: Corruption, work completed, legal system

I. INTRODUCTION

This article will discuss about why is Corruption not yet completed? or even why the workers haven't yet finished? This question can be continued with the sentence if corruption is incomplete, and work isn't finished yet, then how can work be completed?

When certainly there was corruption, there was no agreement on this matter. Some claim that since humans were born crime has arisen, including corruption, others are of the view that in the age of the kingdom what has come to be known as "tribute" as a form of offering to the King who made the tradition up to now called bribery or gratification. But corruption is a global problem.

Corruption affects countries almost all over the world. Seeing the developments, there isn't a single country in the world that is free from corrupt practices, especially in developing countries. But there are no shortcuts and easy answers to get out of the trap of corruption (Eigen, 1999). Even from various perspectives, corruption can be said as an extraordinary crime. So seriously, corruption has threatened the stability and security of national and international communities, weakened democratic institutions and values, justice and endangered sustainable development and law enforcement (Atmasasmita, 2004).

The problem of eradicating corruption through anti-corruption legal regulations since 1957 in Indonesia until now has not been able to eliminate this corruption. For more details, see the table below:

Table 1
The problem of eradicating corruption

Corruption: Working Hasn't Completed

Year	Product Of Law	Institution	Information
1957	Military Authority Regulation No. PRT / PM / 06/1957		
1958	Regulation on the Eradication of Corruption of the Central War Ruler No Prt / Peperpu / 013/1958		
1960	Law No. 24 / Prp / 1960 concerning Corruption Eradication		
1967	Presidential Decree No. 228/1967 Date 2 Dec 1967	Corruption Eradication Team	Task: Help the government eradicate corruption (prevention and enforcement) Duties: Contact officials or institutions, civil and military suites; examine government and private administration documents, ask for help from the central and regional apparatus Task: Discuss activities with party leaders and meet the President
1970	Commission Four (January-May 1970) Anti-Corruption Committee (2 Months)	Commission Four (January-May 1970) Anti-Corruption Committee (2 months)	
1971	Law No. 3/1971 Regarding Corruption		
1977	Presidential Instruction No. 9/1977	Control Operations (1977 - 1981)	Task: Clearing illegal levies, controlling stealth money, controlling the local government officials and departments
1982	Corruption Eradication Team	Corruption Crime is revived without the issuance of a new Presidential Decree	
1998	UU no. 28/1999 concerning the Implementation of a Clean and Corruption-Free, Collusion and Nepotism State		
1999	Law no. 31/1999 concerning Eradication of Corruption in conjunction with Law 20 of 2001		
	Presidential Decree No.27 / 1999	State Organizer of Wealth Investigation Commission	Task: check the wealth of state officials. This institution then became a prevention subsection in the Corruption Eradication Commission
2000	Government Regulation No. 19/2000	Joint Team for Corruption Eradication (2000 -2001)	Task: expose corruption cases that are difficult for the Attorney General to handle. Based on the decision of the material test rights (judicial review / toetsingrecht) MA, TGPTPK was forced to disperse.
2002	Law No. 30/2002	Corruption Eradication Commission (December 2003 until now)	Task: investigate corruption cases with a value above Rp. 1 billion and attract public attention; coordinating, supervising, law enforcement in handling corruption; monitor the administration of the country; conduct investigations, investigations, prosecutions, corruption cases, conduct efforts to prevent corruption.

2004	Presidential Decree No. 59/2004	Corruption Court	Authority: examine and decide upon a corruption case whose prosecution was submitted by the Corruption Eradication Commission Task: Coordination of examinations, fingerprinting, prosecuting corruption cases handled by the prosecutor's office; explore, secure corruption assets for optimal return of state losses
2005	Presidential Decree No. 11/2005	Corruption Eradication Coordination Team	

There are many more supporting provisions such as the People's Consultative Assembly Decree No. XI / MPR / 1998 concerning the administration of a State that is Clean and Corruption-Free, Collusion and Nepotism, which is then poured into Law No. 28 of 1999 concerning State Administrators who are Clean and Free of Corruption, Collusion and Nepotism and Government Regulation No. 71 of 2000 concerning Community Participation and Awarding in the Prevention and Eradication of Corruption Crimes.

According to Achmad Ali, as quoted by Friedmann's opinion, the legal system consists of legal structure, legal substance, and legal culture (Ali, 2005). The legal culture that will be the topic of discussion in this article, in addition to the legal structure component, and substantive legal as a discussion that supports the completion of the corruption settlement.

Sahetapy often terms as sweeping the floor with a dirty broom. And according to him, resolving the issue of abuse of authority, finance, and disrupting the country's economy must start from its leader. So it is appropriate to eradicate corruption, starting from the leader first by likening "rotten fish starting from his head".

The above provisions show how the problem of Corruption has not been completely resolved, law enforcers who should "oversee" the laws and regulations to eradicate corruption are actually involved in corruption. It seems to make "zero corruption" will be difficult. This is the problem revealed from the title above by involving community participation as a form of community participation in overcoming the danger of spreading corruption through the approach of the community's legal culture.

II. METHOD

The research method used in this article is the empirical legal research method. In empirical law research, law is conceptualized as an empirical phenomenon that can be observed in real life. Secondary data in this study is used as initial data and then continued with primary data or field data. Empirical legal research still refers to the normative premise where the operational definition can be taken from legislation such as the Corruption Act.

III. RESULT AND DISCUSSION

Every job should be able to be completed properly in accordance with the existing plan and has been budgeted. If from the beginning the handling of the project is carried out properly in accordance with the "expertise" and "ability" of cost management, surely a development project will run well. After searching, it turns out that the problem is that tenders are sometimes "flirted" with the authorities. There are bribes and gratuities in the process of winning tenders and budgets given by the state as "people's money", much of which is misused. There have been irregularities everywhere, because the problem of bribery and gratification has always been a "decoration" in every existing project.

In order to expedite development projects, the problem of bribery is an integral part of a development to expedite a project, sometimes forgetting human morality or the law. Bribery which is one mode that is often used in influencing due process of law, is reviewed criminologically through social interaction between the bribe giver and the bribe recipient. Bribery events can occur if there is an interest relationship between the bribe giver and the bribe recipient. The recipient of a bribe has an interest relationship with the bribe giver because he is a party who has the authority to be able to meet or not meet the interests of the bribe giver. Therefore bribery is also referred to as transactional crime

(Fletcher, 1985). There is a profit and loss transaction between the bribe giver and the bribe recipient. If there is no interest relationship that can lead to a transaction, then bribery will not occur. If the bribed party is unwilling to enter into an illegal transaction related to an interest relationship between the two, what happens is an attempted bribery. If the party that has the authority to meet or not meet the interests of the requesting party, uses its authority to request facilities from the requesting party, what happens is illegal levies or possibly extortion.

Giving to a party without an interest relationship can be a transactional relationship, not an act of bribery. However, if the gift is given in the context of a social relationship, such as a birthday gift, or a wedding gift or holiday gift, and between the gift giver and the recipient there is an interest relationship, then this situation is a gray area that can be called a gratification that legal and gratuity that isn't legal, depending on how it is regulated.

The occurrence of bribery can be explained by using Durkheim's view of legal morality. According to Emile Durkheim (Peters & Siswosoebroto, 1988), the law contains four moralities. **First**, it is morality to formulate actions that are considered immoral by the community. The morality of the actions considered immoral is reflected in the formulation of criminal law. **Second**, law is morality which formulates how people interact socially and the morality of social functions. The morality of social interaction is reflected in the formulation of civil law. **Third**, law is a morality for legal practitioners to act professionally in their work by referring to the morality of legal practitioners. The morality of legal practitioners is reflected in the principles of law. Can be included in the legal practitioners is the legislator because the law made by the legislator should refer to the morality of legal practitioners, so that it doesn't conflict with the principles of law. **Fourth**, the whole law is the morality of the community where the law was made and implemented.

In addition to the analysis of legal sociology above, according to (Mustafa, 2013), by quoting Peter Blau's view, the problem of bribery can also be explained using the theory of power exchange. According to Peter Blau in social relations there is a dependency relationship between parties based on differences in power and material consequences. If there is an unbalanced relationship in the possession of power, then the party in power can impose his will and interests on other parties when dealing socially. Such power can be exchanged to produce social relations that are relatively equivalent to material rewards.

The uncompleted work context can be seen from the delay of several large buildings in the Hambalang mega project, for example, because the bureaucrats, managers have been involved in bribery and even involved senior political party leaders at the time. Therefore this study will go into the next discussion is how to make corruption as a work complete, at least minimize the misuse of authority, power, and enrich oneself and others.

Corruption as formulated in Law concerning Eradication of Corruption Crimes, regulates illegal acts which are detrimental to the financial or economic condition of the country, threatened with a fairly severe criminal maximum (20 years) even under certain circumstances face the death penalty.

Corruption is a national problem that tends to be attached to power. According to Loard Action "*power tend to corrupt, and absolute power corrupts absolutely*" (Djaja, 2010). Meanwhile, Miriam Budiarjo stated that people who have power tend to abuse it, but people who have absolute power will definitely abuse it (Budiarjo, 1997). The existence of law enforcement in solving corruption cases has not yet been carried out effectively and efficiently.

The problem of synchronization isn't limited to discrepancies between laws and regulations, but is related to the entire legal system in force in Indonesia. Talking about legal policy in relation to the legal reform framework, it is necessary to examine the entire legal system involved (Varia, 1999). The national legal system as a set of interrelated legal parts or legal subsystems that form a complex or complex whole but constitutes a unity (Goesniadhie, 2006). When talking about the renewal of the criminal justice system in the study of legal policy, not only law policies, but also policies relating to the structure and legal culture that develops both structural and non-structural in society. Renewal of criminal law covers renewal in the field of structure, culture, and legal material, whereas renewal of the Criminal Code only means renewal of criminal law material (Bahiej, 2003).

Barda Nawawi Arief said there is no meaning to the criminal law replaced/renewed, if it isn't

prepared or accompanied by changes in criminal law. Criminal law reform or legal substance reform must be accompanied by legal/criminal science reform. This must also be accompanied by legal culture reform and legal structure reform (Arief, 1998). Sudarto also believes that a comprehensive renewal of the criminal law must include a renewal of the material criminal law, formal criminal law, and criminal implementation law (Soedarto, 1986). Based on the above descriptions, the discussion of the legal reform discourse, especially in criminal law, can't be separated between material criminal law and formal criminal law. Criminal Code and the Criminal Procedure Code are a unified interconnected criminal law system.

According to Saidi Isra in (Pramono, 2013), based on practices that have occurred, there are at least five gaps that open up space and opportunities for law enforcement to take advantage of existing legal rules for instant gain.

First, in the initial stages investigators are very likely to use the process to abuse their authority. Many incidents show how some law enforcers try to reap profits in the form of "negotiations" with those who are indicated to have committed criminal acts of corruption. It contributes to declining community participation to participate in reporting indications of corruption.

Second, law enforcement can still maneuver to gain profits by making various offers so that those who are indicated to commit corruption don't become convicts earlier. For this possibility, the most possible thing to do is to try not to arrest the perpetrators. However, the choice not to be detained is certainly attempted in ways that are not correct. In fact, if the public's attention is reduced because of a long and long-winded process, it isn't uncommon to issue an Order to Cease Investigation. Possibility in that direction is very open because the public space to question all forms of irregularities at the investigation stage is very limited.

Third, if a corruption case goes to trial, it isn't uncommon for systematic efforts to take advantage of the indictment so that the perpetrators of corruption can get a lighter sentence. In this case, the public prosecutor understands very well that judges will be very legalistic so that if there are indictments that are far from in accordance with the material actions committed, the judge will release the perpetrators.

Fourth, many judges' decisions don't give a deterrent effect on the agenda for eradicating corruption. For criminal acts of corruption committed in "certain circumstances" there has never been a maximum sentence. Whereas Law concerning Eradication of Corruption, allows for the death penalty for corruptors, in the event that corruption is carried out in certain circumstances, capital punishment can be imposed. Furthermore in the Explanation stated "What is meant by 'certain circumstances' in this provision is intended as a criminal charge is carried out when the country is in danger in accordance with applicable law, at the time of national natural disasters, as a repeat of corruption, or when country in a state of economic and monetary crisis "

Fifth, if a corruptor is found guilty and then must go through a period of detention, a period of detention and a detention house provides all kinds of facilities. Aside from the possibility of obtaining clemency, the other most common thing is getting remission to corruptors. With this facility, one of the goals of punishment is to provide a deterrent effect for the perpetrators and for the community is difficult to achieve (Hartiningsih, 2011).

The Corruption Eradication Commission and the Attorney General's Office are only able to uncover the occurrence of corruption cases and bring the perpetrators to justice, but haven't been able to fully return the state money that has been corrupted by corruptors.

According to Artidjo Alkostar, Young Chairperson of the Indonesian Supreme Court Criminal Justice, to realize justice through a Court Decision requires legal technical capacity and there are parameters that are used as a standard to decide on a case. For this reason, efforts to achieve truth through truth theories need to be used. 1). The theory of coherence or consistency, which is proving the interrelation between one proof with another evidence. In a relationship like this there is a causal relationship that is rational a priori. 2). Correspondence theory, namely the existence of a match between the evidence with the concept or norm, which is known as a posteriori causalistic relationship. 3). Theories that use a utility or utility approach, which depend on *utility*, which enables workable, and have satisfactory results.

It isn't easy indeed, so to be able to work can be completed, at least it must be understood the values

and principles of anti-corruption. President Joko Widodo always stressed that we must work, work and work. The embedded value exists in the individual as an internal part of the eliminating factor causing corruption, while the external factor comes from the environment or system. Internal factors are determined by the strength of the anti-corruption values embedded in each individual. These anti-corruption values include honesty, independence, discipline, responsibility, hard work, simplicity, courage, and justice. The anti-corruption values need to be applied by each individual to be able to overcome external factors so that corruption doesn't occur. To prevent the occurrence of external factors, in addition to having anti-corruption values, each individual needs to deeply understand the anti-corruption principles of accountability, transparency, fairness, policy, and policy control. Therefore the relationship between anti-corruption principles and values is an inseparable unity.

The elaboration of external factors will be explained below, while the internal factors are left to each individual who should behave by adhering to the above anti-corruption values. The anti-corruption principles are:

1. Accountability

Accountability is the compatibility between rules and work performance. All institutions are responsible for their performance according to the rules of the game in the form of conventions (*de facto*) and the constitution (*de jure*), both at the cultural level (individual to individual) and at the institutional level. Public accountability has traditionally been understood as a tool used to oversee and direct administrative behavior by giving obligations to be able to provide answers to a number of external authorizations. Besides that public accountability in the most fundamental sense refers to the ability to answer to someone related to the expected performance. Someone who has the legitimacy to supervise and expect performance.

In its implementation, accountability must be measured and accounted for through reporting and accountability mechanisms for all activities carried out. Evaluation of administration performance, implementation process, impact and benefits obtained by the community both directly and the long-term benefits of an activity.

2. Transparency

The eradication of corruption starts with transparency and requires that all policy processes be carried out openly, so that all forms of irregularities can be known by the public. In addition, transportation becomes the entrance as well as the control for the whole process of the dynamics of the institutional structure. In its simplest form, transparency refers to openness and honesty to uphold mutual trust because trust, openness, and honesty are valuable initial capital.

In the process, transparency is divided into five, namely the budgeting process, the process of preparing activities, the discussion process, the monitoring process, and the evaluation process. The bottom-up budgeting process starts from planning, implementation, accountability reports, and evaluating budget performance. In the process of drafting development activities or projects related to the process of discussion of funding sources and budget allocations. The most important thing is that of all the above processes, the evaluation process is valid and carried out openly and not only in administrative responsibility but also theoretically and physically in every development work output.

3. Fairness

The principle to prevent manipulation in budgeting, both in the form of mark-ups and other irregularities. The nature of the principle of fairness consists of five important things namely comprehensive and disciplined, flexibility, predictability, honesty, and informative.

Comprehensive and disciplined means considering all aspects, sustainability, compliance, principles of loading, spending and not going over the limit (off budget), while flexibility means that there are certain policies to achieve efficiency and effectiveness. Predictable means that there is a determination in planning on the basis of the principle of value for money to avoid a deficit in the current budget year. In addition, another important trait is honesty. Honesty means that there is no bias in estimating intentional revenues or expenditures, which are derived from technical or political considerations. The informative nature which is used as a basis for evaluating performance, honesty and decision making process besides this characteristic is a characteristic of honesty.

4. Policy

The role of the policy is to regulate interactions so that deviations don't occur that can harm the country and society. This anti-corruption policy isn't always synonymous with anti-corruption laws, but can be in the form of freedom of information laws, decentralization laws, antitrust laws, and others that can facilitate the public to know and control the performance and use of the state budget by state officials. The policy that has been made can function if it is supported by law enforcer. The existence of a policy is related to the values, understanding, attitudes, perceptions, and public awareness of anti-corruption laws. This policy culture will determine the level of community participation in fighting corruption.

5. Policy Control

Policy control is an effort to make policies that are truly effective and eliminate all forms of corruption. The form of policy control in the form of participation, evolution and reform. Policy control in the form of participation is to control the policy by participating in the preparation and implementation and policy control in the form of opposition that is to control by offering new policy alternatives that are considered more feasible. Whereas policy control in the form of revolution is to control by replacing policies deemed inappropriate. After understanding this last principle ([Kementerian Pendidikan dan Kebudayaan RI Direktorat Jendral Pendidikan Tinggi, 2011](#)).

Lawrence Meir Friedman in ([Wahyudi, 2012](#)) states that the success or failure of law enforcement depends on: Legal Substance, Legal Structure / Legal Institutions and Legal Culture. The details can be explained as follows:

- a. Legal Substance: In this theory referred to as the Substantial system that determines whether or not the law can be implemented. Substance also means products produced by people who are in the legal system that includes the decisions they issue, the new rules they draft. The substance also includes living law, not just the rules contained in law books. As a country that still adheres to the Civil Law System or Continental European system (although some laws and regulations have also adopted the Common Law System or Anglo Saxon) it is said that law is written regulations while unwritten regulations are not declared law. This system affects the legal system in Indonesia. One effect is the principle of Legality in the Criminal Code;
- b. Legal Structure / Legal Institution: In Lawrence Meir Friedman's theory this is referred to as a Structural system that determines whether or not the law is implemented properly. The legal structure based on Law No. 8 of 1981 includes; starting from the Police, Attorney General's Office, the Court and the Criminal Implementation Agency (Lapas). The authority of law enforcement agencies is guaranteed by law. So that in carrying out its duties and responsibilities regardless of the influence of government power and other influences. There is an adage that states "fiat justitia et perat mundus" (even though the world is breaking down the law must be upheld). The law can't run or upright if there are no law enforcement officials who are credible, competent and independent. How good is a law and regulation if it isn't supported by good law enforcement officers, then justice is only wishful thinking. Many factors affect the weak mentality of law enforcement officials including weak understanding of religion, economics, recruitment processes that are not transparent and so on. So it can be emphasized that law enforcement factors play an important role in the functioning of law;
- c. Legal Culture: Legal culture according to Lawrence M. Friedman is a human attitude toward law and the legal system-beliefs, values, thoughts, and expectations. Legal culture is an atmosphere of social thought and social power that determines how law is used, avoided, or abused. Legal culture is closely related to public legal awareness. The higher the legal awareness of the community will create a good legal culture and can change people's mindsets about the law so far. Simply stated, the level of community compliance with the law is one indicator of the functioning of the law.

IV. CONCLUSION

The problem which is studied sociologically that corruption has not been resolved until now is because it has cultivated this deviant behavior which is realized that the pattern of behavior still surrenders "tribute" to smooth out the duties and authority so as to cause abuse of authority. Besides

that, it is still realized that there is a selective cutting process in handling corruption and not all law enforcers, including the community, apply clean lifestyles and understand intelligently about anti-corruption values, including honesty, independence, discipline, responsibility, hard work, simple work, courage, and justice. In addition, the understanding of bureaucracy also doesn't fully understand and apply anti-corruption principles of accountability, transparency, fairness, policy, and policy control.

Work in tackling the misuse of corruption so that it can be completed by harmonizing and synchronizing and strengthening awareness of the existence of a legal system including the legal structure, legal substance and legal culture of the community. Harmonization and synchronization is meant not only to strengthen the structure and substance, but also enhance the role of the community to improve culture. So that efforts to strengthen the system not only come from the top down, but also from the bottom up.

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