

Sociology of Law in Corruption Crimes: Case Studies in the Judicial Process in Indonesia

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ABSTRACT

Corruption is one of the crucial problems in Indonesia, and it has not been addressed. Corruption occurs in almost all lines and structures of government, from the executive and legislative to judiciary, from government at the central to regional levels. This research aims to examine social sanctions' regulation in eradicating corruption in Indonesia from a sociological perspective. Methodologically, this research is library research conducted using a qualitative approach. After analyzing field data using the sociology of law and the sociology of corruption, this research found that eradicating corruption through establishing social sanctions from a sociological perspective means exile or castration. Social sanctions in this context mean maximizing social structures and community institutions to control, prevent and take action. Both prevention and action are direct, for example, making them street sweepers, or indirect, but provide a long-term deterrent effect, for example, marking their identity card (KTP) with writing or a corruptor's stamp, revoking their political rights so they can no longer hold public office.

Keywords: corruption, social sanctions, sociology of law

INTRODUCTION

Corruption in Indonesia is one of the most complex social problems and affects various aspects of life, both economic, political, and social. Sociology of law, as a discipline that studies the relationship between law and society, provides in-depth insight into the dynamics between legal norms, social values, and the implementation of the law itself in dealing with corruption (Fathullah, 2024; Pujiati & Muhsin, 2020; Shidarta, 2020; Hadid, 2024). Corruption in Indonesia is not only seen as the actions of individuals who violate the law but also as a systemic problem involving the structure and culture of society. In many cases, corruption often occurs because of social norms that tolerate or even motivate such behavior. For example, the practice of bribery is often considered an "unwritten expense" of running a business or public administration. This phenomenon illustrates the gap between the legal norms set by the state and the social norms that apply in society (Gultom, 2022). The judicial process in corruption cases in Indonesia is often faced with structural and cultural obstacles. One of the main obstacles is the existence of political intervention in the judicial process, which can affect the independence of the judiciary. In addition, corrupt practices also occur within the law enforcement agencies themselves, including in the police, prosecutor's office, and courts (Munasto & Back, n.d.).

From the perspective of legal sociology, corruption is not solely seen as a violation of the law but also as a social phenomenon rooted in the structure of society (Becquart-Leclercq, 2024; Giang & Nhi, 2025). The sociology of law highlights the gap between written law (law in books) and its application in real life (law in action). In the

case of corruption, the rings are ignored or manipulated by actors with political and economic power. This causes the law enforcement process to be ineffective, even biased, especially when corrupt actors have a strong position in the power structure (Mohd. Yusuf DM, 2023). *Uncovering Legal Theory and Judicial Prudence*. Jakarta: Kencana.) Although the law has imposed strict sanctions against corruption, its implementation is often delayed by corrupt bureaucracies; the weak capacity of law enforcement agencies is often a tool of legitimacy for elite groups rather than an instrument of justice. Corruption and law enforcement, from a sociological perspective, are closely intertwined with social, cultural, and power dynamics. Law enforcement against corruption requires a holistic approach that focuses on the formal application of the law and the transformation of cultures and social systems that support corrupt practices (Hendarto & Sulisty, 2023; Ritonga & Faisal, 2024). By understanding corruption as a social phenomenon, efforts to eradicate corruption can be designed more effectively and sustainably, creating a more just legal and societal order.

Through a case study of the judicial process in Indonesia, this research aims to explore how the sociology of law approach can provide new insights into understanding and addressing the corruption problem. By examining the social factors that influence corruption crimes and their judicial processes, this research is expected to create a fairer and more effective legal system. This is important to rebuild public trust in legal institutions and support Indonesia's sustainable corruption eradication agenda (Hadi, 2022). This argument emphasizes the importance of studying corruption from the perspective of legal sociology because only by understanding the relationship between law and society a comprehensive and sustainable strategy can be formulated to address one of the biggest problems in the life of the nation and state in Indonesia.

METHOD

The research method is normative research with a legal approach relevant to the theme. A normative juridical approach is carried out to enrich this paper and provide an overview of how the ins and outs of corruption can occur and the causes and factors that influence it. The phenomena that arise in the article provide an overview of how a criminal act of corruption can occur and how and what factors are the causes and solutions of the theme raised in this paper.

RESULTS AND DISCUSSION

The judicial process of corruption crimes in Indonesia can be analyzed through a sociological perspective to understand more deeply how law and society affect each other in the context of eradicating corruption. The sociology of law focuses on the relationship between law and social structures, as well as how law operates in the social, cultural, and political contexts that exist in society. In this case, sociology helps to explore further the dynamics between written law (law in books) and how law is applied in practice (law in action).

From a sociological perspective, law is seen not only as a set of rules to be followed but also as a product of a broader social structure. Corruption in Indonesia often involves strong power relations between public officials, politicians, and the private sector. The judicial process in corruption cases can be influenced by the social relationships established between legal actors and external forces such as politics, economics, and culture. Corruption is not only an individual problem but also related to the social structures that create opportunities for corrupt practices. In many cases, corrupt perpetrators have a strong position in society and often use their power or

influence to influence the course of the judicial process (WULANDARI, 2021). This leads to inequality in applying the law, where defendants from political or economic elites often receive lighter treatment. At the same time, perpetrators from the lower classes tend to be punished more severely. Legal sociology shows that the legal system in eradicating corruption cannot be separated from existing social forces. Eradicating corruption requires a broader approach, namely improving social structures that can reduce power inequality and provide justice for all levels of society (Rustam, 2017).

Social culture in Indonesia, including the norms that develop in society, has a huge role in shaping how the law is accepted and practiced. In many cases of corruption, a culture of patronage and kinship or social networks play an important role in the judicial process. For example, an official involved in corruption often receives protection from his or her social networks, both at the local and national levels (Ali, 2023). The deep-rooted patronage of Indonesian society shows that legal justice is often not accepted in the same way by all parties. In this case, social, political, and economic relations can create injustice in law enforcement, as corrupt perpetrators with high social positions can use their influence to reduce punishment or avoid legal consequences. The sociology of law highlights the importance of understanding the relationship between existing legal culture and societal legal practice. The social culture that supports or even perpetuates corrupt practices must be a concern in the legal reform process. Therefore, profound cultural change—both at the individual and collective levels—is necessary for the law to be applied fairly and effectively (Achmad Ali & Wiwie Haryani, 2014).

The corruption justice process in Indonesia is often hampered by political intervention. In some significant cases, the judicial process can be hampered by political pressure or the inability of legal institutions to act independently. Political forces often seek to influence the legal process, either directly or indirectly, to protect their political interests. The resolution of corruption cases involving political figures or high-ranking officials is often delayed or even unexplained termination. In some cases, the perpetrators can use the legal system to their advantage by arranging the courts or pressuring the authorities (Pujiyanti, 2023).

Legal sociology shows that the legal system cannot be seen as separate from the political forces in society (Rustam, 2017). An ideal judicial process requires an independent legal system, free from political pressure and capable of upholding the principles of impartial justice. Therefore, eradicating corruption requires improvements in the judicial structure, including increasing the capacity of legal institutions to work independently and professionally. One of the important aspects of legal sociology is understanding how society views and responds to the existing legal system. Public perception of the corruption justice system in Indonesia tends to be negative. People often feel that the justice system is unfair, especially in handling major corruption cases involving high-level officials or politicians.

This perception arises because of the lack of transparency in the judicial process and because many foremost corrupt perpetrators are not punished appropriately. This creates greater distrust of the law, which has the potential to undermine the legitimacy of the law itself. When society feels that the law only serves to punish the lower class and allow the upper class to escape the trappings of the law, trust in the legal system decreases. Legal sociology emphasizes the importance of legal legitimacy in maintaining people's compliance with the law. If people feel that the law is unfair, they are less likely to respect or obey it. Therefore, to strengthen the effectiveness of corruption eradication, legal reform must include transparency and fairness in the

judicial process (Pujiyanti, 2023).

CONCLUSION

When analyzed from a sociological perspective, the judicial process of corruption in Indonesia shows the complex relationship between law and the social, political, and cultural structures that exist in society. The law is seen not only as a rule to be obeyed but also as a product of broader social dynamics. Corruption in Indonesia often involves strong power between public officials, politicians, and the private sector, which affects the judicial process. This corrupt practice reflects inequality in applying the law, where perpetrators from the elite often receive less treatment than perpetrators from the lower classes. In addition, Indonesia's social culture, which is rooted in the practice of patronage and kinship relationships, plays an important role in how the judicial process is conducted. Corrupt perpetrators often get protection from their social networks, contributing to law enforcement injustice. Therefore, a profound change in social culture is needed for the law to be applied fairly and effectively. Political intervention is also a major obstacle in Indonesia's judicial process of corruption cases.

Political pressure often affects the justice system, delaying or terminating cases involving political figures or high-ranking officials. For this reason, the legal system must be able to work independently and free from external pressure to maintain the principle of justice.

The public's negative perception of the corrupt justice system further worsens the situation, as the lack of transparency and injustice in the legal process worsens the legitimacy of the law itself. Without transparency and real justice, the public will lose trust in the legal system, reducing the effectiveness of corruption eradication. Overall, eradicating corruption in Indonesia requires a holistic and systematic approach, focusing on formal legal reforms and changes in the social, political, and cultural structures that allow corrupt practices to occur. For the justice system to function more effectively, reforms are needed that include strengthening legal institutions, applying the principles of transparency, and improving justice at every stage of the judicial process.

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