

Understanding the Interplay Between Legal Morality, Corruption Penalization, and Public Patronage Culture: Evidence from a Systematic Literature Review

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Received: 2026, 03, 19 Accepted: 2026, 06, 03
Available online: 2026, 06, 29

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KEYWORDS	ABSTRACT
<p>Keywords: Anti-Corruption State; Corruption Penalization; Legal Morality; Patronage Networks; Systematic Literature Review.</p> <p>Conflict of Interest Statement: .</p> <p>Copyright © 2026 Vifada Assumption Journal of Law. All rights reserved.</p>	<p>Purpose: This study analyzes the ineffectiveness of normative-positivistic and repressive approaches to corruption eradication. It examines corruption's philosophical multidimensionalities, including justice concepts, and explains how power patronage, nepotism, and policy manipulation distort essential justice and undermine the welfare state.</p> <p>Research Design and Methodology: This study uses a normative research method combining a Systematic Literature Review (SLR) following PRISMA 2020 guidelines analyzing 87 articles with normative juridical analysis using statute, conceptual, and case approaches.</p> <p>Findings and Discussion: Corruption regularly destroys Aristotelian distributive and corrective justice and acts as the antithesis of John Rawls's just society by diverting resources to those with power. Corrupt public officials betray the legal system's internal morality, and Indonesia's entrenched patronage networks prioritize personal loyalty over formal bureaucracy, rendering current penalization ineffective at producing a deterrent effect.</p> <p>Implications: He study emphasizes the need for institutional reform to break patronage networks. It recommends treating corruption eradication not merely as a criminal law issue, but as an ethical project to build an anti-corruption state architecture pillared on accountability, transparency, and public integrity.</p>

Introduction

Corrupt behavior has often been considered as a criminal law problem that must be resolved in the courtroom through the mechanisms of prosecution, proof and punishment (penalization).¹ These repressive and normative-positivistic approaches, although important, have proven ineffective in explaining why corruption continues to reproduce itself and even develops imitatively.² In Indonesia this has given rise to a heartbreaking paradox: amidst the euphoria of anti-corruption slogans and the ruling regime's declaration of a clean and authoritative "golden Indonesian bureaucracy," corruption is actually becoming increasingly widespread. The limitation of this positivistic approach lies in the inability of state institutions to reach the deepest layers of the corruption phenomenon, namely the philosophical dimensions related to the concept of essential justice, the relationship between law and morality, and the legitimacy of power.³

¹ Aji Mulyana et al., 'Corruptors Remission Controversy: A Review of Human Rights and Justice Perspective', *Jurnal Wawasan Yuridika* 8, no. 2 (September 2024): 159-79, <https://doi.org/10.25072/jwy.v8i2.4456>.

² Handaru Arya Ahmad Musyaffar and Radhitya Pratama, 'The Sentencing Effectivity on the Criminal Offense of Corruption Through the Perspective of Indonesian State Administrative Law: A Review', *Unizar Law Review* 6, no. 1 (June 2023), <https://doi.org/10.36679/ulr.v6i1.22>.

³ Suhartono Suhartono et al., 'The Effectiveness of Criminal Sanctions in Preventing Corruption: A Literature Review of the Indonesian Legal System', *Bulletin of Science, Technology and Society* 3, no. 3 (November 2024): 43-48.

As a form of extraordinary crime (extra ordinary crime), corruption is essentially not just a violation of written legal norms (*ius constitutum*).⁴ Corruption is a denial of democratic values, which massively undermines the goals of the welfare state as mandated by the constitution. The degradation of legal morality occurs when the ethical boundaries between public and private interests are manipulated to satisfy the desires of oligarchic groups.⁵ The government, as the executive branch, whose true duty is to realize the *bonum publicum* (general welfare), often designs regulations and policies to legitimize the privileges of certain groups. Without a deep philosophical understanding of the values of justice (such as Pancasila), the model of punishing corruption will remain merely lip service, never being able to transform the value system within social interactions.

The failure of this value system is clearly manifested in the culture of patronage of power that is widespread in government institutions.⁶ Tidak jarang ditemukan modus kejahatan politik (*political crime*) yang berlandung di balik prinsip *take and give* pasca-suksesi pemilihan kepala daerah maupun nasional.⁷ This method of reciprocation disguised as nepotism facilitates the creation of a consensus of ill-intentioned interests through policy manipulation. Through this intervention, various fictitious or “fake projects” emerge insignificant projects are presented as important, and nonexistent ones are presented as if they were real, ultimately harming the country's economy. This reality gives rise to a profound irony: the creation of “corruption in the anti-corruption country of Indonesia”.⁸

Various academic discourses have attempted to dissect the phenomenon of corruption in Indonesia.⁹⁻¹⁰ Namun demikian, mayoritas kajian masih didominasi oleh analisis doktrinal yang parsial mengenai kelemahan institusi penegak hukum, atau terbatas pada studi empiris mengenai kasus-kasus korupsi tertentu.¹¹⁻¹² There is little literature that systematically examines the causal relationship between the failure of criminal law enforcement, the degradation of institutional morality, and the public patronage cluster within a holistic analytical framework. This is where a significant research gap lies. This study is expected to provide theoretical contributions to the discourse on the sociology of law and the philosophy of justice, while also offering a practical foundation for governance reform in Indonesia and other developing countries.

Literature Review

Corruption has increasingly been examined not only as a violation of criminal law, but also as a manifestation of moral and institutional failure within the legal order. Recent legal scholarship shows that the persistence of corruption cannot be fully understood if it is viewed solely through the lens of statutory prohibition and criminal punishment. The authority of law depends not only on formal validity, but also on the ethical integrity of those entrusted with public power. For this reason, legal morality has become an important analytical entry point in contemporary anti-corruption discourse.

A number of studies explain that corruption distorts the normative purpose of law by shifting public authority away from the common good toward private and group interests. In such circumstances, law no longer functions as an instrument of justice, but as a mechanism that can be

⁴ Ach Safi'ie Ferdinanta, Rio Saputra, and Didit Darmawan, 'The Effectiveness of Death Penalty as an Effort to Counter Serious Crimes: A Literature Review', *Bulletin of Science, Technology and Society* 3, no. 1 (May 2024): 52-62.

⁵ Yuyun Alfasius Tobondo, Rinto Z. W. Abidjulu, and Arifin Balingki, 'Public Administration and Anti-Corruption Efforts: A Critical Review', *JMPD: JURNAL MANAJEMEN PEMBANGUNAN DESA* 1, no. 2 (November 2024): 61-74.

⁶ Yenny Febrianty et al., 'Implementation Implementation of the Applicability of the Death Penalty in Indonesia Through a Review of Pancasila-Based Islamic Law', *Eduvest - Journal of Universal Studies* 3, no. 5 (May 2023): 983-93, <https://doi.org/10.59188/eduvest.v3i5.806>.

⁷ Marc A. Rodwin, 'Probing the Prevalence of Pharmaceutical Corruption', *Journal of Law, Medicine & Ethics* 54, no. 2 (June 2026): 130-42, <https://doi.org/10.1017/jme.2026.10254>.

⁸ Muhammad Mutawalli Mukhlis, Zulhilmi Bin Paidi, and Wiranti Wiranti, 'The Interests of Democracy or the Eradication of Corruption: The Dissolution of Political Parties in a Review of Law and Practice in Other Countries', *Constitutional Law Review* 4, no. 1 (May 2025): 70-97, <https://doi.org/10.30863/clr.v4i1.5632>.

⁹ Muhammad Rahjay Pelengkahu and Fajri M. Kasim, *Phenomena of Corruption as A Social Pathology: A Review on Legal Sociology | Jurnal Hukum Prasada*, 25 July 2025, <https://ejournal.warmadewa.ac.id/index.php/prasada/article/view/6443>.

¹⁰ Gita Mahmud, 'Analysis of the Phenomenon of Corruption in the World of Educators: A Review of Solution-Based Cases from the Perspective of Positive Law', *Judge: Jurnal Hukum* 5, no. 04 (December 2024): 52-64, <https://doi.org/10.54209/judge.v5i04.1056>.

¹¹ Trisnawati Trisnawati, Teguh Kurniawan, and Andreo Wahyudi Atmoko, 'Corruption from a System Dynamics Perspective: A Systematic Literature Review', *JPSI (Journal of Public Sector Innovations)* 7, no. 2 (May 2023): 59-66, <https://doi.org/10.26740/jpsi.v7n2.p59-66>.

¹² Ridwan Santoso, 'Evaluation of Anti-Corruption Values in Students: A Review from Character and Economic Perspectives', *Journal of Economic Education* 4, no. 1 (June 2025): 88-96.

manipulated by those who control access to power. This situation weakens public trust and diminishes the moral legitimacy of state institutions. As a result, corruption must be understood as a problem that injures both legality and justice.

The literature also reflects the continuing relevance of debates on the relationship between law and morality in understanding corruption. One stream emphasizes the formal validity of legal rules and places primary attention on institutional compliance. Another stream argues that a legal system loses its guiding force when public officials act inconsistently with the principles of responsibility, accountability, and fidelity to law. This second perspective is particularly useful for corruption studies because it explains why legal systems may remain procedurally intact while substantively failing to realize justice.

Within this framework, corruption becomes more than an act of unlawful enrichment. It represents a betrayal of public trust and an erosion of the ethical foundations that justify authority in a constitutional state. The misuse of office for personal or network advantage reflects a deeper crisis of governance in which public norms are subordinated to private interests. This is why the literature on legal morality contributes significantly to the understanding of corruption as a structural and philosophical problem. It provides the conceptual foundation for examining corruption beyond narrow doctrinal boundaries.

Another important strand of scholarship focuses on corruption penalization as the dominant anti-corruption strategy. Most legal studies in this area discuss prosecution, sentencing, deterrence, and the effectiveness of criminal sanctions in suppressing corrupt conduct. In many legal systems, including Indonesia, penal policy has long been treated as the principal response to corruption because it offers a clear repressive mechanism against offenders. This orientation reflects the belief that stronger sanctions will strengthen legal obedience and protect public resources.

However, recent studies increasingly question the sufficiency of this penal approach. Criminal punishment may be necessary, yet it often addresses corruption only after institutional damage has already occurred. Repressive legal policy tends to focus on individual offenders, while the underlying conditions that enable corruption, such as weak integrity systems, political influence, and administrative manipulation, remain relatively untouched. Consequently, penalization often produces formal enforcement without ensuring deeper institutional reform.

The literature further indicates that the effectiveness of corruption penalization depends heavily on consistency, impartiality, and credibility in law enforcement. Where the application of sanctions is selective or influenced by political considerations, criminal law loses much of its deterrent function. Unequal treatment of offenders creates a perception that legal consequences are negotiable for those who possess status, wealth, or access to patronage networks. Under these conditions, the repressive model cannot function as a stable foundation for anti-corruption governance.

This explains why many studies now treat the failure of corruption penalization as a broader legal and governance issue rather than a mere problem of statutory inadequacy. The weakness does not lie only in the severity of sanctions, but in the inability of punitive law to transform the moral and structural environment in which corruption operates. The penal approach remains important, but it cannot by itself dismantle the social and institutional patterns that reproduce corrupt practices. This gap in the literature opens space for a more integrated analytical framework.

A further body of literature addresses corruption through the concept of patronage culture, clientelism, and informal power networks. In this perspective, corruption is not simply an isolated act of personal greed, but part of a broader exchange structure built on loyalty, reciprocity, and access to political or bureaucratic resources. Patronage relations often function alongside formal legal institutions and, in many contexts, effectively override them in practice. This makes corruption more enduring because it is embedded in patterns of social and political organization.

Studies on patronage culture show that public office may be used not as a constitutional responsibility, but as a means of rewarding allies, securing influence, and maintaining power. Decisions that formally appear lawful may in fact be shaped by network obligations and hidden transactional interests. In such an environment, corruption becomes normalized as part of political survival and bureaucratic functioning. The literature therefore demonstrates that anti-corruption efforts must confront not only unlawful acts but also the informal structures that sustain them.

This line of scholarship is especially important because it explains why law enforcement often encounters resistance that is cultural as well as institutional. Formal accountability mechanisms may exist, yet they operate weakly when personal loyalty is valued more highly than impersonal legality. Patronage culture creates competing normative orders in which informal reciprocity can displace the public ethic demanded by the rule of law. As a consequence, the enforcement of anti-corruption law becomes fragmented and unstable.

Although the existing literature on legal morality, corruption penalization, and patronage culture is relevant and substantial, it is often developed in separate analytical tracks. There remains limited scholarship that systematically connects the decline of legal morality, the ineffectiveness of repressive anti-corruption law, and the persistence of patronage networks within one integrated framework. This study addresses that gap by organizing those three themes into a single analytical structure. Through this approach, the literature review strengthens the academic foundation of the article and clarifies the intellectual map for examining corruption as a moral, legal, and structural problem.

Research Design and Methodology

This study uses a normative research method, this study offers an integrative approach that combines Systematic Literature Review (SLR) with normative juridical analysis. Through the method of extracting themes from public documents and literature reviews. In this study, several approach techniques are used in research such as (technical approach) by mapping the complexity of this paradigm objectively, the SLR approach through the extraction of fundamental themes from various policy literature and legislation is very necessary. This study aims to analyze the literature map related to the ineffectiveness of the normative-positivistic approach in eradicating corruption. Exposing the mechanisms of patronage and nepotism culture in distorting essential justice and degrading legal morality. Formulating an anti-corruption state architectural framework based on the transformation of constitutional moral values as a way out of the deadlock of the current corruption penalization system, in addition to the statute approach, and the conceptual approach and the case approach. This study uses norms related to ethics, morals, and the responsibility of the government as the holder of a role and controller of state power in the context of eradicating corruption to realize a clean and authoritative government. The case approach aims to study the norms or legal rules implemented in legal practice. Meanwhile, the use of a conceptual approach in this study is intended to explain concepts related to the main problem being studied, namely the concept of the rule of law and the recognition of the fundamental rights of every citizen that must be guaranteed and protected by the state as mandated by the constitution.

In our SLR approach we follow the generally recognized PRISMA 2020 guidelines which outline reporting criteria, researchers have the right to determine the number of words, the number of sections, and the maximum number of tables and figures that can be included in the main article.¹³ We used two academic databases: Scopus and Sinta. We used three sets of search terms across six academic databases. These sets of terms narrowed the scope of studies focusing on the failure of corruption criminalization in Indonesia (see Table 1). We selected search terms by reviewing article titles, abstracts, and keywords. Search terms within each set were separated by the “OR” operator, and both sets of search terms were combined using the “AND” operator. We searched for studies published between 2023 and 2026 (Table 1 and Figure 1 detail the process, the latter including a PRISMA flowchart for the search and filtering process). Through an automated search process, we removed duplicate data in each database after compilation. The search strategy (database search) yielded a total of 17,200 entries. After filtering the data, we read each abstract and used a decision tree to identify relevant studies based on the inclusion criteria: scientific articles, published in the 2023-2026 period, and focused on the failure of corruption criminalization in Indonesia.

¹³ Lucy Thompson et al., ‘A PRISMA Systematic Review of Adolescent Gender Dysphoria Literature: 3) Treatment’, *PLOS Global Public Health* 3, no. 8 (Agu 2023): e0001478, <https://doi.org/10.1371/journal.pgph.0001478>.

Table 1.
 Search Terms Used

Basis 1	Operator	Basis 2
“corruption” OR “penal” OR “policy”	AND	“effectiveness” OR “efficiency”

Table 1 shows the keywords used in this study, with the separator operator “AND”, this study uses 2 keyword bases, namely “corruption” OR “penal” OR “policy” and “effectiveness” OR “efficiency”. The initials “OR” are used to connect words within a single keyword base. This aims to expand the area or subject of the search to obtain as much data as possible.

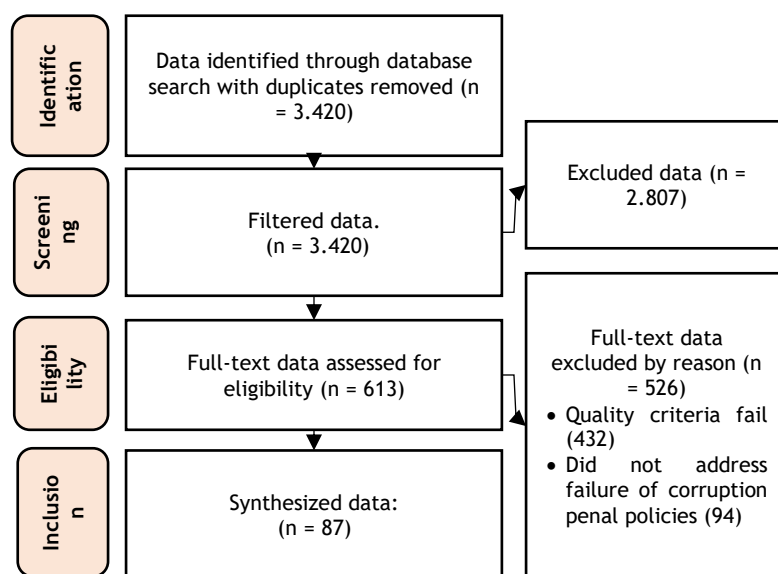


Figure 1.
 Prisma Flowchart, Based on the Provisions of Prisma

Figure 1 shows that out of 3,420 data points, 2,807 did not pass the screening stage, resulting in 613 data points. After quality assessment, 87 data points were extracted. Quality assessment included ensuring that the studies provided relevant information, basic information about research methods and data, and detailed findings. Furthermore, we chose to include only peer-reviewed articles in our final sample, as this process demonstrated that quality assessment had been conducted. The analysis was conducted thematically, as described by Iryana Khushnir, which involved familiarizing ourselves with the data by reading and identifying findings, initial coding, grouping themes, defining themes, and writing up the findings with the evidence found.¹⁴ The articles in our final sample represent a variety of research designs that yielded both normative and empirical data. We used a systematic review and synthesis approach to qualitative research followed by thematic analysis. Thematic analysis explicitly states the themes emerging from the selected literature and details how the qualitative synthesis was structured. Sources were categorized based on these themes, ensuring a structured synthesis of the findings.

¹⁴ Melissa DeJonckheere et al., ‘Qualitative Thematic Analysis in a Mixed Methods Study: Guidelines and Considerations for Integration’, *Journal of Mixed Methods Research* 18, no. 3 (July 2024): 258-69, <https://doi.org/10.1177/15586898241257546>.

Findings and Discussion

Findings

Eighty-seven scientific research articles in the final review were published in four themes: distortion of justice values, degradation of morality and fraud, petronage culture, and the constitutional mandate of the anti-corruption state architecture. In our 4-year search period (2023-2026), no articles in our sample were published before 2023, and only 25 (28.7%) were published in the first half of the period before 2023. Meanwhile, 33 articles (38%) were published in 2024, 17 articles (19.6%) in 2025, and the remaining 12 articles (13.7%) were published in 2026.

Figure 2.
The Failure and Success of Corruption Penalization in Indonesia

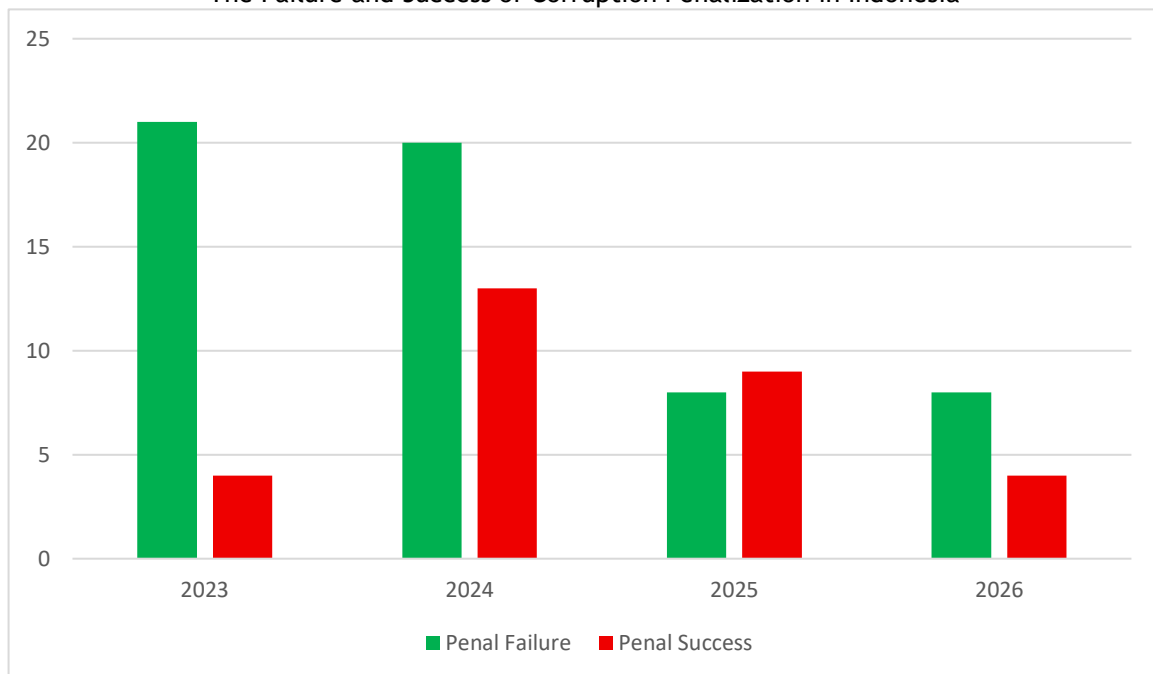


Figure 2 shows the number of scientific studies or articles stating the success and failure of penal policies on corruption in Indonesia. In 2023, 21 studies (84%) stated that penal policies failed in Indonesia, while in 2024, 20 (60.6%) stated that penal policies failed. In 2025, 8 (47%) stated that penal policies failed. Finally, in 2026, 12 (66.7%) stated that penal policies failed. Overall, from 2023 to 2026, 57 scientific studies stated that penal policies failed in Indonesia, or approximately 65.5%, while 30 (34.5%) stated that penal policies in Indonesia related to corruption were successful.

Discussion

Distortion of Justice Values in Public Policy

The philosopher Aristotle distinguished two forms of justice relevant to essential justice in national and state life in general. Distributive justice concerns the proportional distribution of social benefits and burdens based on legitimate contributions, needs, or rights. Corrective justice concerns the restoration of disturbed balances, whether in voluntary or forced transactions.¹⁵ Both forms of justice share the same basic assumption, that resources, opportunities, and state treatment should be distributed based on publicly accountable standards, not on personal proximity or economic power.¹⁶

¹⁵ Christian Alexander et al., 'Challenges and Opportunities of Curbing Urban Corruption and Building Professional Integrity: Experiences of Planners in South Africa and Zambia', *Habitat International* 122 (April 2022): 102541, <https://doi.org/10.1016/j.habitatint.2022.102541>.

¹⁶ Aristoteles, *Nicomachean Ethics*. Diterjemahkan Oleh T. Irwin (Indianapolis: Hackett Publishing, 1999).

A paradox in Indonesia where justice is not distributed evenly and equally, is a problem that is continuously disputed because Pancasila as a way of life for the life of the nation and state is not truly used as a parameter for the distribution of justice to all Indonesian people.¹⁷ The concept of justice in Pancasila, which should be the standard, is instead manipulated by the ruling elite and groups in power circles to plunder the social and political rights of the people.¹⁸ The provisions of Article 33 of the 1945 Constitution are even used as a justification for forcibly taking over the land rights of the people and community groups who have customary rights, under the pretext that the right to control land as the highest right is in the hands of the state ex officio the government. However, in reality, behind the use of these control rights (vide Article 33 of the 1945 Constitution) there are hidden interests of capitalists who use the power of the government, for example the takeover of people's forests and people's lands that have potential mineral and coal content.¹⁹ In this case, we can see the greedy food estate project which was claimed to be a large-scale food barn project, but instead became a corrupt project that caused misery to the people, had long-term impacts and damaged the ecosystem and the social value system.²⁰

Massive corruption inevitably destroys both foundations of the Aristotelian concept of justice: distributive justice and corrective justice. When infrastructure projects are awarded to contractors who pay bribes and tributes, especially when packaged in the National Strategic Project (PSN) policy, rather than to those who offer the best quality at the most efficient price, distributive justice is violated because public resources are diverted based on corrupt relations. Various forms of corrupt behavior, especially nepotistic corruption, have occurred at that time. When perpetrators of corruption, who are criminal offenders, receive different legal treatment because they have political connections or financial power to buy impunity, corrective justice collapses, and the spirit of law enforcement becomes an absurd, empty jargon. The implications of such conditions result in structural inequality not only in economic matters but also in public trust in the state's capacity to act fairly and impartially.²¹

John Rawls introduced a deeper level of analysis of justice with his theory of justice as fairness. In *A Theory of Justice* (1971), Rawls enumerated two principles arising from the original position behind the "veil of ignorance": first, the principle of equal basic liberties for all citizens; second, the difference principle, which permits inequality only if it benefits the least advantaged in society. This Rawlsian framework directly criminalizes corruption on a philosophical level. No rationalization can make corrupt practices consistent with Rawls's difference principle, as corruption diverts resources from those most in need to those already possessing access and power. Corruption is the antithesis of the basic structure of a just society as envisioned by Rawls.²²

Rawls's rationale is very evident in Indonesia today, where interest groups and pressure groups within the power sphere receive excessive facilitation, while vulnerable lower-class groups are denied their constitutional rights. Such discriminatory behavior by the government can give rise to cultural conflicts that become traditions and have the potential to become a culture of prolonged warfare. This reality aligns with Thorsten Sellin's opinion, which gradually and substantially explains that all cultural conflicts are conflicts in social values, interests, and norms. Conflicts over behavioral norms can arise from differences in the prevailing social methods and values among groups.²³

Even more extreme, Hamid Awaludin asserted, "It is an irony for this nation: on the one hand, corruption is becoming increasingly widespread, while on the other, various issues, with all their

¹⁷ Asis Asis, 'The Legal Position of the KPK as an Independent Anti-Corruption Agency in Indonesia: A Review in Law No. 19 of 2019 and UNCAC', *Unnes Law Journal* 10, no. 1 (April 2024): 81-100, <https://doi.org/10.15294/ulj.v10i1.1877>.

¹⁸ Asmidar Lokman et al., 'A Review of the Role of Anti-Corruption Agencies in Implementing Sustainable Development Goals (SDG)', *Gading Journal for the Social Sciences (e-ISSN 2600-7568)* 27, no. 2 (October 2024): 132-42, <https://doi.org/10.24191/gading.v27i2.477>.

¹⁹ Henry Aspan et al., 'Legal Mechanisms for Business Accountability: A Comparison of Soft and Hard Law in Indonesia', *LAW REFORM* 20, no. 2 (October 2024): 353-82, <https://doi.org/10.14710/lr.v20i2.59273>.

²⁰ Taufiqurrohman Syahuri, Gazalba Saleh, and Mayang Abrilianti, 'The Role of the Corruption Eradication Commission Supervisory Board within the Indonesian Constitutional Structure', *Cogent Social Sciences* 8, no. 1 (December 2022): 2035913, <https://doi.org/10.1080/23311886.2022.2035913>.

²¹ Magda Siahaan et al., 'Will the Integrated GRC Implementation Be Effective against Corruption?', *Journal of Financial Crime* 30, no. 1 (February 2022): 24-34, <https://doi.org/10.1108/JFC-12-2021-0275>.

²² John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

²³ Deden Abdul Malik et al., 'Navigating the Labyrinth: A Normative Juridical Analysis of Legal Politics and Policy Formulation in Indonesia', *Enigma in Law* 2, no. 1 (December 2024): 75-86, <https://doi.org/10.61996/law.v2i1.82>.

dimensions and implications, continue to plague it. The problem is worsened by the prevalence of corruption, which is increasingly difficult to address by the law. In fact, law enforcement officials themselves appear to be protecting suspects, especially law enforcement officers who are suspected. There is a kind of systematic conspiracy to protect fellow citizens”.²⁴

Moral Degradation of the Legal System and Systemic Fraud

The current discourse of “corruption in the anti-corruption state of Indonesia” becomes a reality that is increasingly difficult to deny when linked to the discourse of the debate between Lon L. Fuller and H.L.A. Hart on the relationship between law and morality, which provides an important analytical framework. Hart, representing the tradition of legal positivism, argues that law and morality are two conceptually separate systems. Law is valid because it meets the procedural requirements of validity, not because of its moral content. Fuller, on the other hand, asserts that law contains an inseparable “internal morality,” namely eight procedural principles that ensure that the law truly functions as a guide for human behavior, including the principles of consistency, publicity, and obedience of the authorities to the applicable law.²⁵

In the context of corruption, Fuller's perspective is more revelatory. Public officials who engage in corruption not only violate legal norms in the positivist sense, they betray the internal morality of the legal system itself. When those in power are not subject to applicable laws, when rules are inconsistently applied for personal gain, and when institutions that should enforce the law become instruments of the exploitation of public resources, the legal system loses its moral capacity to bind citizens.²⁶ The moral failure of public officials in this context is not merely a violation of professional ethics, but rather a systemic destruction of legal legitimacy.²⁷ The moral failure of public officials in this context is not merely a violation of professional ethics, but rather a systemic destruction of legal legitimacy.²⁸

Public officials in Indonesia who commit corruption not only violate legal norms in the positivistic sense as in the perspective introduced by Fuller in a more revelatory manner, more than that they betray the internal morality of the legal system in the building of a state of law (rechtsstaat) towards a welfare state).²⁹ When the authorities do not comply with the applicable laws, when the rules are applied inconsistently for the personal and group benefits of certain participants in the patronage of power, and when the institutions that should enforce the law instead become instruments for the exploitation of public resources rather than for overseeing public officials who implement public policies, then the legal system loses its moral capacity to bind citizens to have the awareness to comply with the applicable laws. The moral failure of public officials in this context is not merely a violation of professional ethics, but rather a systemic destruction of legal legitimacy.³⁰ In a reality like this, the law loses its meaning as a regulator and controller of national and state life in order to achieve peaceful coexistence, so that the validity of the law only has semantic value.

In the study of the rise of corrupt behavior in Indonesia, it can also be stated that although H.L.A. Hart separates law from morality conceptually, he acknowledges the existence of a “minimum content

²⁴ Sabina Schnell, ‘To Know Is to Act? Revisiting the Impact of Government Transparency on Corruption’, *Public Administration and Development* 43, no. 5 (2023): 355-67, <https://doi.org/10.1002/pad.2029>.

²⁵ Anna Lukina, ‘Making Sense of Evil Law’, *Law and Philosophy* 45, no. 2 (April 2026): 279-304, <https://doi.org/10.1007/s10982-025-09543-6>.

²⁶ Ina Kubbe, Claudia Baez-Camargo, and Cheyanne Scharbatke-Church, ‘Corruption and Social Norms: A New Arrow in the Quiver’, *Annual Review of Political Science* 27, no. Volume 27, 2024 (July 2024): 423-44, <https://doi.org/10.1146/annurev-polisci-051120-095535>.

²⁷ Nausheen Atta and Ayyoob Sharifi, ‘A Systematic Literature Review of the Relationship between the Rule of Law and Environmental Sustainability’, *Sustainable Development* 32, no. 6 (2024): 7051-68, <https://doi.org/10.1002/sd.3087>.

²⁸ Sandra Damijan, ‘Corruption: A Review of Issues’, *Economic and Business Review* 25, no. 1 (March 2023): 1-10, <https://doi.org/10.15458/2335-4216.1314>.

²⁹ Muhammad Shahid Sultan, Dr Noreen Akhtar, and Muhammad Babar Shaheen, ‘The Role of Whistle Blower Protection Laws in Pakistan's Anti-Corruption Efforts’, *The Critical Review of Social Sciences Studies* 4, no. 1 (March 2026): 4010-28, <https://doi.org/10.59075/hpzc921>.

³⁰ Walid Oubelaïd and Siham Lalaoui, ‘Rethinking Anti-Corruption Strategies in Morocco's Public Sector (2018-2024)’, *African Renaissance* 23, no. 1 (March 2026): 13-35, <https://doi.org/10.31920/2516-5305/2026/23n1a1>.

of natural law” that must be fulfilled by every legal system in order to function.³¹ The minimum content of natural law includes protection against fraud and violence, as well as the need for reciprocal trust in the social order. Corruption directly erodes this minimum content of morality; it is a form of systemic deception perpetrated by those mandated to maintain public trust. Thus, even within Hart's positivism, corruption threatens the minimum requirements for the sustainability of the legal order.³²

The systemic fraud perpetrated by those in power in Indonesia can be attributed to the Social Assistance (Bansos) program, Direct Cash Assistance (BLT), and other government assistance programs, ostensibly for the welfare of the people, when in fact, these aid programs are manipulative and purport to be in the people's best interests. The staged performances of these government activities appear to be a cheesy drama that can be considered an abuse of the situation, manipulating the essential values of the people as the owners and holders of sovereignty, as stipulated in the constitution as the fundamental norm.³³

The ethical degradation caused by corruption in the implementation of the rule of law is multi-layered and multi-level, seriously jeopardizing the state's goal of realizing a just and prosperous society that is materially and spiritually equitable. On the first level, there is a violation of officials' fiduciary obligations to the public. On the second level, there is a shift in loyalty from constitutional interests to the interests of personal networks. On the third, most dangerous, level, there is the normalization of corruption as a means of operating power, so that integrity is no longer the norm but an anomaly. Corruption in Indonesia is often shrouded in political influence and power, making law enforcement efforts to eradicate corruption ambiguous because power is a more supremacy subsystem. In this context, Moh. Mahfud MD emphasized, “It turns out that the law is not sterile from other societal subsystems. Politics often intervenes in the creation and implementation of law, which raises the question of which subsystem, law or politics, is actually more supremacy. And other, more specific questions can also arise, such as how politics influences the law, why politics intervenes so much in the law, and what type of political system can produce legal products with what characteristics”.³⁴

The Roots of Patronage Culture and the Failure of Repressive Laws

Equality and social concern should be transformed proportionally and fairly by the government through various non-discriminatory public policies. The government, as the manager of the public interest, must possess integrity that can be tested through public accountability. The concept of public integrity in modern governance cannot be defined simply as the absence of corruption. Public integrity is a positive condition in which state officials act consistently with the values that justify their authority, the public interest, accountability, transparency, and equality before the law. The OECD, in its Public Integrity Framework (2017), defines public integrity as a consistent alignment between the values, principles, and norms that form the ethical basis of the public sector and the actual behavior of its officials.³⁵

Public integrity in this sense is an existential requirement for a state based on the rule of law. The concept of Rechtsstaat as developed in the Continental European legal tradition and the Rule of Law in the Anglo-Saxon tradition both require that power be exercised based on the law, not on the subjective will of the ruler. Constitutionalism, as the highest expression of this principle, places normative limits on state power and ensures that power is used to serve the interests of citizens, not

³¹ Daniel Peixoto Murata, ‘Natural Law Archimedeanism: Agency, Morality and Law’, by Joshua Jowitt, Oxford, Hart Publishing, 2022, 184 Pp., £85,00 (Hardcover), ISBN 978-1-50994-768-3’, *Jurisprudence* 15, no. 4 (October 2024): 573-86, <https://doi.org/10.1080/20403313.2023.2296814>.

³² Murali Patibandla, ‘Institutional Corruption: Some Issues’, *Journal of Economic Surveys* 39, no. 4 (2025): 1677-94, <https://doi.org/10.1111/joes.12670>.

³³ Grace B. Villamor and Lisa Wallace, ‘Corporate Social Responsibility: Current State and Future Opportunities in the Forest Sector’, *Corporate Social Responsibility and Environmental Management* 31, no. 4 (2024): 3194-209, <https://doi.org/10.1002/csr.2743>.

³⁴ Mohammad Mahfud Mahmodi, *Politik Hukum Di Indonesia* (Depok: PT RajaGrafindo Persada, 2020).

³⁵ OECD, *Recommendation on Public Integrity* (Paris: OECD Publishing, 2017).

to dominate them.³⁶ Corruption and corrupt behavior are a deadly disease that has now spread to almost every aspect of national life in Indonesia, causing damage to the anatomy of the motherland. The government appears to be using its legitimacy to maintain or extend its power by building networks within capitalist circles through a pattern of patronage, making eradicating corruption virtually impossible in Indonesia.

Patronage of power is a form of abuse of authority in corrupt practices. It goes beyond administrative law violations to the realm of criminal law. Corruption can even be viewed from the perspective of violating the constitution and laws committed by the government as state administrators. Abuse of authority is a betrayal of the constitutional mandate. When officials use their positions to enrich themselves or their groups, they invert the constitutional relationship between the state and its citizens, transforming the state, which should serve, into a machine of extraction. This is not merely a matter of individual ethics, but rather a constitutional crisis that undermines the legitimacy of the state as a whole. In the practice of governance in Indonesia, public office holders, as holders of power or authority, often consciously and deliberately violate the guidelines established by law and regulations simply to satisfy their culminating greed. This abuse occurs in nearly all sectors of public institutions, with a profoundly destructive impact on the life of the nation and state. Abuse of power or authority is carried out blatantly through corruption, even collective corruption. Corrupt behavior in Indonesia has reached an acute phase, leading H. Zainuddin Ali to state, "Currently, a myth has been established in society that corruption is almost impossible to eradicate, because there is a perception that corruption has become part of the Indonesian culture. Corruption flourished during the New Order regime because it was made possible by the centralization of economic and political power in the hands of the government (read, the president) which was so large, without any accountability."³⁷

Philosophical analysis of corruption cannot be separated from the social and cultural context in which it operates. In Indonesia, corruption cannot be fully explained solely through the framework of individual rational choice but must be holistically approached through various aspects. Corruption is embedded in patronage networks that have historically shaped relationships between power, resources, and loyalty. The relationships built from these nepotistic networks are particularly strong because they are based on malicious intent (*mens rea*) and greed, conspiring to gain control of the state's finances and/or economy.

The culture of patronage places personal loyalty above the impersonal principles of Weberian bureaucracy. In the logic of patronage, officials who provide benefits to their networks are considered to be fulfilling a social obligation, not violating the law. This perception is not only legally flawed but also philosophically reflects a conflict between narrow communitarian ethics and universal public ethics. James Scott, in *Comparative Political Corruption* (1972), demonstrated how the patron-client system creates a resource distribution mechanism that operates outside, and often contradicts, formal state mechanisms.

Within the Indonesian state system, the structural challenge of eradicating corruption lies in the tension between two coexisting normative orders (systems, rules): the formal legal order, which demands impersonality and accountability, and the informal social order, which demands personal reciprocity and network loyalty. As long as these two orders are not resolved through systemic value transformation, the enforcement of anti-corruption criminal law (the law on the eradication of criminal acts of corruption) in Indonesia will continue to face cultural resistance that is no less strong than institutional resistance.

In the context of studying the eradication of the culture of corruption in Indonesia, a normative and programmatic study can be proposed: eradicating corruption is an ethical and constitutional project, not merely a criminal law enforcement agenda. Treating corruption solely as a crime to be resolved through criminal punishment is philosophically incomplete and practically ineffective. Particularly in Indonesia, imprisonment does not actually demonstrate guilt, a deterrent effect, or an effective shock therapy for preventing corrupt behavior.

³⁶ Karl Z. Meyer, John M. Luiz, and Johannes W. Fedderke, 'Corruption Dynamics: Integrating Structure, Agency and Institutional Logics across Contexts', *International Journal of Management Reviews* 28, no. 1 (2026): e12403, <https://doi.org/10.1111/ijmr.12403>.

³⁷ Zainuddin Ali, *Filsafat Hukum* (Sinar Grafika, 2023).

Anti-corruption criminal law enforcement plays an irreplaceable role in creating a deterrent effect and restoring corrective justice. However, without a moral transformation that addresses value systems, perspectives on power, and the relationship between citizens and the state, every convicted corruptor will be replaced by a new perpetrator born of the same culture. Law without a supporting public morality is a structure without a foundation. The fact that law as a means of power to criminalize certain parties who carry out social oversight as a means of correcting the performance of bureaucrats and government officials is a tragedy in the spirit of eradicating criminal acts of corruption. The government ignores its responsibility for public accountability by creating barriers that prevent community groups from freely monitoring government performance because it is wrapped up in manipulative policies such as National Strategic Projects. The commitment to law enforcement in the context of eradicating corruption should require a holistic strategy, firm and non-discriminatory law enforcement, institutional reform that breaks the network of patronage, anti-corruption education that teaches not only prohibitions but also the underlying values, and public leaders who are able to exemplify integrity not as a formal obligation but as a moral commitment that is internalized.³⁸

Constitutional Mandate and Anti-Corruption State Architecture

Corruption, a global crime, is a common enemy of all nations because it denies human dignity as citizens entitled to fair treatment from the state entrusted with the care of the common good. Fighting corruption means re-establishing the principle that public power is a trust, that justice is the right of every citizen, and that the rule of law is only meaningful when exercised by those truly committed to integrity as the highest value of state administration. The abuse of public power through corrupt and nepotistic means violates the norms of life. Soerjono Soekanto and Mustafa Abdullah state, “Broadly speaking, the symptoms of corruption are characterized by the use of public power and authority for personal or group interests, which violates the law and other norms. The emphasis here is on the use of public power and authority, because every right is usually accompanied by an obligation not to abuse rights arbitrarily. Nepotism is actually an aspect of corruption; here public power and authority are abused for the benefit of relatives of those holding that power and authority. Therefore, discussions on nepotism are carried out simultaneously with the problem of corruption”.³⁹

The supremacy of law demands that every action of state officials be legally testable, that no state organ is above the law, and that constitutional norms serve as the final benchmark for the validity of every policy. As the guardian of the constitution, the Constitutional Court plays a central role in realizing this supremacy. When the Constitutional Court annuls a law that conflicts with the constitution, this action is not merely a judicial technicality, but rather an affirmation that even the will of the legislative body must be subject to higher constitutional principles.⁴⁰

The relationship between a state of law and clean governance is structural, not accidental. A state of law requires that public authority be exercised based on applicable law, not on considerations of patronage or personal interests. Therefore, corruption, as the abuse of authority for personal gain, directly contradicts the principles of a state of law. No state of law can function coherently if the state apparatus, which is supposed to enforce the law, is the primary actor in violating it. The doctrine of good governance stipulates that government must be managed properly, correctly, and with integrity, in accordance with the fundamental principles of a state of law. Good governance can be defined as a social, legal, and governmental project involving the state, the people, and the market. It contains provisions governing the relationship between elements of government, parliament, the courts, and the people, among others, related to government control. Good corporate governance is a process, not a goal, when the government manages a country and its governance.⁴¹

³⁸ Fanesha Fazriyani and Wawan Prahyanan, ‘Human Resource Management In Corruption Prevention: A Systematic Review’, *Banking & Management Review* 13 (June 2025): 1, <https://doi.org/10.52250/bmr.v13i1.871>.

³⁹ Soerjono Soekanto and Mustafa Abdullah, *Sosiologi Hukum Masyarakat*, 1987th edn (CV. Rajawali, n.d.).

⁴⁰ Rana Sharjeel Akhtar et al., ‘Governance Challenges and the Impact of Corruption on Socio-Economic Stability: A Literature Study in Developing Countries’, *Jurnal Penelitian Pendidikan* 42, no. 2 (October 2025): 251-58, <https://doi.org/10.15294/jpp.v42i2.30718>.

⁴¹ Lukman Hakim Sangapan et al., ‘Penegakan Hukum Korupsi Di Indonesia: Perspektif Systematic Literature Review (2010-2023)’, *IMPERIUM RESEARCH: Law Science and Politics Journal* 1, no. 1 (June 2025): 9-17.

In essence the concept of an anti-corruption state is a principle of the rule of law that responds to the reality that systemic corruption is an existential threat to Indonesia's just governance, in accordance with the noble values of Pancasila. An anti-corruption state is not simply a state with anti-corruption regulations, but rather a state that constitutionally and institutionally builds an architecture for preventing and eradicating corruption as an integral part of its power structure. In Jeremy Pope's terminology in the Transparency International Sourcebook, an anti-corruption state requires the integration of integrity values into the state's institutional design, not simply the addition of law enforcement agencies.

Referring to Jeremy Pope's opinion, it is clear that the government is cultivating corruption by fattening the cabinet and institutions that are ineffective in the country's governance towards good corporate governance. Such policies will further drain the state budget, which is currently forced to dig holes and cover holes by raising taxes, raising fuel prices, and increasing foreign debt, all of which will burden the Indonesian people.⁴²

Eradicating corruption, as a constitutional mandate, is not simply a policy choice that can be changed by the ruling government by developing issues for national development. This mandate flows from three mutually supportive constitutional principles. First, the principle of popular sovereignty, as stipulated in Article 1 paragraph 2 of the 1945 Constitution, states that corruption is the diversion of public resources to certain individuals or groups, which directly betrays the sovereignty entrusted to them. Second, the principle of the welfare state, as stated in Article 34 of the 1945 Constitution, states that corruption hinders the state's capacity to fulfill its social obligations to its citizens. Third, the principle of accountability of state officials is enshrined in various provisions of the 1945 Constitution concerning accountability mechanisms for state institutions.

Accountability, transparency, and public integrity form a normative triangle that serves as the pillars of an anti-corruption state. Accountability requires that every public official be accountable for their actions to the people through available mechanisms, including judicial, legislative, and social. Transparency requires that the public decision-making process be accessible and controlled by citizens. Public integrity, as discussed in the previous subchapter, demands consistency between the values that justify authority and the actual behavior of state officials. These three pillars are not constitutional ornaments, but rather functional prerequisites for the functioning of a substantive state based on the rule of law.

Conclusion

The systematic and normative literature review in this study shows that the penalization or repressive legal policies applied to corrupt individuals in Indonesia have proven ineffective. This failure of law enforcement can be traced to the decline of legal morality and the strengthening of a culture of patronage, where laws and public policies are often manipulated for the benefit of nepotism and oligarchic groups. Systemic corruption practices have undermined the foundations of distributive and corrective justice, normalized systemic damage, and maintained the constitutional mandate aimed at realizing a welfare state.

This research is significant in its urgency and novelty because it fills a gap in the literature with a holistic approach that combines systematic literature observation and normative juridical analysis to map the causal relationship between the failure of criminal law, the decline of institutional morality, and a culture of patronage. This study also proposes a solution in the form of an anti-corruption state architecture that integrates the values of public integrity, accountability, and transparency into institutional design. These findings provide substantial theoretical contributions to the discourse on the sociology of law and the philosophy of justice while offering a practical basis for governance reform. However, the main limitation of this study lies in the scope of the data, which is based solely on a qualitative synthesis of 87 scientific articles published between 2023 and 2026. Therefore, it is recommended that further research conduct empirical studies directly in the field to test the

⁴² Jeremy C. Pope, 'Realignments of the Twenty-First Century: A Review of Polarized by Degrees, by Matt Grossmann and Daniel Hopkins', *Political Science Quarterly*, 16 January 2026, qqaf158, <https://doi.org/10.1093/psquar/qqaf158>.

resistance of patronage culture within the bureaucracy and to practically implement the pillars of the anti-corruption state architecture in government institutions in Indonesia.

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