



A QUALITATIVE STUDY ON THE IMPACT OF THE DEATH PENALTY ON THE PREVENTION OF CORRUPTION CRIMES IN INDONESIA

Noldy Sondakh^{1*}, Yohanes Karundeng², Rivka Lumowa³, Ferdinand Rantung⁴, Meiske Pangemanan⁵

^{1,2,3,4,5}Universitas Negeri Manado, Indonesia

*Corresponding author: noldian98@gmail.com

ARTICLE HISTORY

Received: October 26, 2025

Received in revised: May 10, 2026

Accepted: May 10, 2026

Available online: May 30, 2026

KEYWORDS

Keyword1; Death Penalty

Keyword2; Anti-Corruption

Keyword3; Judicial System

ABSTRACT

Corruption is classified as an extraordinary crime due to its widespread impact on governance systems, the national economy, and public trust in Indonesia. Various efforts have been undertaken to combat corruption, including the discourse on applying the death penalty as the maximum sanction for severe corruption offenses. This study aims to analyze the effectiveness of the death penalty in preventing major corruption cases in Indonesia using a qualitative case study approach. Data were collected through in-depth interviews with selected key informants based on relevant expertise and supported by document analysis of applicable legal regulations and policy reports. This study concludes that the death penalty cannot stand alone as an anti-corruption measure but must be integrated into a broader, systemic strategy that combines both punitive and preventive approaches in a balanced and effective manner. Factors such as the integrity of the judicial system, the risk of miscarriages of justice, and social legitimacy are critical in determining the success of such a policy. Furthermore, public perception of the death penalty is deeply influenced by religious, cultural, and ethical values. This study concludes that the death penalty cannot stand alone as an anti-corruption measure but must be integrated into a broader, systemic strategy that combines both punitive and preventive approaches in a balanced and effective manner.

INTRODUCTION

Corruption remains one of the primary challenges hindering social, economic, and political development in many countries, including Indonesia; however, despite extensive scholarly discussions on anti-corruption strategies, there is still a significant gap in empirical and qualitative research that critically examines the actual impact and effectiveness of the death penalty as a deterrent to corruption, particularly within the Indonesian legal, political, and socio-cultural context, which this study aims to address by offering a nuanced and in-depth analysis of both its practical implications and its broader consequences. Corrupt practices not only drain state resources but also erode public trust in government institutions and the legal system. According to Transparency International reports, Indonesia's Corruption Perceptions Index remains at a concerning level, indicating that efforts to eradicate corruption require more serious attention and strategic

approaches from various stakeholders. One frequently proposed measure to address this issue is the imposition of harsher penalties, including the death penalty for perpetrators of corruption crimes (Juwita, 2016).

The death penalty, as the most severe form of criminal sanction, has long been a subject of intense debate both in Indonesia and internationally; nevertheless, beyond merely acknowledging its controversial nature, it is important to critically explore how this controversy reflects deeper tensions between legal retribution, deterrence theory, human rights principles, and socio-political realities, particularly in the Indonesian context where the enforcement of capital punishment intersects with issues of governance, institutional accountability, and public legitimacy. Some argue that capital punishment has a strong deterrent effect capable of reducing serious crimes, including corruption, which has widespread and detrimental impacts on society;



however, this claim remains highly contested in academic discourse, as empirical evidence across different jurisdictions shows inconsistent results, thereby necessitating a more critical and context-sensitive examination of whether such deterrent effects can be effectively realized in Indonesia, where legal enforcement, political dynamics, and institutional integrity play a crucial role in shaping the outcomes of criminal justice policies. They contend that the threat of the death penalty forces potential corruptors to reconsider their actions, given the irreversible and fatal consequences. Conversely, there are arguments against the use of the death penalty based on humanitarian grounds, the potential for judicial errors, and doubts about its effectiveness in crime prevention. Critics also emphasize that corruption is a complex and systemic crime that requires not only severe sanctions but also structural reforms and improvements in oversight mechanisms (Saim et al, 2022).

In Indonesia, the application of the death penalty for corruption cases remains a sensitive and debated issue. Law Number 31 of 1999 on the Eradication of Corruption Crimes, as amended by Law Number 20 of 2001, stipulates various sanctions for corruptors, including the possibility of capital punishment for cases involving significant state losses or serious impacts. However, the implementation of the death penalty in corruption cases is rare, and law enforcement often faces various obstacles ranging from insufficient evidence, political interference, to slow judicial processes (Bakker et al, 2026).

Given these dynamics in law enforcement, this study explicitly aims to critically examine and evaluate the effectiveness, implications, and socio-legal consequences of the death penalty as a policy instrument for preventing corruption crimes in Indonesia, by exploring diverse stakeholder perspectives and analyzing how such a policy interacts with broader issues of legal certainty, institutional integrity, human rights considerations, and public trust in the justice system. Qualitative research is an appropriate method to explore diverse

perspectives, experiences, and perceptions related to the application of the death penalty in the context of corruption eradication (Kandia et al, 2026). Through in-depth interviews with legal experts, law enforcement officers, academics, and the public, this study aims to understand whether the death penalty truly has a significant deterrent effect or if it produces unintended consequences.

Furthermore, Indonesia's social and cultural background must be considered when examining the effectiveness of the death penalty. As a country with rich cultural diversity and strong social values, Indonesian society holds varied views on capital punishment. Some groups fully support the death penalty for reasons of justice and deterrence, while others oppose it on ethical grounds and human rights concerns. Therefore, a comprehensive and objective analysis is necessary to ensure that anti-corruption policies involving the death penalty can be effectively and fairly implemented (Santika et al, 2026).

Moreover, corruption in Indonesia often involves actors in strategic positions with extensive networks, making the application of the death penalty not only a matter of sanctioning but also of how the legal and political systems can enforce laws without pressure or manipulation. This condition poses a challenge in assessing the death penalty's deterrent effect, questioning whether it can genuinely deter crime or merely symbolize injustice that undermines public trust in the legal system (Kumar, 2024).

On the other hand, efforts to eradicate corruption cannot rely solely on criminal sanctions, as suggested by various theoretical perspectives such as deterrence theory, institutional theory, and governance frameworks, which emphasize that effective anti-corruption strategies require a holistic approach integrating punitive measures with preventive mechanisms, institutional strengthening, transparency, and public accountability, thereby providing a more comprehensive foundation for analyzing the role and limitations of the death penalty within a broader anti-corruption policy framework. Preventive approaches through education,



transparency, strengthening oversight institutions, and bureaucratic reform are also critical components that must be integrated into the national strategy. Thus, this study is also expected to provide comprehensive recommendations, evaluating not only the punitive aspect of the death penalty but also the broader social, legal, and political contexts (Sari et al, 2025).

Through this qualitative study, it is hoped that a deeper understanding will be gained regarding how the death penalty is perceived in the context of corruption prevention and how such policies can be developed more effectively and justly. This research also has the potential to serve as an evaluative resource for policymakers and law enforcement in formulating anti-corruption strategies that not only rely on harsh penalties but also uphold humanitarian values and social justice principles.

Therefore, this background underscores the urgency and relevance of studying the impact of the death penalty on the prevention of corruption crimes in Indonesia. This research is expected to contribute significantly to academic discourse and offer practical implications for developing a more effective and humane criminal justice policy to address the complex and multidimensional phenomenon of corruption.

METHODS

This study employs a qualitative approach using a multiple-case study design that focuses on selected corruption cases and legal policy contexts in Indonesia, with clearly defined analytical boundaries, enabling a more systematic and in-depth exploration of how the death penalty is perceived, interpreted, and potentially functions as a deterrent within specific institutional, legal, and socio-political settings. A qualitative approach is chosen because it allows for an in-depth understanding of the perceptions, experiences, and views of informants regarding this complex legal and social phenomenon (Novella & Zulherawan, 2025). Data were collected through semi-structured interviews with purposively selected key informants consisting of legal experts, law enforcement officers, academics, and members of the

public, with clearly defined inclusion criteria based on their expertise, professional experience, and direct or indirect involvement in anti-corruption initiatives or legal discourse on capital punishment, and the total number of participants was determined based on data saturation to ensure the depth and richness of the qualitative findings. In addition, this study utilized document analysis of literature, legal regulations, and official reports related to corruption cases and the application of capital punishment (Septianingsih, 2023). The data analysis was conducted using a rigorous thematic analysis approach involving several systematic stages, including data familiarization, initial open coding, categorization of codes into broader themes, iterative refinement of themes, and interpretation of findings in relation to relevant theoretical frameworks and legal contexts, thereby ensuring analytical depth, transparency, and consistency throughout the research process. Data validity and trustworthiness were ensured through multiple strategies, including source triangulation, member checking with selected informants, prolonged engagement with the data, peer debriefing, and maintaining an audit trail, thereby addressing key qualitative criteria such as credibility, dependability, confirmability, and transferability of the research findings. Through this methodological framework, the study is systematically designed to generate empirically grounded, context-sensitive, and analytically robust insights into how the death penalty is understood, implemented, and evaluated as a policy instrument, while also critically examining its effectiveness, limitations, and broader socio-legal implications within the complex landscape of corruption prevention in Indonesia.

RESULTS AND DISCUSSIONS

This study reveals that perceptions of the death penalty as a deterrent to corruption are highly complex and multidimensional, as demonstrated through systematically identified themes derived from in-depth interviews, including variations in perceived deterrent effectiveness across different



professional groups, the influence of institutional trust on legal compliance, and the interaction between perceived risk and moral considerations, thereby providing a more nuanced and empirically grounded understanding of how such perceptions are constructed and manifested within the Indonesian socio-legal context. Some informants believe that the threat of capital punishment increases fear among potential perpetrators, as the consequences are final and irreversible. Informants from the law enforcement sector argued that “the death penalty serves as a symbol of the state's seriousness—it signals that corruption is not treated lightly when the punishment is so severe.” This perspective aligns with deterrence theory, which posits that crime increases when sanctions are weak and can be reduced when sanctions are severe; however, the empirical findings of this study suggest that such theoretical assumptions must be critically re-examined within the Indonesian context, as the effectiveness of severe sanctions such as the death penalty is significantly mediated by factors such as enforcement certainty, institutional integrity, and socio-political dynamics, thereby indicating that deterrence theory alone is insufficient to fully explain the complexity of corruption behavior.

However, other informants highlighted that the deterrent effect of the death penalty on corruption is not linear and can be influenced by contextual variables. For instance, several academics noted that corrupt actors often operate with calculated risk assessments they consider factors such as the effectiveness of surveillance, the likelihood of being caught, and the potential for legal defense so simply increasing the punishment may not be sufficient to alter their behavior (Kurniawan, 2023). In other words, if the probability of being apprehended is low or the legal system can be manipulated, then the threat of capital punishment may lose its power to deter. One informant stated, “If the chance of being caught is slim, what’s the point of the death penalty? They’ve already calculated that even if the punishment is harsh, the odds of getting prosecuted

are low, and this statement reflects a rational choice perspective in which individuals engage in corruption based on calculated risks and expected benefits, thereby reinforcing the argument that increasing the severity of punishment without simultaneously improving detection mechanisms and legal certainty is unlikely to produce a significant deterrent effect. (BPS, 2024).”

Interviews also uncovered concerns about the potential for judicial error in implementing the death penalty, and the moral or social consequences of wrongful execution. Some legal scholars emphasized that the judicial system is not free from error—whether in terms of evidence, legal process, or political interference (Wambrauw et al. 2025). If an execution is carried out against someone who is later found to be innocent, or if there are procedural flaws, the credibility of the legal institutions would suffer, and public trust could deteriorate. This was a major concern among informants who emphasized the importance of legal certainty and procedural justice over deterrence alone. Statements such as “It is better for a corrupt person to go unpunished than for an execution to be carried out unjustly” were frequently echoed (Simanjuntak et al, 2026).

Furthermore, public perceptions of the death penalty are heavily influenced by social, cultural, and religious backgrounds. In Indonesia, values of humanity and religious teachings often serve as the foundation for objections to capital punishment (Sujana & Santika, 2026). Some informants from civil society expressed that, although corruption is highly detrimental, taking someone’s life contradicts the fundamental right to live. In this context, capital punishment may be viewed by certain groups as a form of state cruelty rather than justice. This argument is also found in human rights literature, which opposes the death penalty as a violation of the most basic human rights. The sensitivity to these values shows that the effectiveness of the death penalty in deterring corruption cannot be separated from its social legitimacy.



Moreover, the characteristics of corruption cases must be considered when assessing the potential deterrence of capital punishment. Corruption differs fundamentally from conventional street-level crime as it operates in hidden, systemic, and networked forms within institutional structures, and this characteristic not only complicates detection and prosecution but also significantly limits the deterrent capacity of punitive measures such as the death penalty, as perpetrators often rely on sophisticated strategies of concealment, collusion, and exploitation of procedural loopholes. In many cases, perpetrators work within bureaucratic structures and exploit procedural weaknesses, using concealment, collusion, document falsification, or legal maneuvering. In such contexts, the death penalty does not necessarily deter because many corrupt actors are adept at manipulating the system. Law enforcement officials interviewed in this study described the difficulty in gathering sufficient evidence, bureaucratic delays, political interference, and witness intimidation factors that further complicate prosecution (Efendi & Sukasih, 2024).

One particularly interesting theme that emerged from the data is the notion of the death penalty being used as a “political symbol” in anti-corruption efforts (Kandia & Wiryawan, 2025). Some informants suggested that the policy of capital punishment is often politicized and used to project a strong stance to the public. In this regard, the deterrent effect may be more psychological or symbolic: the public perceives the government as serious, and this perceived risk may elevate deterrence. However, critics pointed out that if such a policy is only used rhetorically and not consistently enforced, it could backfire and lead to public disappointment. In such cases, the death penalty becomes more of a rhetorical tool rather than a consistently applied legal mechanism (Agustinus & Khoirunurrofik, 2025).

This study also underscores the importance of integrating punitive measures with broader preventive efforts in combating corruption.

Informants from academic and policy-making backgrounds recommended that the death penalty should be viewed as only one element within a broader strategy that includes transparency, anti-corruption education, stronger oversight bodies, bureaucratic reform, and whistleblower protection (Setyawan, 2023). With such an integrated approach, the potential deterrence of the death penalty would be supported by a more robust detection, monitoring, and accountability system.

The implications of these findings suggest that the implementation of the death penalty for corruption cases in Indonesia must be approached with caution and selectivity, as the study demonstrates that its effectiveness is contingent upon a complex interplay of legal certainty, institutional capacity, and societal legitimacy, thereby highlighting the need for policymakers to adopt a more evidence-based, context-sensitive, and multi-dimensional approach that not only considers punitive severity but also strengthens systemic governance, enhances transparency, and ensures the protection of fundamental rights. Not all corruption cases merit capital punishment; considerations such as the scale of financial loss, societal impact, method of operation, and degree of involvement must be thoroughly assessed. A rigid and extreme policy without nuance could result in injustice. The criminal justice system must enhance procedural safeguards, ensure judicial independence, maintain transparency, protect witnesses, and guarantee the right to defense in order to minimize the risk of wrongful convictions.

Furthermore, this research emphasizes that social legitimacy is a crucial variable in implementing capital punishment. If the public does not perceive the death penalty as legitimate—due to humanitarian, religious, or ethical reasons—the policy risks generating social resistance, public protest, or international criticism that may undermine its effectiveness. Thus, the government and legal institutions need to engage in public dialogue and thorough socialization of the policy to foster broader



understanding and acceptance across different sectors of society (Suteki et al, 2024).

In conclusion, while the death penalty has the potential to serve as a powerful deterrent against high-impact corruption, its success depends heavily on the broader legal context, the quality of law enforcement, institutional integrity, and public acceptance. Without systemic support and structural reform, capital punishment alone will not be sufficient to resolve the deep-rooted issue of corruption. Effective anti-corruption policy must be holistic—combining firm sanctions with systematic preventive mechanisms—to create a clean, accountable, and trustworthy system of governance.

CONCLUSIONS

This study concludes that the application of the death penalty as a deterrent to corruption in Indonesia is a highly nuanced and context-dependent issue, as evidenced by the study's empirical findings which reveal distinct patterns of perception among different stakeholder groups, the conditional nature of deterrence effectiveness based on institutional integrity, and the significant role of socio-cultural legitimacy, thereby contributing new insights into the limitations and possibilities of capital punishment within the broader framework of anti-corruption policy. While some stakeholders view capital punishment as a symbol of the state's seriousness in combating corruption, its actual effectiveness as a deterrent remains contested. The fear of severe punishment may discourage certain individuals; however, corruption is a calculated, systemic crime often driven by low perceived risks of detection and prosecution. Therefore, the mere presence of the death penalty in legal statutes does not guarantee a significant reduction in corrupt behavior.

Furthermore, the effectiveness of the death penalty is heavily influenced by the integrity of the legal system, the consistency of law enforcement, and the overall transparency of judicial procedures, and these findings not only contribute to the theoretical refinement of deterrence and institutional theories by

emphasizing the importance of enforcement certainty over punishment severity, but also offer practical implications for policymakers to prioritize judicial reform, institutional strengthening, and accountability mechanisms as prerequisites for any consideration of capital punishment. Concerns regarding potential miscarriages of justice, political interference, and procedural flaws pose serious risks that could undermine public trust in the legal system. The moral and human rights dimensions of capital punishment also remain central to the debate, with many viewing it as incompatible with the fundamental right to life.

Public perception plays a critical role in shaping the legitimacy and acceptance of capital punishment. Diverse cultural, religious, and ethical values within Indonesian society lead to varied responses, ranging from strong support to firm rejection. As such, any move toward implementing the death penalty for corruption must consider broader societal acceptance and be accompanied by extensive public consultation and legal safeguards.

The study also emphasizes that a successful anti-corruption strategy cannot rely solely on punitive measures, no matter how severe, and therefore recommends the implementation of concrete and actionable policies such as strengthening independent anti-corruption agencies, enhancing digital transparency systems in public administration, institutionalizing whistleblower protection mechanisms, and integrating anti-corruption education into formal and informal sectors as part of a comprehensive and sustainable governance reform strategy. Preventive approaches—such as strengthening institutional oversight, promoting transparency, educating public officials and citizens, and reforming bureaucratic processes—are essential complements to any punishment-based approach. In this context, the death penalty, if it is to be applied, must be part of a comprehensive and well-integrated policy framework that prioritizes both justice and effectiveness.

In summary, while the death penalty may serve as a symbolic and potentially effective tool under



specific and highly conditional circumstances, this study firmly argues that its role in combating corruption in Indonesia remains limited without substantial systemic reform, and therefore positions itself within the broader academic and policy discourse as advocating for a paradigm shift from punishment-centered approaches toward integrated, evidence-based, and institutionally grounded anti-corruption strategies that balance legal rigor, ethical considerations, and long-term societal impact. A more holistic strategy that combines legal deterrence with systemic reform is necessary to address the complex and deeply rooted problem of corruption in a sustainable and just manner.

REFERENCES

- Agustinus Cahyo Wibowo & Khoirunurrofik, K. (2025). Analysis of the relationship between government's anti-corruption programs and bribe-giving behavior at the individual level in Indonesia. *Integritas: Jurnal Antikorupsi*, 10(2), 285-300.
- Badan Pusat Statistik (BPS). (2024). Indeks Perilaku Anti-Korupsi (IPAK) 2024. <https://bps.go.id>
- Bakker, M., de Vries, J., & de Boer, T. (2026). Legal Challenges and Reforms in Dutch Labor Law Insights from Rotterdam. *Journal of Multidisciplinary Law Studies*, 1(1), 29-37.
- Efendi, R. A., & Sukasih, A. (2024). Assessing the Effectiveness of Indonesia's Criminal Justice System in Combatting Corruption: A Juridical Analysis. *Law and Economics*, 18(2), 110-121.
- Juwita, R. (2016). Democracy and Anti-Corruption Strategy: The Role of Civil Society in Preventing and Combating Corruption in Indonesia. *Asia Pacific Fraud Journal*, 1(2), 165-176.
- Kandia, I. W., & Wiryawan, I. W. (2025). LAW AS AN INSTRUMENT OF SOCIAL TRANSFORMATION: A THEORETICAL AND EMPIRICAL STUDY OF THE ROLE OF LAW IN DRIVING CONTEMPORARY SOCIETAL CHANGE. *International Journal of Education and Social Science Studies*, 1(2), 103-111.
- Kandia, I. W., Bulu, R. D. D., Manilang, M., & Saingo, M. (2026). Penegakan Hukum Pidana terhadap Tindak Pidana Korupsi di Indonesia. *Journal of Multidisciplinary Law Studies*, 1(1), 47-55.
- Kumar, R. (2024). The relationship between economy and crime in the covid-19 pandemic era (case study of India and Indonesia). *International Journal of Education and Social Science Studies*, 1(1), 28-32.
- Kurniawan, I. D. (2023). The Meaning of the Principle of Material Legality in the Reform of Indonesian Criminal Law. *IJOLARES: Indonesian Journal of Law Research*, 1(2), 37-40.
- Novella, V., & Zulherawan, M. (2025). VICTIMOLOGY ANALYSIS OF SOCIETAL LABELING ON FEMALE UNIVERSITY STUDENTS WHO VISIT NIGHTCLUBS (A STUDY ON X, Y, AND Z IN PEKANBARU). *International Journal of Education and Social Science Studies*, 1(3), 184-190.
- Saim Aksinudin, Subelo Wiyono, & Ayu Fitria Nariswari. (2022). Instilling anti-corruption characters in civic education for college students. *Jurnal Civics: Media Kajian Kewarganegaraan*, 19(1).
- Santika, I. G. N., Sujianti, N. P. I. P., Ahas, A., & Juliawan, I. G. A. (2026). Pancasila sebagai Grundnorm dalam Sistem Hukum Indonesia Analisis Filosofis dan Yuridis. *Journal of Multidisciplinary Law Studies*, 1(1), 38-46.
- Sari, N. W., Yanto, O., Soewita, S., & Nuraeny, H. (2025). Criminal Responsibility of Corporations in Criminal Acts of Corruption. *IJOLARES: Indonesian Journal of Law Research*, 3(1), 25-33.
- Septiningsih, I. (2023). The importance of expert testimony in proving corruption crimes. *IJOLARES: Indonesian Journal of Law Research*, 1(2), 32-36.
- Setyawan, V. P. (2023). Makna Frasa "Pengulangan Tindak Pidana" dalam Regulasi Penyelesaian Perkara Anak dengan Keadilan Restoratif. *IJOLARES: Indonesian Journal of Law Research*, 1(2), 28-31.
- Simanjuntak, B., Sinaga, S., Manullang, T., & Pasaribu, M. (2026). Teori Hukum sebagai Instrumen Analisis Normatif dan Sosiologis. *Journal of Multidisciplinary Law Studies*, 1(1), 56-65.
- Sujana, I. G., & Santika, I. G. N. (2026). Pancasila sebagai Grundnorm dalam Pembaharuan Hukum Pidana Indonesia. *IJOLARES: Indonesian Journal of Law Research*, 4(1), 31-41.
- Suteki, S., Jalil, A., Natalis, A. N., & Nasution, A. V. A. (2024). Empowering Local Communities:



Enhancing Engagement in Anti-Corruption Action Programs. *Lentera Hukum*, 11(1).

Wambrauw, Y., Tabuni, M., Nawipa, O., & Kogoya, S. (2025). THE DYNAMICS OF JUDICIAL POWER AND THE IMPLEMENTATION OF THE RULE OF LAW PRINCIPLES IN INDONESIA. *International Journal of Education and Social Science Studies*, 1(3), 171-176.