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## The Urgency of Legal Reform in the Implementation of the Revocation of Political Rights as an Additional Sanction for Corruption Offenders in Indonesia

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**Abstract:** Corruption is an extraordinary crime that undermines the governance system and democracy. One form of additional criminal sanctions applied to corruption offenders in Indonesia is the revocation of political rights. This sanction aims to prevent corrupt individuals from returning to public office and minimize the risk of repeated corruption offenses. However, in practice, the implementation of the revocation of political rights for corrupt individuals still shows various legal inconsistencies. Some court rulings include this sanction, while others do not, even though the defendants have the same role in the corruption offense. Additionally, the lack of clear standards regarding the duration and mechanism of the revocation of political rights further exacerbates legal uncertainty. Therefore, legal reform is needed to ensure that the revocation of political rights for corrupt individuals can be applied consistently and effectively. This study uses a normative legal method with a statutory approach, a conceptual approach, and a comparative approach. The legal materials used consist of primary, secondary, and tertiary legal sources, which are systematically analyzed to identify existing legal problems and find appropriate solutions for the reform of additional criminal sanctions in the form of the revocation of political rights for corrupt individuals. Legal reform is expected to clarify the rules regarding the revocation of political rights, both in terms of application, duration, and mechanism. With legal certainty in the revocation of political rights, it is hoped that it will strengthen efforts to eradicate corruption and maintain the integrity of the democratic system in Indonesia.

**Keywords:** Legal Reform, Additional Criminal Sanctions, Revocation of Political Rights, Corruption, Legal Inconsistency.

## INTRODUCTION

Corruption is an extraordinary crime that has a damaging impact on the stability of the state and democracy (Puanandini, 2024). This crime not only causes financial losses to the state but also reduces public trust in government institutions (Arifin, 2024). In the context of democracy, corrupt individuals who still have access to politics have the potential to repeat their crimes by exploiting power for personal or group interests. Therefore, the imposition of

sanctions that not only involve primary punishment but also include additional penalties is important to provide a broader deterrent effect (Atmoko, 2022). One form of additional criminal sanctions regulated in the Indonesian legal system is the revocation of political rights for corrupt individuals (Haris, 2024).

Additional criminal sanctions in criminal law serve as complements to primary sanctions such as imprisonment or fines. The imposition of additional sanctions aims to close legal loopholes that allow convicts to retain access to certain rights that could harm public interests (Mulatua, 2019). According to the Indonesian Penal Code (KUHP), additional criminal sanctions can include the revocation of certain rights, including the right to be elected to public office. This sanction is imposed as a form of protection for the legal and political system to ensure that individuals who have been proven to commit serious crimes, such as corruption, cannot regain control over national policies that could create opportunities for further corruption (Devi, 2021).

The revocation of political rights as an additional criminal sanction is a measure based on legal and moral considerations within the Indonesian legal system (DM, 2022). Political rights are fundamental rights in a democracy, but their use is not absolute (Nuna, 2019). The state has the authority to revoke the political rights of individuals who are considered to harm the public interest, especially in cases of corruption involving state officials or individuals with significant political influence (Farcham, 2024). Regulations regarding the revocation of political rights for corrupt individuals can be found in various laws, including the Anti-Corruption Law (Pinem, 2023). However, the application of this regulation requires firmness to prevent it from being merely a normative threat without effective implementation.

From a comparative perspective, many countries have implemented the revocation of political rights for corruption offenders as a form of protection for the integrity of democracy. For example, in European countries such as Germany and France, the revocation of political rights for serious criminals is explicitly regulated within their criminal law systems. The United States also has specific mechanisms to prevent individuals with certain criminal records, including corruption, from returning to public office (Botutihe, 2024). Lessons from other countries can serve as references for Indonesia in formulating clearer and more structured regulations regarding the revocation of political rights for corrupt individuals.

The primary goal of revoking the political rights of corrupt individuals is to prevent the continuation of corruption practices within the governance and political systems (Waluyo, 2017). Corruption is often committed by individuals with access to power, so if they retain political rights, the risk of reoffending remains high (Hariyani, 2016). The revocation of political rights serves as a preventive mechanism to ensure that individuals who have been proven to abuse their power do not have the opportunity to return to politics or government. This measure also aims to create a cleaner political environment, free from the influence of individuals with a history of corruption (Harefa, 2024).

In addition to being a preventive measure, the revocation of political rights for corrupt individuals also aims to prevent them from regaining power and repeating their actions. In many cases, individuals who have been convicted of corruption still maintain strong political networks and are able to mobilize support to return to strategic positions. This not only gives them the opportunity to repeat corrupt actions but also undermines public trust in the democratic process. Without firm restrictions, voters may still choose individuals with a history of corruption due to political influence or other factors. By revoking their political rights, the state ensures that only individuals with integrity can access leadership positions within the government (Indah, 2020).

Moreover, the revocation of political rights for corrupt individuals plays a role in maintaining the integrity of the democratic system. A healthy democracy requires leaders and officials who have a clean track record and a commitment to public interests (Santoso, 2019).

If individuals who have been proven to be corrupt can still participate in politics, the values of democracy can be eroded by personal and group interests that are irresponsible. The revocation of political rights is not only a punishment for individuals but also a form of protection for the democratic system itself. The public needs assurance that the political system is filled with individuals who are committed to the interests of the people, not those who have abused their power for personal gain.

Public trust in the government and democratic institutions heavily depends on how well the legal system upholds justice in the fight against corruption. If corrupt individuals are still allowed to return to political life, this can lead to public apathy and diminish the legitimacy of the government (Siregar, 2024). The revocation of political rights for corrupt individuals serves to demonstrate that the state is committed to creating a clean government free from corruption practices (Nugraha, 2020). This step also sends a moral message that corruption is a crime that cannot be tolerated, especially when it involves public officials who should be responsible for the welfare of the people.

Considering the various aspects mentioned above, the revocation of political rights for corrupt individuals should be understood as part of a broader strategy to eradicate corruption and maintain democratic stability. In addition to providing a deterrent effect for offenders, this sanction also contributes to building a more transparent and accountable political system. The success of implementing the revocation of political rights for corrupt individuals depends on how these regulations are applied strictly and equally, ensuring that there are no loopholes for individuals who have been proven to be corrupt to return to strategic positions in government and political institutions.

## METHOD

This research uses a normative juridical method, which is a legal research focusing on the analysis of regulations and legal concepts related to the revocation of political rights for corrupt individuals. The approach used in this research includes a statute approach, aimed at examining various regulations related to additional criminal sanctions in Indonesian law, particularly those that regulate the revocation of political rights for perpetrators of corruption crimes. Additionally, this study also applies a conceptual approach to analyze the concept of additional criminal sanctions and the urgency of revoking political rights within the criminal law system. This approach allows the research to delve deeper into criminal law theories as well as the principles of justice and legal certainty in the application of sanctions. Furthermore, this research also uses a comparative approach to compare the regulations and practices of applying the revocation of political rights for corrupt individuals in various countries. The comparison aims to find a more effective legal model that can be applied within the Indonesian legal system to avoid inconsistencies in the implementation of these sanctions. The data sources used in this research include primary legal materials, such as the applicable laws and regulations, like the Penal Code (KUHP) and the Anti-Corruption Law (UU Tipikor); secondary legal materials, such as legal journals, books, and other academic documents; and tertiary legal materials, including legal dictionaries and legal encyclopedias. All these legal materials are analyzed systematically to identify legal issues and formulate solutions that can strengthen the legal system in the revocation of political rights for corrupt individuals in Indonesia.

## RESULT AND DISCUSSION

### **Legal Inconsistency in the Implementation of the Revocation of Political Rights for Corruptors**

The revocation of political rights for individuals convicted of corruption in Indonesia is regulated in several legal provisions, including the Criminal Code (KUHP) and Law Number 31 of 1999 concerning the Eradication of Corruption (UU Tipikor). Article 10 of the Criminal

Code regulates additional criminal sanctions, one of which includes the revocation of certain rights, including political rights. Additionally, Article 18, paragraph (1), letter d of UU Tipikor also states that in addition to the main punishment, judges may impose additional sanctions in the form of the revocation of certain rights, including the right to hold public office (Cibro, 2022). Although these regulations provide a legal basis for the revocation of political rights for corruptors, their implementation in court is not always consistent, leading to differences in the judgments handed down to individuals convicted of corruption crimes.

In practice, court rulings do not always include the sanction of revocation of political rights for individuals convicted of corruption, even though they have been proven to have committed crimes that have a broad impact on the government system and public trust. Some cases show that judges only impose the main punishment in the form of imprisonment and fines, without considering the revocation of political rights as part of the additional sanctions. This creates legal uncertainty because there are perpetrators who still could run for public office after serving their sentence. This inconsistency raises questions about the standards used in imposing the sanction of revocation of political rights in court rulings.

One of the main issues in the implementation of the sanction of revocation of political rights for corruptors is the lack of a standard regarding the duration and mechanism for revoking political rights. Existing regulations do not explicitly state how long the revocation of political rights can be applied after the convict has served their main sentence. Some court rulings set the duration of the revocation of political rights for five years after the sentence ends, while others impose the revocation of political rights with no clear time limit. This ambiguity creates a wide space for interpretation by judges in making rulings, which ultimately leads to disparity in legal treatment of individuals convicted of corruption crimes.

In addition to the issue of duration, the mechanism for revoking political rights also lacks detailed procedures in the legal regulations. In some cases, the revocation of political rights is only mentioned in the verdict without any clarity on how the implementation will be carried out, especially in terms of monitoring former convicts attempting to re-enter the political system. The absence of a clear mechanism can lead to the ineffectiveness of this sanction, as there are still legal loopholes that former corrupt convicts can exploit to run for elections or hold other public office positions.

Differences in interpretation among judges in imposing the sanction of revocation of political rights also play a major role in the occurrence of legal inconsistencies. Some judges view the revocation of political rights as an additional sanction that is discretionary, thus it is only imposed in certain circumstances. On the other hand, there are judges who consider the revocation of political rights as an integral part of the enforcement of law against corruption crimes. This differing approach leads to inconsistency in rulings imposed on individuals committing similar crimes. In some cases, corrupt individuals with significant political influence are still able to run for office after serving their sentence, while others face the sanction of revocation of political rights with non-uniform time limits.

Inconsistencies in the application of the sanction of revocation of political rights directly affect legal certainty and justice. Disparities in the punishment of individuals convicted of corruption crimes indicate that not all individuals are treated fairly within the legal system. A corrupt individual with strong political influence may receive a lighter sentence without the revocation of political rights, while others who do not have access to political networks may face harsher penalties. Such differential treatment has the potential to undermine public trust in the criminal justice system and diminish the effectiveness of law enforcement in combating corruption (Hambali, 2021).

The inconsistency in the application of the sanction of revocation of political rights also weakens the deterrent effect for corrupt individuals. If there is no guarantee that every corrupt offender will face an additional sanction of revocation of political rights, then individuals with

political ambitions may still view corruption as a tolerable risk. Without the real threat of being banned from participating in politics, corrupt individuals continue to have the opportunity to regain control over public policies and repeat corrupt actions in the future. The deterrent effect that should arise from this sanction is diminished due to the lack of uniform application within the legal system.

Besides weakening the deterrent effect, the inconsistency in applying the sanction of revocation of political rights also opens up the risk for former corruption convicts to re-enter the political system and government. Many cases show that after serving their sentence, some former corrupt individuals can still run for office and even get re-elected in general elections. This phenomenon indicates that without clear regulations and consistent implementation, the revocation of political rights cannot function as a protective mechanism for the democratic system. This risk becomes even greater if society is still influenced by factors like money politics and nepotism, which allow corrupt individuals to regain strategic positions.

The legal inconsistency in the application of the revocation of political rights for corrupt individuals is a serious issue in Indonesia's legal system. Although regulations have provided for the possibility of revoking political rights as an additional criminal sanction, the practical implementation still shows many weaknesses, including inconsistencies in court rulings, unclear duration and mechanisms for revocation, and differing interpretations among judges. This contributes to disparities in sanctioning, weak deterrent effects for corrupt offenders, and a high risk of former convicts returning to the political system and government. The continuation of this issue can further damage public trust in the legal system and hinder efforts to combat corruption in Indonesia.

### **Urgency of Legal Reform in the Application of Political Rights Revocation for Corruption Offenders**

Legal reform regarding the revocation of political rights for corrupt individuals has become an urgent necessity in strengthening Indonesia's anti-corruption system. Clarity and firmness in regulations are essential to ensure that there are no legal loopholes that can be exploited by certain parties to evade sanctions. The revocation of political rights should be seen as part of the effort to build a clean and integrity-based political system, and as such, its application must be carried out consistently with a strong legal foundation. Legal reform in this regard not only aims to address inconsistencies in court rulings but also ensures that every corruption offender receives a proportionate penalty that aligns with the principle of justice.

In the context of regulatory reform, it is necessary to formulate clearer and stricter rules in the Criminal Code (KUHP) and the Anti-Corruption Law (UU Tipikor) regarding the revocation of political rights for corrupt individuals. Currently, the provision regarding the revocation of political rights remains facultative and depends on the judge's ruling, which leads to disparities in its application. A more explicit regulation could establish that the revocation of political rights is a legal consequence that applies to anyone convicted of corruption within certain categories. With this clarity, the sanction of political rights revocation would no longer be optional, but rather an integral part of criminal law enforcement against corruption.

In addition to clearer rule formulation, legal reform should also involve the automatic application of the political rights revocation for corruption offenders who meet certain criteria. In some legal systems in other countries, the revocation of political rights for corrupt individuals is applied without the need for judicial debate, as it is clearly established in the regulations. Implementing a similar model in Indonesia could reduce the subjectivity in judicial decisions and ensure that individuals proven guilty of corruption no longer have the opportunity to hold public office again.

Standardizing the duration of political rights revocation is also a crucial aspect of legal reform that must be implemented. Currently, there is no clear standard regarding how long a



former corruption convict should lose their political rights. In some cases, political rights are revoked for only five years after the sentence is completed, while in other cases, there is no specific duration mentioned. Regulatory reform should establish a clear time frame, for example, a lifetime revocation of political rights for corruption cases involving significant state losses or abuse of power in high-ranking positions. Clarity regarding this duration will provide legal certainty for all parties and prevent discrepancies in the legal treatment of individuals committing similar crimes.

To strengthen the implementation of political rights revocation sanctions, the role of state institutions must be further optimized. The Corruption Eradication Commission (KPK), the Prosecutor's Office, and the Judiciary have the authority to ensure that every ruling on corruption cases includes the aspect of political rights revocation, particularly in large cases that have widespread societal impacts. KPK, as an independent body tasked with combating corruption, can provide recommendations to the courts to impose political rights revocation sanctions in each case it handles. Meanwhile, the Prosecutor's Office should be more proactive in demanding the revocation of political rights in the charges filed with the court, ensuring that there is no room for defendants to re-enter the political system after serving their sentence.

Law enforcement agencies, the Constitutional Court (MK) also plays an important role in overseeing the constitutionality of political rights revocation for corrupt individuals. On several occasions, some argue that the revocation of political rights contradicts human rights, especially the right to be elected and to vote. MK can ensure that the implementation of this sanction remains within constitutional boundaries by considering the balance between protecting individual rights and the greater interest of maintaining the integrity of the democratic system. In various countries, restricting political rights for individuals convicted of serious crimes is a legally valid practice and does not conflict with democratic principles.

Apart from the role of state institutions, political parties are responsible to support the policy of revoking political rights for corrupt individuals. One issue that often arises is that former convicts of corruption continue to receive support from political parties to run in elections. Legal reform must include regulations requiring political parties to reject the candidacy of individuals with a history of corruption. Furthermore, political parties must be more selective when recruiting legislative candidates and public officials, ensuring that each candidate they nominate has high integrity. Support from political parties for the policy of political rights revocation will strengthen the clean democratic system and prevent the recurrence of corruption in governance.

## CONCLUSION

The revocation of political rights as an additional criminal sanction for corrupt individuals is grounded in the legal framework of Indonesia's laws, particularly in the Criminal Code (KUHP) and the Corruption Eradication Act (UU Tipikor). However, its implementation still faces several challenges, particularly regarding the inconsistency of court rulings. Not all corruption cases result in the revocation of political rights, creating legal uncertainty and the potential for disparity in the application of sanctions. This inconsistency weakens the deterrent effect for corrupt individuals and increases the risk of former corruption convicts re-entering the political and governmental systems. The lack of clarity regarding the mechanism and duration of political rights revocation also contributes to the weak implementation of this sanction. Therefore, legal reform is necessary to ensure that the revocation of political rights for corrupt individuals is applied effectively, consistently, and in accordance with the principle of justice.

In order to improve the existing system, revisions to the regulations governing the revocation of political rights are needed to make them more specific and clearer, particularly in establishing standardized mechanisms and durations. Furthermore, judges should be

provided with more detailed guidelines to ensure that the application of this sanction does not rely solely on subjectivity in each ruling. Strengthening coordination between KPK, the Prosecutor's Office, the Courts, and the Constitutional Court is also necessary to ensure that the revocation of political rights becomes an integral part of the fight against corruption. Moreover, political parties must also play a role in enforcing this policy by rejecting the candidacy of former corruption convicts and promoting the recruitment of candidates based on integrity. With comprehensive legal reform and synergy among the relevant institutions, it is hoped that the revocation of political rights can function optimally as a legal instrument to safeguard the integrity of Indonesia's democratic system.

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