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Strengthening the Role of the Corruption Eradication Commission in Preventing Corruption through the Illicit Enrichment Approach in LHKPN Reporting: Penguatan Peran KPK dalam Pencegahan Tindak Pidana Korupsi melalui Pendekatan Illicit Enrichment pada Pelaporan LHKPN

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Abstract

General Background: Corruption remains a persistent systemic problem in Indonesia, prompting preventive strategies centered on transparency and accountability of public officials. Specific Background: The Corruption Eradication Commission (KPK) administers the State Officials' Wealth Report (LHKPN) as a preventive instrument; however, its implementation is weakened by low compliance, data inaccuracy, and the absence of stringent sanctions. Knowledge Gap: Although Indonesia has ratified the United Nations Convention against Corruption (UNCAC), the Illicit Enrichment mechanism mandated therein has not been substantively integrated into the national legal framework to reinforce LHKPN. Aims: This study examines the prospects of incorporating the Illicit Enrichment concept into Indonesian regulations to strengthen LHKPN as an effective tool for corruption prevention. Results: The findings indicate that adopting Illicit Enrichment could enhance substantive verification of LHKPN, ensure accountability of asset disclosures, and provide a legal basis for follow-up actions against unexplained wealth. Novelty: This study offers a focused legal analysis linking Illicit Enrichment directly to the strengthening of LHKPN as a preventive mechanism rather than solely as a punitive tool. Implications: Regulating Illicit Enrichment in Indonesia would bolster the preventive mandate of the KPK, improve asset transparency, and contribute to more effective corruption deterrence through enhanced legal certainty and enforcement.

Highlights:

- Administrative-only LHKPN sanctions weaken deterrence and reduce asset declaration accountability.
- Illicit enrichment criminalization enables substantive verification of abnormal wealth growth in LHKPN.
- Strengthened enforcement supports investigation escalation and asset recovery for unexplained wealth.

Keywords: Corruption Prevention, Illicit Enrichment, LHKPN, Asset Transparency, KPK

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Introduction

The corruption in Indonesia has always been a hot topic that never ceases to be discussed and seems to be growing like a chronic disease that is difficult to cure. Corruption seems to have become a traditional problem in the country that has been passed down from generation to generation. Corruption is defined as the act of misappropriating or misusing state funds (companies, etc.) for personal gain or the gain of others [1]. According to Jeremy Pope, one of the founders of the international anti-corruption organization Transparency International, corruption is defined as the act of public officials taking actions aimed at obtaining personal gain or the gain of others through illegal and improper means by abusing their authority [2].

In an effort to eradicate corruption in Indonesia, MPR Decree No. VIII/MPR/2001 contains input on strategic or policy orientations aimed at preventing and eradicating criminal acts of corruption, collusion, and nepotism in Indonesia, which was then followed up by the government by forming the Corruption Eradication Commission (KPK) through Law Number 30 of 2002 concerning the Corruption Eradication Commission (hereinafter referred to as KPK Law No. 30/2002), which grants authority to an independent institution, namely the KPK, with the task of eradicating corruption in Indonesia [3]. In its development, there have been two amendments to the KPK Law, namely Law Number 10 of 2015 concerning the Stipulation of Government Regulation in Law Number 1 of 2015 concerning Amendments to Law Number 30/2002 concerning the Corruption Eradication Commission into Law and Law Number 19 of 2019 concerning the Second Amendment to Law No. 30/2002 concerning the Corruption Eradication Commission (hereinafter referred to as KPK Law No. 19/2019).

Included in the second amendment to the KPK Law, namely Article 1 paragraph (3) of KPK Law No. 19/2019, which contains institutional changes by making the KPK a state institution under the executive branch tasked with preventing and eradicating corruption. The eradication measures carried out by the KPK are listed in Article 1 paragraph (4) of KPK Law No. 19/2019, which includes prevention and eradication measures through various efforts. More specifically, efforts to prevent corruption are listed in Article 7 paragraph (1) letter a of the same law. the actions carried out by the KPK include organizing and examining reports on the State Officials' Wealth Reports (LHKPN), receiving reports and determining the status of gratuities, conducting education on anti-corruption and socialization on eradicating corruption, and conducting bilateral and multilateral cooperation in eradicating corruption.

Implementing a reporting system in the State Officials' Wealth Report (LHKPN) is a preventive measure carried out by the KPK. This reporting system provides transparency on the wealth owned by state officials by requiring them to report their wealth. The LHKPN is one of the instruments used to monitor state officials, especially in preventing acts of corruption [4]. Stated in Article 5 of Law Number 28 of 1999 concerning Clean and Free State Officials from Corruption, Collusion, and Nepotism (hereinafter referred to as the KKN Law), which legitimizes the existence of the LHKPN by requiring state officials to report their assets.

The categories of officials or state administrators who are required to report their LHKPN are listed in Article 4A paragraphs (1), (2), (3), and (4) of KPK Regulation No. 3 of 2024, which are grouped as follows:

- 1. State officials in the highest state institutions, state officials in high state institutions, ministers, governors, judges, other state officials in accordance with laws and regulations, and other officials with strategic functions;
- 2. Heads of Indonesian representative offices abroad, deputy governors, regents/mayors, and deputy regents/deputy mayors;
- 3. Other officials with strategic functions whose duties and authorities are prone to corruption, collusion, and nepotism;
- 4. Officials in ministries/institutions, local governments, state-owned enterprises, regional-owned enterprises, subsidiaries of state-owned enterprises, and subsidiaries of regional-owned enterprises.

Despite the implementation of an asset reporting system as a means of monitoring and preventing corruption, corruption in Indonesia is becoming increasingly rampant and diverse in nature. Based on data from Transparency International, in 2024, Indonesia's CPI or Corruption Perception Index score was 37 out of 100, placing Indonesia 99th out of a total of 180 countries surveyed. The CPI score indicator is read in such a way that the closer the score is to 0, the higher the level of corruption in that country. Indonesia's CPI score is different and shows an increase when compared to the 2023 CPI score of 34 out of 100, followed by a ranking of 115 out of 180 countries surveyed. Although there was an increase of 3 points, this is not significant and shows that Indonesia's CPI score and corruption situation remain at an alarming level [5].

The phenomenon of an increase in the wealth of state officials can be seen in the wealth data contained in the LHKPN. One example of this phenomenon occurred in 2021, when ministers in the Indonesia Onward Cabinet experienced a drastic increase in wealth over a one-year period, with wealth increases ranging from more than Rp 5 billion to more than Rp 5 trillion. Of the 34 ministers, only five reported a decline in wealth [6].

In the implementation of LHKPN, throughout the reporting period in 2024, based on data held by the Corruption Eradication Commission (KPK), 13,710 state officials did not report their assets and wealth by the specified LHKPN reporting deadline, with 10,015 from the executive sector, 2,941 from the legislative sector, 3 from the judicial sector, and 751 from state-owned enterprises (BUMN/BUMD). This is a matter of concern, because LHKPN is mandatory and must be carried out by state officials in order to provide transparency regarding their wealth and to prevent corruption in the work of these state officials [7].

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addition to state officials who do not report their LHKPN, issues related to the accuracy of the LHKPN submitted by state officials are also a serious matter. The KPK Chairman in 2021 revealed that 95 percent of the data in the LHKPN reports was inaccurate because many government officials were not honest in reporting their assets, such as hiding a number of assets [8].

Stipulated in Article 21 of KPK Regulation Number 3 of 2024, which discusses sanctions against state officials, in the following circumstances: (1) Failure to report LHKPN on time, (2) Failure to report assets owned completely and correctly, (3) Failure to attend clarification invitations in the context of LHKPN examinations, (4) Failure to correct the LHKPN based on the results of confirmation/clarification in accordance with reporting requirements, and/or (5) Failure to report assets. In such circumstances, the KPK will recommend that the heads of ministries/agencies and institutions where public officials work impose sanctions.

This regulation stipulates that sanctions imposed on state officials under the LHKPN system are limited to administrative sanctions and are returned to the relevant agencies. These administrative sanctions weaken the LHKPN, thereby failing to provide a deterrent effect for state officials. Other factors contributing to the weakness of the LHKPN include the lack of follow-up on reported assets and the absence of instruments after inspection [9]. The absence of criminal sanctions for LHKPN is a major factor why state officials often ignore LHKPN and consider reporting to be nothing more than a formality.

The concept of illicit enrichment is one of the instruments that can be used as a strict sanction regarding LHKPN. This concept refers to a phenomenon in which there is an unreasonable increase in wealth that cannot be accounted for. This concept is found in Article 20 of the United Nations Convention Against Corruption (UNCAC). Legal instruments related to Illicit Enrichment have been regulated by various countries around the world, with sanctions ranging from criminal penalties to administrative sanctions [10]. One example of the successful application of the Illicit Enrichment legal instrument can be seen in the case of Uganda, which successfully recovered state funds resulting from a case of Illicit Enrichment on October 28, 2020, amounting to USD 1.25 million. This demonstrates that the legal regulations related to Illicit Enrichment in Uganda have had a significant impact on eradicating corruption in the country [11]. This is one example of the success of the Illicit Enrichment model in helping to eradicate corruption, which then also has an impact on efforts to recover assets for the state. So how can the concept of Illicit Enrichment as a form of sanction against State Officials' Wealth Reports be applied to regulations in Indonesia?

Method

The research was conducted using a legal-normative method supplemented with statutory approach, a case approach, and a conceptual approach. The data sources for this research were legal materials, with the following details:

- 1. Primary Legal Materials:
 - Criminal Code;
 - Law Number 28 of 1999 concerning Clean and Corruption, Collusion, and Nepotism-Free State Administration:
 - Law Number 19 of 2019 concerning the Second Amendment to Law Number 20 of 2002 concerning the Corruption Eradication Commission;
 - Corruption Eradication Commission Regulation Number 3 of 2024 concerning the Second Amendment to Corruption Eradication Commission Regulation Number 07 of 2016 concerning Procedures for Registration, Announcement, and Examination of State Administrators' Assets.
- 2. Secondary Legal Materials:
 - Textbooks on criminal law and corruption;
 - Research reports;
 - Scientific law journals.
- 3. Tertiary legal materials, namely using the Big Indonesian Dictionary (KBBI) to provide explanations of the material.

All of these legal materials were then processed by means of descriptive analysis and research in order to elaborate on the discussion in this study, which was compiled systematically so as to obtain an understanding through the results and discussion of the study.

Results and Discussion

Strengthening the Role of the Corruption Eradication Commission (KPK) in Preventing Corruption in Indonesia

The phenomenon of corruption in Indonesia still exists today, with Indonesia being one of the 100 countries with the highest levels of corruption, meaning that corruption cases in Indonesia are still a complex national issue [5]. The revision of the KPK Law in 2019 has also had implications for the shift in the legal policy direction of this institution. One of these shifts is that the KPK tends to focus on prevention and education in the fight against corruption. The KPK has a strategy called Trisula Strategi (Three-Pronged Strategy) to eradicate corruption, which consists of three main strategies in the effort to eradicate corruption, namely enforcement, prevention, and education [12]. Stated in the Regulation of the Corruption Eradication Commission of the Republic of Indonesia No. 2 of 2025 concerning the Strategic Plan of the Corruption Eradication Commission for 2025-2029 (hereinafter referred to as the KPK's strategic plan for 2025-2029), regarding the prevention sector launched by the KPK, which is to carry out several efforts, one of which is the implementation of a national

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strategy for corruption prevention and transparency of state officials' assets and wealth through LHKPN. Then, has the shift in focus and efforts made by the KPK in the prevention sector since the revision of the KPK Law was passed 6 years ago, yielded significant results in eradicating corruption?

Through a national survey conducted by Indikator Politik Indonesia and released in 2024, the level of perception of corruption eradication in Indonesia shows that 30.3% consider it poor, 4.7% consider it very poor, 29% consider it moderate, and 30.9% consider it good, meaning that the public's perception of eradication is more negative than positive. Then, regarding trust in the KPK, the KPK ranks third after political parties and the DPR as the least trusted institutions [13]. The level of public trust in the KPK has not shown significant progress according to the findings of a national telephone survey also conducted by Indikator Politik Indonesia in 2025, with the KPK still ranking third as the least trusted institution [14].

Various findings in surveys on corruption eradication in Indonesia and public assessments of trust in the KPK institution show that the vision of adjusting the KPK's political direction to focus on prevention and anti-corruption education has not shown significant results, even though it has been several years since the 2019 KPK Law amendment was passed.

on a monitoring report on the KPK's performance over two years from 2019 to 2021 conducted by Indonesia Corruption Watch (ICW), Transparency International Indonesia, and the Anti-Corruption Study Center of the Faculty of Law at Gadjah Mada University, it was found that the KPK's efforts to strengthen the prevention sector were insufficient to accommodate the strengthening of this sector due to several factors, namely, the lack of strict sanctions for state officials who fail to report or neglect to report to the LHKPN, problems with the lack of follow-up on KPK recommendations related to obstacles in the government system and governance, which are included in the KPK's authority in the areas of coordination and supervision, and finally, the reduction of the KPK's authority to conduct supervision in the form of monitoring, research, or review of public service agencies in the new revision of the KPK Law. These factors are considered to be the reasons for the weakness of the KPK's prevention sector [15].

Then in another study, namely the 2019-2024 KPK performance evaluation report by the Indonesian Center for Law and Policy Studies (PSHK) and ICW, the lack of the KPK's role in LHKPN governance was again mentioned, such as the repeated non-compliance by state officials in reporting LHKPN, which was not seriously followed up by the KPK, well as the lack of investigations conducted by the KPK that originated from investigations into LHKPN [16].

Theoretically, LHKPN is designed as a preventive mechanism that can provide a deterrence effect through transparency and public oversight of state officials' wealth, thereby preventing corrupt behavior early on [16]. However, in practice, the implementation of LHKPN in Indonesia faces various structural problems that reduce its effectiveness as an instrument for preventing corruption.

The main focus of criticism of the LHKPN system is the absence of strict sanctions that have a serious deterrent effect on state officials who do not report or do not accurately report their assets. So far, in the application of LHKPN by the KPK, the sanctions imposed have only been administrative sanctions within the internal scope of the state administration agency, thus raising questions about their effectiveness and accountability [16].

Furthermore, in practice, the KPK still rarely uses the LHKPN as a starting point to suspect other criminal acts by state officials. This situation is also due to the obstacle of the KPK's lack of legitimacy to conduct substantial verification of the wealth profiles of state officials in the LHKPN that are considered to be irregular. The lack of the LHKPN as a starting point for identifying criminal acts is also supported by the fact that criminalization based solely on reports contained in the LHKPN is not yet recognized. So far, the LHKPN has been used as a comparative instrument to identify irregularities in the wealth of state officials, but in order to bring it to the criminal realm, it is still necessary to identify criminal acts in accordance with articles on corruption, such as gratification, bribery, or other unlawful acts. (Results of an interview with Fitria Nurul Fauziah Arza, First Expert Analyst for Corruption Eradication at the KPK, on September 9, 2025).

This legal vacuum is an important factor in why the implementation of LHKPN is often still weak and has not been able to fully serve as a mechanism to prevent corruption among state officials. In fact, this has been recognized and has become a legal urgency for the KPK. It is stated in the KPK's 2025-2029 Strategic Plan regarding the KPK's policy direction and strategy in the prevention sector, one of which is the management, utilization, and improvement of the accuracy of reporting in LHKPN to prevent corruption. The KPK's 2024-2025 Strategic Plan also includes the urgent need to review regulations on strengthening sanctions in the LHKPN for state officials who do not comply or who do not report their assets accurately. Although this has been outlined in the strategic plan, its application and implementation may not be optimal and require oversight from various parties in developing the appropriate framework for implementation in Indonesia.

Opportunities for the Application of Illicit Enrichment in State Officials' Wealth Reports in Indonesia

An interesting point in the KPK's 2025-2029 Strategic Plan is the urgency of regulating the criminalization of illicit enrichment as a form of Indonesia's implementation of the ratification of the 2003 United Nations Convention Against Corruption (UNCAC) through Law Number 7 of 2006 concerning the Ratification of the UNCAC. The KPK's 2025-2029 Strategic Plan states that it is urgent to conduct a regulatory review of illicit enrichment as a measure to prevent and eradicate corruption in Indonesia.

The Illicit Enrichment model was first comprehensively introduced in the Inter-American Convention Against Corruption

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(IACAC) in 1996, which is detailed in Article IX. This formula was later adopted by UNCAC and incorporated into Article 20 of the United Nations Convention Against Corruption (UNCAC). According to the provisions of the UNCAC, Illicit Enrichment is defined as the deliberate and unlawful enrichment of a public official, measured by a significant increase in assets. Indonesia, as a signatory, has ratified the UNCAC into Law No. 7 of 2006 concerning the Ratification of the United Nations Convention Against Corruption, 2003 (United Nations Convention Against Corruption, 2003).

Although Indonesia has ratified the UNCAC, regulations regarding Illicit Enrichment have not yet been regulated in the Indonesian legal system. To date, substantive discussions on Illicit Enrichment have not been considered by the Indonesian government as a tool to eradicate corruption in Indonesia, other than being included as a discussion point in the KPK's 2025-2029 Strategic Plan. Although there have been many studies examining the legal construction of illicit enrichment, in the realm of political law in Indonesia, the model of illicit enrichment has only appeared once in the draft Asset Seizure Bill currently being formulated by the Indonesian government, as explained comprehensively in the Academic Paper on the Asset Seizure Bill.

The discussion of the Illicit Enrichment model in the Asset Seizure Bill does not provide an answer to the use of Illicit Enrichment for the prevention of corruption in Indonesia. because in this bill, Illicit Enrichment is not specifically regulated for state administrators or public officials but targets the entire community. This concept is contrary to that contained in the UNCAC, which focuses on illicit enrichment by a state administrator or public official.

Various countries around the world already have regulations on Illicit Enrichment in their respective countries with various schemes ranging from criminal, civil, to administrative, with a total of 98 countries already having regulations on wealth that cannot be legally explained [17]. Various countries that have implemented Illicit Enrichment in their national regulations have applied it in different forms, including Singapore, which regulates Illicit Enrichment in the form of a criminal law scheme, Australia in the form of a civil law scheme, and Brazil in the form of an administrative law scheme. A comparison of the regulatory frameworks in these countries can serve as a reference in designing the most appropriate form of regulation on Illicit Enrichment to be applied in Indonesian law.

The construction of Illicit Enrichment in Indonesia has great potential to be used as a form of substantive verification of LHKPN in order to realize accountability and highly effective reporting of assets for the prevention of corruption. In fact, the KPK currently has an LHKPN clarification forum, but this forum can only be held if there is information about discrepancies between the wealth reported in the LHKPN and the actual wealth of the state official [18]. Even then, the KPK's authority to follow up on these discrepancies is limited. This limitation of authority occurs because the KPK does not have a legal framework that gives it the authority to impose strict sanctions on state officials who are negligent in filling out their LHKPN.

A scheme to legitimize illicit enrichment in Indonesia can be realized by regulating it in the revision of the Corruption Crime Law, which is also in line with the initiative contained in the KPK's 2025-2029 Strategic Plan. By applying illicit enrichment in existing regulations in Indonesia, particularly in relation to corruption, the KPK would be given the authority to substantially follow up on reports of wealth that exceeds reasonable limits, using the annual income from the position held by the state official as one of the benchmarks. The clarification forum previously held by the KPK can become a clarification forum or an investigation stage conducted by the KPK against state officials whose wealth has increased dramatically to find out whether there are indications of Illicit Enrichment. In this forum, the KPK can present evidence and findings regarding suspicious transactions obtained from cooperation with other ministries and institutions. State officials must then provide information regarding the origin of their assets and prove that they were obtained legally.

The results of the clarification forum can be used as a reference to determine whether the state officials are proven to have assets that indicate illicit enrichment or not. If there is strong suspicion of illicit enrichment and the state official cannot prove that the assets were obtained legally, then the verification forum can proceed to the investigation stage to uncover other criminal acts, and the assets proven to be illicit enrichment can be targeted for seizure and returned to the state.

Conclusion

Through this study, it can be concluded that the use of the State Officials' Wealth Report (LHKPN) system has not reached its maximum and satisfactory level. The absence of sanctions that provide a deterrent effect is the main factor in the weak implementation of the LHKPN, which needs to be reviewed in order to be aligned with the objective of the LHKPN, namely to prevent criminal acts of corruption.

In order to strengthen the KPK's efforts to prevent corruption using the LHKPN instrument, the concept of Illicit Enrichment must be considered as an instrument that strengthens the prevention of criminal acts of corruption through the implementation of the LHKPN. The concept of Illicit Enrichment can be a complement to guarantee and provide legal certainty regarding the accountability and effectiveness of the LHKPN itself.

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