

The Progressive Legal Paradigm as a Strategy for Transforming Anti-Corruption Law Enforcement in Indonesia

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ABSTRACT: This article discusses the progressive legal paradigm as a strategy for transforming anti-corruption law enforcement in Indonesia. This research is motivated by the current state of corruption eradication, which still faces various challenges, including the weak integrity of law enforcement officials, regulatory gaps, and the dominance of formalistic approaches that often fail to address the complexities of corruption. Using a descriptive qualitative approach based on literature review, this research attempts to analyze how the concept of progressive law can be implemented in the context of anti-corruption law enforcement. The results indicate that progressive law shifts the legal orientation from normative certainty to substantive justice, emphasizing morality, humanity, and the public interest. The application of this paradigm has broad implications for institutional reform, regulatory renewal, and the development of a more participatory legal culture in society. Furthermore, the discussion emphasizes the importance of striking a balance between legal flexibility and accountability to prevent the abuse of authority. In conclusion, progressive law can be positioned as a transformative strategy that not only strengthens the effectiveness of law enforcement but also encourages fundamental change toward a more humane, responsive, and socially just legal system. This paradigm has the potential to become a crucial foundation for Indonesia in building clean and integrated governance.

KEYWORDS: Progressive Law; Anti-Corruption; Law Enforcement; Legal Transformation; Substantive Justice

1. INTRODUCTION

Corruption has long been one of the most serious problems facing the Indonesian nation (Fauzi et al., 2023). This practice not only harms state finances but also undermines the legal legitimacy, public sense of justice, and national development (Handayani & Saragih, 2025). Various efforts have been made to eradicate corruption, ranging from the establishment of special institutions, such as the Corruption Eradication Commission (KPK), to the creation of corruption courts and regulatory reform through the Corruption Eradication Law (Fadli et al., 2022). However, the reality is that corruption still occurs systematically, involves powerful actors, and infects almost all levels of the bureaucracy and state institutions (Hidayat et al., 2024). This situation raises significant questions about the effectiveness of existing law enforcement.

The dominant legal paradigm in Indonesia remains based on a positivist approach that emphasizes legal certainty and formal legality. While providing a clear normative basis, this approach often proves unresponsive to social dynamics, morality, and demands for substantive justice (Wiriadinata, 2015). In the context of corruption eradication, the positivist approach usually becomes trapped in formal procedures, unable to penetrate the structural and cultural roots of corruption. As a result, law enforcement processes are often elitist, slow, and lack a significant deterrent effect (Saputra & Aven, 2025).

In response to these limitations, the progressive legal paradigm, initiated by Satjipto Rahardjo, emerged with the spirit of positioning law as a means to achieve substantive justice and humanity. Progressive law emphasizes the courage of law enforcement officials to make breakthroughs, rejects rigid adherence to regulatory texts, and prioritizes moral values and the interests of the people (Kamil, 2025). In the context of anti-corruption law enforcement, this paradigm offers a more humane, responsive, and transformational strategy oriented toward recovering state losses and protecting the public interest (Mahali & Hanim, 2024).

Studies on the application of the progressive legal paradigm in law enforcement, particularly in the context of corruption, have garnered the attention of numerous researchers, both nationally and internationally. Research conducted by Rustamaji (2015) highlighted the limitations of the positivistic legal paradigm in eradicating corruption in Indonesia. According to him, an orientation that places too much emphasis on legal certainty often neglects the value of substantive justice, which is the public's hope for a fair outcome. The study emphasized the need for a more flexible and responsive legal approach, in line with the idea of progressive law.

Meanwhile, research conducted by Syamsudin (2021) emphasized the role of the judiciary in adopting progressive legal principles, particularly in sentencing cases involving corruption. They found that several corruption court decisions have begun to

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demonstrate judges' courage in interpreting the law progressively, for example, by increasing penalties for perpetrators holding public office and causing significant harm to society. This is seen as a shift from a formalistic approach to a more substantive one.

International research also shows a similar trend. Johnson (2024) in his study on alternative approaches to law enforcement for corruption in developing countries, emphasized the importance of morality, legal culture, and institutional innovation in building an effective anti-corruption system. This study reinforces the idea that successful corruption eradication depends not only on legal texts but also on the legal system's ability to adapt to social realities.

In Indonesia, a study by Yusnita (2025) links explicitly Satjipto Rahardjo's ideas about progressive law to the practice of corruption eradication. They argue that progressive law can serve as a transformational strategy because it prioritizes the public interest. With this approach, corruption eradication is expected to become not merely a rigid legal effort but also a moral and social movement involving public participation.

From these various studies, a growing academic awareness of the importance of the progressive legal paradigm in addressing weaknesses in anti-corruption law enforcement in Indonesia is evident. However, research that examines the concept of progressive law in depth to formulate a strategy for transforming the anti-corruption legal system is still relatively limited. Therefore, this study seeks to fill this gap by providing a conceptual analysis and practical suggestions for the application of progressive law in the context of eradicating corruption in Indonesia.

Thus, the study of the application of the progressive legal paradigm as a strategy for transforming anti-corruption law enforcement in Indonesia is relevant and essential. It serves not only as a theoretical contribution to the development of legal science but also as a practical suggestion for improving the national legal system to make it more effective, fair, and imbued with integrity in eradicating corruption.

2. METHODOLOGY

This research employs a normative juridical approach, focusing on the analysis of the concept of progressive law as a strategy for transforming anti-corruption law enforcement in Indonesia. This approach was chosen because the primary focus of the research lies in the conceptual study, principles, and legal norms related to the eradication of corruption, as well as their relevance to the progressive legal ideas developed by Satjipto Rahardjo. In normative juridical research, law is understood as a living norm within society; therefore, the analysis is not limited to the text of the legislation, but also encompasses the values, morality, and spirit of justice that underlie it.

The data sources for this research include primary legal materials, such as laws and regulations related to the eradication of corruption, including Law Number 31 of 1999, in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption, and their implementing regulations. Furthermore, court decisions, particularly those issued by the Corruption Court and the Supreme Court, are analyzed to determine how the progressive legal paradigm is implemented in practice. Secondary legal materials were obtained from national and international literature, books, and scientific journals that discuss progressive law and the eradication of corruption over the past decade. Meanwhile, tertiary legal materials, including legal dictionaries, encyclopedias, and media articles, were used to complement understanding and strengthen the analysis.

The analytical method employed was a descriptive-analytical approach with a qualitative orientation. The analysis was conducted through an in-depth review of regulations, legal doctrine, and court decisions, then linked to progressive legal theory. Using this method, the research seeks not only to explain how positive law applies in the context of corruption eradication but also to critique its limitations and offer a progressive perspective as an alternative. The qualitative analysis was conducted systematically through interpretation, legal reasoning, and argumentative construction, aimed at formulating a strategy for transforming anti-corruption law enforcement within a progressive legal paradigm. Thus, this research methodology is expected to provide a comprehensive understanding of the relevance of progressive law in eradicating corruption, while also generating theoretical and practical recommendations that can contribute to strengthening the national legal system.

3. RESULTS AND DISCUSSION

3.1 The Current State of Anti-Corruption Law Enforcement in Indonesia

Anti-corruption law enforcement in Indonesia continues to face significant challenges, despite notable progress in institutional and regulatory development. The presence of the Corruption Eradication Commission (KPK), the establishment of the Corruption Court (Tipikor), and stringent laws and regulations should be crucial in eradicating corruption (Zaid et al., 2023). However, in practice, corruption remains widespread, structured, and involves various layers of the bureaucracy and political actors.

One fundamental problem is the high number of corruption cases uncovered year after year. Data from Transparency International places Indonesia at a less-than-satisfactory level on the Corruption Perceptions Index, indicating that corruption is still perceived as a serious problem (A. S. Hidayat et al., 2023). Many major cases involve high-ranking officials, members of the legislature, regional heads, and even law enforcement officials themselves, creating the impression that corruption eradication efforts often fail to address the root of the problem.

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From a regulatory perspective, Law No. 31 of 1999, in conjunction with Law No. 20 of 2001, provides a strong legal basis for imposing severe penalties on perpetrators of corruption. However, implementation in the field is often hampered by various factors, such as political interference, weak independence of law enforcement officials, and inconsistencies in court decisions (Haling et al., 2024). Disparities in sentencing between similar cases are not uncommon, leading to negative public perceptions of the justice system.

Anti-corruption institutions also face complex dynamics. The Corruption Eradication Commission (KPK), once considered the most effective institution in eradicating corruption, has recently been weakened by the 2019 revision of the KPK Law, which changed its status to an institution under the executive branch (Prasetyo, 2021). This change has given rise to criticism that the KPK's independence has diminished, casting doubt on its effectiveness in handling major corruption cases (Latif & Ramadani, 2024). Furthermore, limited human resources, budget constraints, and a heavy workload also impact the performance of law enforcement agencies.

On the other hand, the public's legal culture still displays an ambivalent attitude toward corruption. On the one hand, corruption is considered a common enemy; However, on the other hand, the practices of graft, nepotism, and abuse of power are still regarded as usual in some circles. This situation reinforces the argument that eradicating corruption cannot rely solely on a normative-positivistic approach but requires a transformation of the legal system capable of changing the paradigm, behavior, and morality of both officials and the public (Gunarto et al., 2022).

Thus, the actual state of anti-corruption law enforcement in Indonesia reflects a gap between ideal legal norms and actual legal practice. Regulations and institutions are in place, but their effectiveness falls short of expectations. This situation highlights the need for a new paradigm in combating corruption, one that emphasizes a progressive legal approach centered on substantive justice, moral courage, and the interests of the people.

3.2 Progressive Legal Paradigm in the Context of Anti-Corruption Law Enforcement

The progressive legal paradigm is a legal concept developed by Satjipto Rahardjo as a critique of the dominance of positivist law, which has long been the primary foundation of law enforcement practices in Indonesia (Hamid & Rusmawan, 2023). Progressive law believes that law should not be trapped within rigid normative texts, but instead should be used as a means to achieve greater goals, namely, substantive justice, humanity, and the welfare of the people (Nurohim, 2025). From this perspective, law is viewed as a dynamic instrument that constantly evolves in response to societal changes, not simply a formal rule that limits the actions of law enforcement officials.

In the context of anti-corruption law enforcement in Indonesia, the progressive legal paradigm presents a vital alternative to address the shortcomings of the positivist legal approach. Corruption eradication has often been hampered by proceduralism that overemphasizes formal aspects, creating the impression that the legal process is merely an administrative routine without providing a real deterrent effect (Wantu & Puluhalawa, 2023). The progressive paradigm instead emphasizes the courage of law enforcement to make breakthroughs, whether in interpreting laws, imposing sanctions, or building a system that better supports the public interest.

The application of progressive legal principles is evident in several judicial practices that prioritize substantive justice over formal certainty. For example, court decisions in corruption cases increase penalties for perpetrators of corruption, citing the abuse of public office, the magnitude of state losses, and the resulting social impact (Musyaffa et al., 2023). This approach demonstrates the judges' courage to interpret legal norms contextually and morally, in accordance with the values of justice prevalent in society.

Furthermore, progressive law demands active public participation in the corruption eradication process. Law enforcement is not solely the responsibility of formal institutions but also a collective movement supported by public awareness. This aligns with the spirit of progressive law, which prioritizes the people (Kurniawan, 2025). By prioritizing openness, transparency, and accountability, the progressive paradigm encourages synergy between law enforcement, the government, and civil society to create a clean and integrated legal system.

The progressive legal paradigm also emphasizes the importance of morality in legal practice. Eradicating corruption cannot be viewed solely as a legal issue, but also as a matter of national ethics and morality. Therefore, anti-corruption law enforcement must be directed at building integrity, instilling an anti-corruption culture, and encouraging behavioral change at both the individual and institutional levels (Faharuddin & Hakim, 2023). In this regard, progressive law exists not merely as a normative tool, but as an instrument of social transformation.

With its adaptive, responsive, and humanistic characteristics, the progressive legal paradigm offers a new framework for eradicating corruption. It rejects rigid adherence to regulatory texts while upholding the principle of substantive justice. The application of this paradigm is expected to address the weaknesses of law enforcement, which has tended to be formalistic, while also providing a new direction for transforming the national legal system toward one that is more just, moral, and pro-people.

Thus, progressive law in the context of anti-corruption law enforcement serves not only as a critique of legal positivism but also as a concrete strategy to strengthen the effectiveness, legitimacy, and integrity of corruption eradication in Indonesia. This paradigm opens up space for law enforcement to be more creative, bold, and visionary in enforcing the law, so that efforts to eradicate corruption can genuinely meet the public's expectations for justice.

3.3 Progressive Law as a Transformation Strategy

Progressive law is not merely a normative concept in legal science. Still, it can also be interpreted as a transformational strategy that serves to improve the law enforcement system as a whole. This concept, introduced by Satjipto Rahardjo, serves as a critique of the positivist paradigm that has dominated legal practice in Indonesia. Legal positivism tends to place law solely within normative and procedural texts, often failing to address the need for substantive justice within society (Nurdin & Turdiev, 2021). Therefore, progressive law emerged to encourage changes in perspectives, mindsets, and legal practices that are more adaptive, humanistic, and responsive to the needs of the people.

As a transformational strategy, progressive law emphasizes the importance of law enforcement officers' courage to overcome formalistic constraints. In the context of eradicating corruption, this strategy plays a crucial role because corruption is an extraordinary crime that cannot be eliminated through conventional means. Corruption has complex structural, cultural, and political dimensions, necessitating a more comprehensive and visionary approach to law enforcement (Muhammad & Muryanto, 2023). Based on progressive law, law enforcement is encouraged to make breakthroughs, both through contextual legal interpretation and upholding moral principles in sentencing, while also having the courage to take action against any perpetrator without discrimination. This strategy aims to restore the dignity of the law as an instrument of justice and strengthen public trust, which the weak integrity of law enforcement agencies has often eroded.

The transformation offered by progressive law extends beyond institutional aspects to legal culture. Eradication of corruption will not be successful if it relies solely on the work of formal institutions without engaging the collective consciousness of society. The progressive paradigm emphasizes that the people are the primary focus of law; therefore, public participation must be expanded through oversight mechanisms, reporting, and active involvement in anti-corruption social movements (Sembiring, 2025). By prioritizing openness, transparency, and accountability, progressive law fosters collaboration among law enforcement officials, the government, and civil society, making corruption eradication strategies more effective and deeply rooted in public consciousness.

In addition to institutional aspects and legal culture, the progressive legal transformation strategy also encompasses regulatory reform. Existing regulations have emphasized a repressive approach, focusing on criminalization, whereas eradicating corruption requires a combination of enforcement and prevention. Through a progressive legal perspective, regulations can be directed not only to punish perpetrators but also to strengthen mechanisms for recovering state losses, encourage early anti-corruption education, and build a more transparent bureaucratic system free from conflicts of interest (Yuzyuk et al., 2024). Thus, regulations are viewed not simply as a collection of rigid norms, but as a dynamic instrument for strengthening good governance and a clean legal system.

The transformation offered by progressive law also places a strong emphasis on morality. Satjipto Rahardjo emphasized that progressive law cannot be separated from moral and humanitarian values. Therefore, eradicating corruption must be understood as a national moral movement, not merely as a mechanistic legal effort (Yusnita, 2025). Law enforcement officers are expected to carry out their duties not simply based on statutory mandates but also be driven by an ethical awareness that corruption is a betrayal of social justice and national integrity. This moral transformation is at the heart of progressive law, as it guides the law beyond mere formality and becomes a tool for liberation and improvement of social life (Handayani & Saragih, 2025b).

With its responsive, adaptive, humanistic, and moralistic characteristics, progressive law provides a strong foundation for a strategy for transforming anti-corruption law enforcement in Indonesia. It serves not only as a theoretical critique of the weaknesses of the positivist paradigm, but also as a practical guide for building a more just, effective, and integrated legal system. By combining regulatory change, institutional strengthening, public participation, and moral transformation, the progressive legal paradigm is expected to lead Indonesia to a legal system that not only enforces the rules but also truly delivers substantive justice for the people.

3.4 Implications

The implications of implementing a progressive legal paradigm for anti-corruption law enforcement in Indonesia are far-reaching, encompassing institutions, regulations, and the broader legal culture of society. This paradigm shifts the legal orientation from mere formal certainty to achieving substantive justice and social welfare (Maolani, 2024). Thus, the law is no longer viewed as a static text, but rather as a dynamic instrument that addresses the complex problem of corruption rooted in the nation's social, economic, and political structures.

From an institutional perspective, the implementation of progressive law requires the courage of law enforcement institutions to innovate, for example, by prioritizing moral, social, and public justice approaches in every step of the enforcement process. Courage to avoid getting caught up in procedural formalities is key to a more effective corruption eradication process. This discussion emphasized that legal reform is inextricably linked to the integrity of law enforcement officers themselves (Hasanah, 2025). Without integrity, courage, and a commitment to the values of justice, the implementation of progressive law will become nothing more than meaningless jargon.

Another significant implication is the formation of a new legal culture in society. By prioritizing substantive justice, progressive law actively encourages society to reject corruption in all its forms. This aligns with the concept of public participation in progressive law, where the public is not only the object of law enforcement but also the subject, playing a role in monitoring, criticizing, and promoting government transparency.

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In academic discourse, the application of progressive law in the context of eradicating corruption has also given rise to debate regarding the boundaries between legal flexibility and the potential for abuse of authority. Therefore, a crucial discussion is needed on how to strike a balance between the principles of substantive justice and accountability, ensuring that progressive law maintains a clear direction. This implication demonstrates that legal transformation is not an instantaneous process, but rather a gradual one involving regulatory reform, enhancing the quality of human resources for law enforcement, and active public participation.

Thus, the progressive legal paradigm in the anti-corruption context not only addresses normative and institutional aspects but also encompasses a broader transformative dimension. This discussion underscores the importance of synergy among law enforcement, policymakers, and the wider community in determining the success of this strategy. This paradigm ultimately paves the way for a more humane, responsive legal system capable of addressing the challenge of corruption as a chronic national problem.

4. CONCLUSION

The progressive legal paradigm is a relevant and significant strategy for transforming anti-corruption law enforcement in Indonesia. This paradigm shifts the legal orientation from mere normative certainty to achieving substantive justice rooted in humanitarian values, morality, and the public interest. Through a progressive approach, the law is no longer viewed as a rigid text, but rather as a dynamic instrument for addressing the complex and multidimensional problem of corruption. The implementation of progressive law has broad implications for institutional reform, regulatory reform, and the formation of a legal culture that is more responsive to the values of justice. The courage and integrity of law enforcement officials, active public participation, and adaptive regulatory support largely determine the success of this strategy. In this context, synergy between the government, law enforcement agencies, and the public is a crucial factor in ensuring that progressive law is not merely a discourse but can be implemented in the practice of law enforcement. Thus, the progressive legal paradigm can be positioned not only as a theoretical approach but also as a transformative strategy capable of strengthening the national legal system in facing the challenges of corruption. If implemented consistently, this paradigm has the potential to bring about fundamental change in creating a more just, humane, and effective law enforcement system, thereby building clean governance in Indonesia.

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