

The Framework of Corruption as a Human Rights Violation and its Implication to Indonesian Penal System and Corruption Judicial Decision

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Abstract

The Indonesian Anti Corruption Act perceives corruption is not only related to state financial loss, but also as a violation of economic and social rights. However, the formulation of penal system and corruption judicial decision ignore the principle. Forms of criminal sanction and their impositions merely consider the rights of an accused and eliminate the economic and social rights of the society as a whole. These reflect in the corruption judicial decision where corruption cases become the scope of criminal law. The paper analyses deeply the factors why the dimension of human rights violation resulted from corruption is eliminated in the corruption judicial decision. Furthermore, it examines the implication of the framework of corruption as human rights violation to the formulation of penal system and corruption judicial decision. The methodology employed in the research is library research and deep interview, while the approach is conceptual. The paper is both empirical and normative research. The research reveals that the framework of corruption as a human rights violation changes the paradigm of Indonesian penal system and corruption judicial decision.

Keywords: corruption, economics and social rights violation, penal system, judicial decision

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Introduction

It is not an exaggeration to say that corruption strongly relates to human rights violation.¹ Considering this close connection, the Indonesian Anti Corruption Law perceives corruption as not only related to state's financial loss, but also as a violation of economic and social rights, as clearly stated in the consideration that 'the widespread cases have not only inflicted losses on the state but also violated the social and economic rights of the general public so that corruption needs to be categorized as a crime that must be eradicated in an extraordinary way'. In this sense, a human rights based approach in eradication corruption is one of the extraordinary ways. This approach is taken into account in suppressing corruption in Indonesia because traditional ways appears to be unsuccessful to minimize the rate of corruption cases committed by the state officials. In some corruption cases, there is also a fact that corruption has a close connection to human rights violation.

In the case of former General Secretary of Ministry of Sports, Wafid Muharram, it is proven that the accused received bribery in the amount of 3,2 billion IDR from marketing manager of Duta Graha Indah Ltd, Mohammad El Idris and managing director of Anak Negeri Ltd, Mindo Rosalina Manulang. The money was given as a reward for scheming Duta Graha Indah as the winner of public procurement for the 2011 SEA Games athlete buildings in Palembang. Due to the bribery, the opportunity for the parties to obtain the same right for public service did not appear.

It is also proven that former Governor of Banten, Ratu Atut Chosiyah was guilty of corruption in the procurement of medical equipment of Banten Province. In this case, there is a close connection between corrupt practices of the accused and the violation of the rights to health. If, for instance, a medical patient passes away because of the unavailability of particular medical equipment corrupted by the accused, then right to live is also violated. Unfortunately, it is difficult to find corruption judicial decisions that insert a human right dimension. Corruption cases are eliminated from human rights violation.

This paper analyses deeply the factors why the dimension of human rights violations resulted from corruption is eliminated in the corruption judicial decision. Furthermore, it examines the implication of the framework of corruption as human rights violation to the formulation of penal system and corruption judicial decision.

Corruption as a Human Rights Violation; A Theoretical Framework

Although all forms of corrupt practices may have the long-run have on human rights, it cannot be concluded mechanically that a given act of corruption violates a human right. This means that it is necessary to distinguish corrupt practices which directly violate a human right from corrupt practices which lead to violation of a human right, and from corrupt practices where a causal link with a specific violation of rights cannot practically be established. Corruption is a direct violation of human rights. Corruption may be linked directly to a violation of human rights when a corruption

¹ Matthew Lister, "There Is No Human Right to Democracy, But May We Promote It Anyway?", *Stanford Journal of International Law*, 2012, p. 259-260

act is deliberately used as a means to violate a right.² For instance, a bribe offered to a judge directly affects the independency and impartiality of that judge, hence, violates the right to a fair trial. When an individual must bribe a doctor to obtain medical treatment at a public hospital, or bribed a teacher at a public school to obtain a place for his child at school, corruption infringes the right to health and education.

Corruption is also an indirect violation of human rights. Corruption can be an indirect cause for the violation of human rights when it is a necessary condition for the violation of the right. In this case, corruption will be an essential factor contributing to a chain of events that eventually leads to the violation of human rights. Hence, the right is violated by an act that is derived from a corruption act and the act of corruption is a *sine qua non* for the violation.³ Corruption can be an essential factor contributing to a chain of events that eventually leads to the violation of a right. This situation will arise, for example, if a public official allowed the illegal importation of toxic waste from other countries in return for a bribe, and that waste is placed in, or close to, a residential area, the right to life and health of residents of that place would be violated, indirectly, as a result of the bribery.

Finally, corruption as a remote violation/where corruption is one factor among others. Corruption can be one of several factors that result in the violation of human rights.⁴ Sometimes corruption will play a more remote role. When corruption during an electoral process raises concern about the accuracy of the final result, social unrest and protests may occur and these may be repressed violently. In such case, the right to political participation may be violated directly, and the repression of social protests may also cause serious violation of human rights, for example, the rights to life, prohibition of torture and ill-treatment and freedom of assembly. Nonetheless, the electoral corruption would not necessarily be the only determining cause of such riots or their repression. Many other factors might contribute and, to that extent, the corruption has a more remote link to the violation in question.

Finding the Factors

Based on the interview and discussion with several judges, this paper reveals that there are at least three factors in which the dimension of human rights violations resulted from corruption is eliminated in the corruption judicial decision. The first factor is that the framework of corruption as a human right violation is a relatively new discourse. When the Corruption Law was issued and entered into force in 2001, the discourse of corruption as a human rights violation is relatively new. Researches, books, and academic conferences on the issue are rarely found. Many judges still consider that corruption case is a matter of criminal law. As the result, the scope of corruption judicial decisions has not been extended to cover human right dimension.⁵ To prove each element of *delict* and consider aggravating circumstances, judge stands

² Ardian Adzanela, *Corruption as a Violation of Human Rights in South East Europe*, International Summer School Sarajevo Alumni Conference “Transitional Justice and Democracy Transition, 29-30 July 2011, p. 14

³ Berihun A Gebeye, *Corruption and Human Rights: Exploring the Relationships*, in <http://ssrn.com/abstract=2075766>, p. 23-24

⁴ International Council on Human Right Policy, *Corruption and Human Rights: Making the Connection* Transparency International, 2009, p. 28

⁵ Interview and discussion with GES, a judge of district court of Wonosari at Jogja Plaza Hotel 16 April of 2015.

for facts that correspond to them and eliminate indirect and irrelevant other circumstances.

Specifically, in proving the elements of *delict* the judges are exploring the theoretical bases, proposing the legal facts revealed before the court suit the evidence, and taking a summary of whether or not the accused is guilty. All facts that corrupt practices committed by an accused infringe certain rights of individual citizen and all society as a whole had been ignored. It is also found that punishment imposed to the accused is intended to prevent him from reoffending crime in the future, to deter people to commit similiar crime, and to educate the accused. Punishment will be aggravated when the accused does not admit his fault and degradate the government effort in suppressing corruption.⁶

Another factor is misunderstanding a human rights violation concept. Some judges argued that both corruption and human rights violation have different concept and application. When a judge receives bribery from an accused in order to release his charge, it is a matter of corruption cases. The judicial process of the case refers to Corruption Law. Meanwhile, human rights violation refers to genocide and crime against humanity mentioned in Human Rights Court Law Number 26 Year 2000. All human rights violations refers to this act.⁷ This phenomenon shows that some Indonesian judges cannot distinguish between the term of 'human rights violation' and 'most serious crimes'.

Theoretically, a human rights violation concept relates to state obligation. It is commonly understood that state has three levels of obligation in relation to human rights: 'to respect', 'to protect' and 'to fulfil'. The obligation to respect requires the state to refrain from any measure that may deprive individuals of the enjoyment of their rights or their ability to satisfy those rights by their efforts. The obligation to protect requires state to prevent violations of human rights by third parties. This obligation is normally taken to be a central function of state, which has to prevent harms from being inflicted to the society. This requires state to prevent violations of rights by individuals or other non-state actors, to avoid and to eliminate incentives to violate rights by third parties, and to provide access to legal remedies when violations have occurred, in order to prevent further deprivations.⁸

The obligation to fulfil requires the state to take measures to ensure that people under its jurisdiction can satisfy basic needs which they cannot secure by their own efforts. Although this is the key state obligation in relation to economic, social and cultural rights, the duty to fulfil also arises in respect to civil and political rights. It is clear, for example, that enforcing the prohibition of torture or providing the rights to a fair trial, to free and fair election, and to legal assistance, all require considerable costs and investments.⁹

⁶ Interview and discussion with AM, a judge of district court of Sukabumi, 17 April of 2015

⁷ Interview and discussion with FHS, a judge at district court of Maros, South Sulawesi, 16 Mei of 2015, and with EM, a judge of district court of South Jakarta, 20 April 2015

⁸ Olivier De Schutter, *Internationa Human Rights Law Cases, Materials and Commentary*, Cambridge University Press, 2010, p. 242-243

⁹ *Ibid.*, p. 243

The human rights violation appears in relation to those three levels of state obligation. Two forms of human rights violation by state; by commission and by omission. Human rights violation by commission is defined as the condition where state breaks the obligation to respect the rights of their citizens. Whereas human rights violation by omission refers to state's ignorance to protect and fulfil the rights of citizens as a whole. Then the question arises is, who is state? State is any person given authority to do and/or not to do an activity on behalf of state. Kinds of state obligations in relation to human rights are provided in the Human Right Law Number 39 Year 1999. The Law also covers civil and political rights, economic, social and cultural rights, and collective rights.¹⁰ This normative framework becomes a legal basis to link between corruption and human rights violation. Therefore, it is a mistake when some judges argued that no connection between corruption and human right violation by referring to Corruption Law and Human Rights Court Law as different laws

Most serious crimes, on the other hand, is a legal term of international criminal law related to genocide, crimes against humanity, war crimes, and aggression.¹¹ The actors who can commit these crimes are both state and non-state actors. In international level, these four crimes are found in the 1998 Rome Statute ratified by more than 60 countries.¹² The criminal tribunal for the allegation of these crimes is the International Criminal Court. The existence of Indonesian Human Rights Court Law thus is recognized as the extraction of Rome Statute. Most of the substantive elements of crime refers to this Statute. The different is that the former limited kinds of crime to only genocide and crimes against humanity. Eventhough it is entitled human rights court, but it is not like human rights courts established in Europe (*European Court of Human Rights*). It is actually a national court of international crimes. Meanwhile, human rights court in some countries has an authority to hear any state allegation related to its obligation to respect, to protect and to fulfil human rights of citizens.

In the context of corruption, it is clear that corruption has a close connection to human rights violation as mentioned in Law Number 39 Year 1999, that states, 'corruption...violated the social and economic rights of the general public...' found in the consideration of Indonesian Corruption Law also refers to Law Number 39 Year 1999. The term 'human rights violation' must be distinguished with the term ' most serious crimes'. Eventhough Law Number 26 Year 2000 uses 'human rights court' as the title, but it obviously refers to most serious crimes in the Rome Statute.

Some judges also explain that although a discourse on the relation between corruption and human rights violation is promoted through research and legal training, this tendency cannot be justified to change the paradigm of corruption judicial decision. Consideration of corruption law mentions human rights dimension in an effort to prevent and to eradicate corrupt practices of state officials, but not sufficient to framework corruption as a human rights violation since no wording written in each article of law. No possibility to put human rights consideration into form of corruption judicial decision because it is formulated in the fixed format. Besides, judges are strictly prohibited to relate corruption to human rights violation. He has been mandated to apply law the way it is, no authority to change and to put human rights

¹⁰ See Indonesian Human Right Act number 39 of 1999

¹¹ See Mahrus Ali dan Syarif Nurhidayat, *Penyelesaian Pelanggaran HAM Berat In Court System & Out Court System*, Gramata Publishing, Jakarta, 2011

¹² Indonesia has not ratified yet the Rome Statute

approach into his judicial decision.¹³ This perspective shows that the judges still stand for legal positivistic fashion as proposed by John Austin and Hans Kelsen. According to legal positivism, judge is nothing more than human being without soul and feeling. Legal creativity must be avoided. In relation to corruption cases, linking to human rights violation is also prohibited because the corruption law enables it to extend to human rights approach in preventing and suppressing corruption.¹⁴

The Fullfilment of Human Rights Based Corruption Penal System

Penal system in a narrow definition is seen as a norm of substantive criminal law, all statutory rules/norms relating to substantive criminal law to punishment, or entire statutory rules to criminal sanction imposition and execution.¹⁵ In the wide definition it is the statutory rules relating to penal sanctions and punishment.¹⁶ In this paper, the scope of penal system is limited to formulation of criminal sanction.

The primary sentence of Anti Corruption Law consists of capital punishment,¹⁷ imprisonment, and fine. Whereas one of the additional sentences is the compensation paid shall be to a maximum of the wealth obtained from the corruption.¹⁸ These formulations still have some weaknesses in the sense that all forms of the sentences do not correspond to the fulfilment of victim's rights. Eventhough the accused is imposed much fine or heavy imprisonment, the sentences still ignore the victim's rights. Therefore, it is necessary to change the sentence paradigm, from criminal law *per se* to human rights approach. If imprisonment becomes the primary sentence in the Indonesian criminal statutory laws, this tendency is perceived as elimination of human rights dimension.

According to Anti Corruption Law, the amount of fine has also been set its maximum and minimum sum which is no more than 1 billion IDR and no less than 50 million IDR. The judges have no authority to exceed or decrease its amount. Furthermore, the fine paid by the accused is not directed to repair the victims harm. This formulation, once again, ignores human rights dimension in preventing and suppressing corruption. From a human rights perspective, fine needs to place at the front of sentence of Anti

¹³ Interview and discussion with SM, a judge of distric court of center of Jakarta, 16 April of 2015, and with SH, a judge of district court of center of Jakarta, 20 April 2015.

¹⁴ Austin introduced the concept that the law is a command of the sovereign, closed logical system, and consists of command, sanction, obligation, and sovereignty. Laws are properly so called as positive law. Meanwhile, Kelsen argued that law must be separated from morality, politic, and culture. There must be separation between law and morality. All law is enacted law. A concrete manifestation of law is the law that has been produced by the legislature in the form of written law. When a law is issued by the legislature, judges are strictly prohibited to interpret. See R.M.W Dias, *Jurisprudence*, Fifth Edition, Butterworhts, London, 1985, p. 346; Hans Kelsen, *Introduction to the Problem of Legal Theory*, Translated by Bonnie Litschewski Paulson dan Stanley L. Paulson, Clarendon Press, Oxford New York, 1992, p. Xxvi.

¹⁵ Barda Nawawi Arief, *Pembaharuan Hukum Pidana dalam Perspektif Kajian Perbandingan*, First Edition, Citra Aditya Bakti, Bandung, 2005, p. 262

¹⁶ L.H.C. Hulsman, *The Dutch Criminal Justice System from a Comparative Legal Perspective* dalam D.C Fokkema (Ed), *Introduction to Dutch Law for Foreign Lawyers*, quoted by M. Sholehuddin, *Sistem Sanksi dalam Hukum Pidana*, First Edition, Rajagrafindo Persada, Jakarta, 2003, p 55

¹⁷ Based on articel 2 (2) of Anti Corruption Law number 20 of 2001, capital punishment may be imposed in certain conditions that may serve as as reason for meeting out heavier punishment to those embazzling for the control of emergency state, national disaster, widespread social unrest, economic and monetary crisis, and corruption offences.

¹⁸ Article 18 (1) a of Anti Corruption Law number 31 of 1999

Corruption Law by changing its formulation referring to the concept of maximizing social welfare. In this context, social welfare is the sum of the offenders' benefits from committing offences, minus the harm caused by offences, minus governmental law enforcement expenditures.¹⁹

In more detail explanation, the amount of fine must consider the following aspects:

- a. The factual loss of state from the corrupt practice of the accused;
- b. The expenses of the potential victim in order to prevent from being a victim in the future;
- c. The expenses of law enforcements in investigation, prosecution, and criminal proceeding.

Those expenses are then multiplied by maximum of three times to prevent overpenalization and overenforcement.²⁰ The principle of multiplicity of fine is not something new in the Indonesian penal system. There are three statutory penal laws imposed to the company who commits certain offences that accommodate the principle; Article 130 of Law Number 35 Year 2009 on Drugs, article 15 of Law Number 21 Year 2007 on Preventing and Suppressing Human Traffickings, and Article 40 (7) of Law Number 44 Year 2008 on Pornography. By applying the principle, the compensation paid shall be to a maximum of the wealth obtained from corruption as it mentioned in article 18 (1 b) above is not needed. In addition, it must ascertain that the fine paid by the accused is used to repair the harm of the victims.

Another change that should be made is introducing the community service order as an alternative sentence to fine. Frankly, this form of sentence has not been recognized in the Indonesian penal code and other statutory penal systems. Under the principle that work is a penalty, the sentence can be imposed to public servants or judges who corrupt state budgets, receive money, goods, or promises and involved in unfair public procurement with private actors. The forms vary from being a cleaning service in certain district court or in public areas under the control of police other legal institutions, to be involved in building public facilities.

The last is revoking the right of the accused to work as a public servant such as governor, minister, or House of Representatives member. When a governor corrupts state budgets, one of the adequate sentences to him is revoking his right public occupation permanently. This sentence, referring to the principle of limitation in international human rights law,²¹ removes the opportunity of the accused from being a public servant.

Reformatting Corruption Judicial Decision

The format of judicial decision in all criminal cases is similar each other. It begins with the indictment and legal basis used to sue an accused in the first step, then followed by an exploration of testimony of witnesses, experts, and other evidences. By referring to the legal facts revealed before the court, judges make legal summary

¹⁹ Nuno Garoupa dan Daniel Klerman, "Optimal Law Enforcement with a Rent-Seeking Government", *American Law and Economics Review*, 2002, p. 117

²⁰ Richard A. Bierschbach, "Overenforcement", *Georgetown Law Journal*, No. 93, 2005, p 1743-1744

²¹ See Part B point 15 to 38 of Siracusa Principle on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, U.N. Doc. E/CN.4/1985/4, Annex (1985).

of all evidences to ease them asses and evaluate the relevant facts in accordance with the elements of *actus reus* and *mens rea*. Whether or not an accused has *actus reus* and *mens rea* depends on the conformity of legal facts to the elements of crime.²²

In relation to the aggravating circumstances and the use of theory of punishment, the judges did not involve human rights perspective in his consideration. The severity of punishment considers the fact that the accused did not admit his guilt and no support for the government program in suppressing corruption. These considerations are generally found in most corruption judicial decisions. This means that the right of the victims is not taken into account in corruption judicial decision.

What should be existed in corruption judicial decision that accomodates human rights approach? What needed is to reformulate the corruption judicial decision that inserts human rights approach in certain parts of judge's consideration. If the legal facts of all judicial decisions still refer to the relevant facts corresponding to element of *actus reus* and *mens rea*, a judge must mention clearly the rights of the victim violated by the accused committing a corrupt practice at the end of every element of crime. In doing this, a judge is deemed to have a deep understanding of a theoretical framework of corruption as a human rights violation and applies it to a case. Furthermore, he must find which human rights violated by the corrupt practice of an accused. In this sense, only corruption that directly violates human rights that is included in his consideration.

In the case of bribery, for instance, a judge has to find a direct human rights violation as a result of an accused corrupt practice by identifying who bribes and who receives the money or promise, the position of state official, as well as the goal and motive underlying the bribery. Several human rights violations might be found; right to a fair trial if bribery is given to release the accused from punishment, right to healty and medical treatment if bribery is given in context of procurement of medical equipment, right to equal appportunity to public service if bribery is given to get favourable service from public servant in term of public procurement, and right to education if bribery is given to a teacher/lecturer at a public school (university) to obtain a place in that school.

It is also necessary to argue that a judge needs to extend the categories of an expert to including a human rights expert. Under law of Indonesian criminal procedure,²³ there are three categories of experts whose duties are to clarify certain cases; legal expert, medical expert and psychological expert, and other experts. Human rights expert can actually be included in the legal expert since his legal opinion related to doctrine of law and human rights. Although he never becomes an expert in criminal proceeding particularly corruption cases,²⁴ it is beneficial to represent him before the court in order to explain clearly which direct human rights and their forms infringed by

²² The *actus reus* is sometimes said to be the physical element of a crime which is prohibited by law. Meanwhile, *mens rea* is the mental element required by the definition of a particular crime. The doctrine of *mens rea* originated in the idea that a man should not be held criminally responsible and so liable to punishment unless he is morally blameworthy. See Russell Heaton, *Criminal Law Textbook*, Second Edition, London: Oxford University Press, 2006; Mike Molan, Duncan Bloy & Denis Lanser, *Modern Criminal Law*, Fifth Edition, London: Cavendish publishing, 2003

²³ Article 186 on Indonesian Law of Criminal Procedure

²⁴ In all criminal cases, a prosecutor often asks lawyer to be an expert and gives legal opinion on the case besides medical and psychological expert

corrupt practice of the accused. The legal opinion of human rights expert before the court is more practical for a judge than oblige him to have a formal certificate in corruption and human rights training.

A judge also needs to put the kinds of human rights violated by the accused in the aggravating circumstances. An example of this is indicated in the corruption case of Angelina Sondakh, former member of House of Representative. In this case, the accused is legally guilty for receiving 12,58 billion IDR as bribery from Permai Grup Ltd in the project of athlete buildings and state universities. In one of the aggravating circumstances, the court argued that the accused infringed economic and social rights of the society.²⁵ Notwithstanding the general term used to indicate a human rights violation, the court begins to connect between corruption and human rights violation. If the court mentions and finds that the accused also violates a human right besides corruption, then this indication can be made to severe the scale of punishment. The more the human rights violations are found, the severer the punishment imposed.

Conclusion

This paper concludes that some factors causing the dimension of human rights violations resulted from corrupt practices of state officials is eliminated in the corruption judicial decision, namely the framework of corruption as a human rights violation is a relatively new discourse, misunderstanding a human rights violation concept, and the judges follow the idea of legal positivism. It is also necessary to place fine at the front sentence of Anti Corruption Law by changing its formulation referring to the concept of maximizing social welfare and adopting the principle of multiplicity. The community service order and revoking the right of the accused to work as civil servant permanently should be made as the alternative sentences to fine.

Human rights approach can also be applied in the corruption judicial decision by mentioning clearly the rights of the victim which are violated by the accused committing a corrupt practice placed at the end of every element of *actus reus* and *mens rea*. It is also important to extend the categories of an expert to including a human rights expert. In the context of aggravating circumstances, each corruption judicial decision must mention the kind of human rights violated by the accused.

²⁵ Corruption judicial decision number: 54/Pid.B/TPK/2012/P.Jkt.Pst, p. 360

References

Adzanela, Ardian. (2011). *Corruption as a Violation of Human Rights in South East Europe*, International Summer School Sarajevo Alumni Conference “Transitional Justice and Democracy Transition, 29-30 July

Ali, Mahrus & Syarif Nurhidayat. (2011). *Penyelesaian Pelanggaran HAM Berat In Court System & Out Court System*, Jakarta: Gramata Publishing.

Bierschbach, Richard. (2005). Overenforcement”, *Georgetown Law Journal*, 93, 1743-1744

Bonnie Litschewski Paulson dan Stanley L. Paulson, New York: Clarendon Press.

Corruption judicial decision number: 54/Pid.B/TPK/2012/P.Jkt.Pst, p. 360

De Schutter, Olivier. (2010) *Internationa Human Rights Law Cases, Materials and Commentary*, Cambridge University Press

Dias, R.M.W. (1985). *Jurisprudence*, Fifth Edition, London: Butterworhts

Garoupa, Nuno & Daniel Klerman, (2002). Optimal Law Enforcement with a Rent-Seeking Government”, *American Law and Economics Review*, 117

Heaton, Russell. (2006). *Criminal Law Textbook*, Second Edition, London: Oxford University Press.

Huijbers, Theo. (2012). *Filsafat Hukum dalam Lintasan Sejarah*, Sixteenth Edition, Yogyakarta: Kanisius

International Council on Human Right Policy, (2009) *Corruption and Human Rights: Making the Connection*’ Transparency International.

Kelsen, Hans. (1992). *Introduction to the Problem of Legal Theory*, Translated by

Lister, Matthew. (2012). There Is No Human Right to Democracy, But May We Promote It Anyway?”, *Stanford Journal of International Law*, 259-260

Molan, Mike, Duncan Bloy & Denis Lanser, (2003) *Modern Criminal Law*, Fifth Edition, London: Cavendish publishing.

Nawawi Arief, Barda. (2005). *Pembaharuan Hukum Pidana dalam Perspektif Kajian Perbandingan*, First Edition, Bandung: Citra Aditya Bakti.

Sholehuddin, M. (2003). *Sistem Sanksi dalam Hukum Pidana*, First Edition, , Jakarta: Rajagrafindo Persada.

United Nations Development Program, (2004) *The Impact of Corruption on The Human Rights Based Approach To Development*, Oslo Governance Centre.