

ILLICIT ENRICHMENT AND PANCASILA: SYNERGY FOR A JUST CRIMINAL LAW REFORM

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Abstract

Corruption has been proven to weaken democracy, hinder access to justice, and undermine fairness and equality in society. Despite efforts to combat corruption, the global Corruption Perception Index (CPI) remains concerningly low, with Indonesia's CPI score stagnating at 34. A significant challenge in Indonesia's fight against corruption is the lack of criminalization of specific corrupt practices, such as illicit enrichment. Illicit enrichment, defined under Article 20 of the United Nations Convention Against Corruption (UNCAC), involves the significant increase in the assets of a public official that cannot be reasonably explained by lawful income. This research explores the harmonization of Pancasila principles with the formulation of illicit enrichment offenses to strengthen Indonesia's anti-corruption framework. This research utilizes normative legal methods by adopting statutory, conceptual, comparative, approaches. The nature of this research is descriptive-prescriptive. The data that has been collected is analyzed using the content analysis method. The analysis reveals that Indonesia's stagnation in the CPI score reflects deep-rooted systemic issues, including inadequate enforcement of anti-corruption laws and lack of transparency. The absence of specific legal provisions targeting illicit enrichment allows corrupt officials to amass unexplained wealth without facing legal repercussions. Aligning anti-corruption measures with Pancasila principles, such as justice, humanity, unity, democracy, and social justice, is essential. These principles support the need for stringent asset declaration regulations, transparency, and accountability. Criminalizing illicit enrichment would enhance legal frameworks, close loopholes, and promote integrity in public service. By integrating Pancasila values into anti-corruption legislation, Indonesia can create a more just, transparent, and equitable society.

Keywords: Illicit Enrichment, Pancasila, Criminal Law Reform, Social Justice, Indonesia.

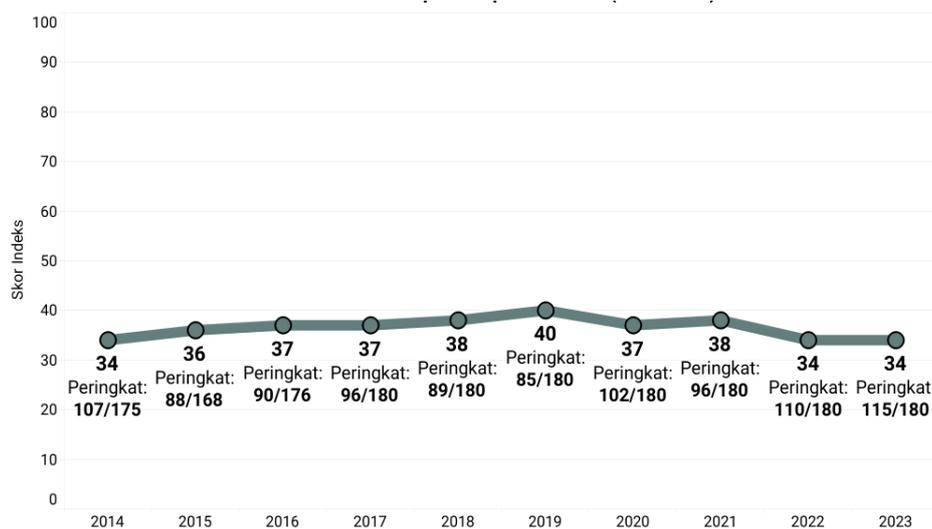
INTRODUCTION

Corruption has been proven to weaken democracy and hinder access to justice, thereby undermining the foundations of fairness and equality in society.(Suyatmiko, 2021) When a system becomes corrupt, the space for public participation narrows, exacerbating efforts to achieve well-being for all segments of the population.

Corruption not only creates injustice but also obstructs citizens from accessing their legitimate rights, including justice.(Skandiva & Harefa, 2022) Consequently, public trust in government institutions declines, and efforts to build a fair and prosperous society are further impeded. Therefore, eradicating corruption is a crucial step in strengthening democracy and ensuring equal access to justice for all citizens.(Ka'bah, 2007)

Transparency International has launched the 2023 Corruption Perception Index (CPI). The findings indicate that many countries are making little effort to combat corruption in the public sector. This is evident from the global CPI average, which remains unchanged from last year, with a score of 43. More than two-thirds of the surveyed countries scored below 50, underscoring that corruption remains a very serious issue for the majority of countries worldwide.(Transparency International Indonesia, 2024) Transparency International (TI) has released the Corruption Perception Index (CPI) or Indeks Persepsi Korupsi (IPK) 2023. In the report, Indonesia's CPI score remained at 34, unchanged after a 4-point drop in the previous year. Simultaneously, Indonesia's ranking fell again, reaching its lowest point in the last decade, dropping 5 places to 115 out of 180 countries. The CPI is a composite index that provides an overview of the level of corruption in the public sector in each country. This index has been regularly released by TI every year since 1995. The CPI score ranges from 0 to 100, with a higher score indicating a lower level of corruption in the public sector of a country.(Raka B. Lubis, 2024)

Indonesia's Corruption Perception Index Score Trend 2014-2023 (goodstats)



Source: Transparency International

The fight against corruption in Indonesia still faces serious challenges. The stagnation of the CPI score indicates that the commitment to anti-corruption in the public sector has not shown significant progress over the past year. Despite various

efforts and initiatives aimed at curbing corruption, the lack of improvement in the CPI score suggests that these measures have not been effective. This ongoing issue reflects deep-rooted problems within the system, such as inadequate enforcement of anti-corruption laws, lack of transparency, and insufficient accountability mechanisms.(Ribut Baidi, 2019)

One of the key obstacles hindering progress in Indonesia's fight against corruption is the lack of criminalization of several specific corrupt practices, such as trading in influence, bribery in the private sector, foreign bribery, and notably, illicit enrichment. Illicit enrichment refers to the significant increase in the assets of a public official without a lawful explanation, yet Indonesia has not enacted laws specifically targeting this issue.(Akhmad et al., 2023) The absence of legal provisions addressing illicit enrichment allows corrupt officials to amass unexplained wealth without facing legal repercussions, thereby weakening the overall anti-corruption framework.(McIntyre et al., 2022) This gap in the legal system makes it difficult to hold corrupt officials accountable and undermines public trust in government institutions. Addressing this gap is crucial for enhancing the effectiveness of anti-corruption measures. By criminalizing illicit enrichment and other related corrupt practices, Indonesia can close significant loopholes in its legal system, strengthen enforcement mechanisms, and demonstrate a stronger commitment to transparency, accountability, and the rule of law. This legislative reform would not only deter corrupt behavior but also promote a culture of integrity within public service.

In addressing the challenge of corruption, it is essential to align anti-corruption efforts with the principles of Pancasila, Indonesia's foundational philosophical theory. Pancasila emphasizes the values of justice, humanity, unity, democracy, and social justice.(Ubaedillah, 2015) By incorporating these principles into the anti-corruption framework, Indonesia can foster a holistic approach to governance that upholds ethical standards and prioritizes the welfare of its citizens. The principle of justice, for example, calls for equitable treatment under the law, which supports the need for criminalizing illicit enrichment to ensure that public officials are held accountable for their actions. The principle of humanity underscores the importance of transparency and accountability in government, promoting a culture of openness and honesty. By rooting anti-corruption measures in the values of Pancasila, Indonesia can create a more robust and effective system for combating corruption, ultimately leading to a more just and prosperous society.

RESEARCH METHOD

This research utilizes normative legal methods by adopting statutory, conceptual, and comparative approaches.(Kristanto et al., 2023) The statutory approach involves analyzing existing laws and regulations to understand the current legal framework regarding illicit enrichment and related corrupt practices. The conceptual approach

focuses on examining legal concepts and theories that underpin the criminalization of illicit enrichment, aiming to provide a deeper understanding of the principles and rationales behind such laws. The comparative approach involves comparing Indonesia's legal provisions and practices with those of other countries to identify best practices and potential areas for reform.(Putra et al., 2023) The nature of this research is descriptive-prescriptive.(Fernando, 2022) Descriptive research aims to describe the current state of the law and its application, providing a detailed account of how illicit enrichment and other corrupt practices are addressed within the Indonesian legal system. Prescriptive research, on the other hand, goes beyond description to offer recommendations for legal reforms and improvements. It seeks to propose actionable solutions based on the findings and analysis conducted throughout the study. The data collected for this research includes statutes, legal documents, academic literature, and case studies from both domestic and international sources.(Karianga & Fernando, 2024) This data is analyzed using the content analysis method, which involves systematically examining and interpreting the content of the collected materials. Content analysis allows for the identification of patterns, themes, and trends within the data, providing a comprehensive understanding of the issues at hand. By combining these approaches and methodologies, this research aims to provide a thorough examination of the legal landscape surrounding illicit enrichment in Indonesia.(Herlambang et al, 2022) It seeks to highlight the gaps and challenges in the current system while offering concrete recommendations for legal reforms that align with international best practices and the principles of Pancasila.

RESULT AND DISCUSSION

Analysis/Discussion

Harmonizing Pancasila Principles in the Formulation of Illicit Enrichment Offenses

The ratification of UNCAC by 180 countries marks a strong global commitment to preventing and eradicating corruption. This extensive list of countries includes various geographical regions, cultures, economies, and systems of government, demonstrating that the issue of corruption is a shared concern that transcends national borders. From major and influential nations like the United States, China, and Russia to small countries such as Tuvalu and Nauru, the willingness to commit to UNCAC provisions underscores the importance of integrity and transparency in governance worldwide. UNCAC is not just an agreement; it serves as a reference for member states in formulating national policies on prevention, enforcement, and international cooperation in combating corruption. Some countries may have had strict regulations prior to ratifying UNCAC, but by becoming parties to this convention, they acknowledge the importance of international collaboration in addressing corruption. For example, Indonesia and the Philippines, two countries with a history of corruption challenges, reinforce their commitment to reform and anti-corruption

efforts by ratifying UNCAC. Nations such as Austria, Belgium, and France, known for their strong legal systems and governance, demonstrate global solidarity on this issue through their participation. However, it is important to note that ratifying UNCAC is not the end of the fight against corruption. Many countries may face challenges in implementing UNCAC provisions into their national laws or applying them in daily practice. This requires cross-country cooperation, the exchange of best practices, and a consistent approach to ensure that these commitments are translated into concrete actions. The near-universal participation in UNCAC sends a powerful message that corruption is unacceptable in any form and anywhere. Although challenges may differ in each country, the spirit of collaboration and determination to eradicate corruption remains the same worldwide.(Putri & Katimin, 2021)

The United Nations (UN) Convention against Corruption, adopted in 2003 and ratified by the countries participating in the UNCAC, including Indonesia through Law Number 7 of 2006 implemented on March 20, 2006, stipulates that illicit enrichment is regulated under Article 20 of the UNCAC, which reads as follows:(Muzaki, 2021)

“Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income”.

Article 20 of the United Nations Convention Against Corruption (UNCAC) can be summarized as indicating that the significant increase in assets includes both salary and non-salary items that have been reported as assets to the state. This implies that public officials are required to report their assets to the state before taking office. This asset reporting is crucial for calculating the increase in assets reported initially compared to the increase during and after the official's tenure. By having an initial asset report, authorities can compare any increase in wealth that occurs during the official's term with the initial asset declaration. This step is vital to detect any significant and unreasonable increase in wealth that cannot be logically explained based on lawful income. If a significant and unjustifiable increase in assets is found, it can serve as a basis for further investigation to ensure that there has been no corruption or abuse of power by the public official.(Muzila et al., 2012)

The United Nations Convention Against Corruption (UNCAC) mandates participating countries to implement anti-corruption programs by harmonizing national laws and regulations in accordance with this convention. The goals set by UNCAC, as outlined in Chapter 1, General Provisions, Article 1, are comprehensive and multifaceted. Firstly, UNCAC aims to promote and strengthen measures to prevent and combat corruption more efficiently and effectively. This entails developing robust

legal frameworks and enforcement mechanisms to detect, prevent, and punish corrupt activities. Secondly, UNCAC emphasizes the importance of international cooperation and technical assistance in the fight against corruption. This includes facilitating cross-border collaboration in investigations, sharing best practices, and providing technical support to build the capacity of institutions involved in anti-corruption efforts. Asset recovery is a critical component of this cooperation, as it ensures that stolen assets can be traced, seized, and returned to their rightful owners. Thirdly, UNCAC seeks to promote integrity, accountability, and the proper management of public affairs and public property. This involves establishing transparent and accountable governance structures, ensuring that public officials adhere to high ethical standards, and promoting public sector reforms that enhance the management of public resources. The holistic approach of UNCAC underscores the need for a coordinated and sustained effort to tackle corruption, recognizing that effective anti-corruption measures require both strong national policies and active international collaboration. By aligning national laws with UNCAC provisions, countries can create a more unified and effective front against corruption, ultimately contributing to global efforts to foster good governance, sustainable development, and social justice.

It is important to understand that the UNCAC not only provides guidelines for countries to develop anti-corruption policies but also signifies a collective global commitment to addressing one of the most profound challenges hindering sustainable development and good governance. Corruption, as a phenomenon, has far-reaching and damaging effects, ranging from the embezzlement of public funds and undermining public trust in institutions to hindering investment and economic growth.(Dianita et al., 2023) The UNCAC also recognizes that corruption is not an issue that can be tackled by a single country alone. Acts of corruption in one country can have direct impacts on other nations, especially in terms of money laundering or capital flight. Therefore, the UNCAC emphasizes the importance of cross-border cooperation and the establishment of bilateral and multilateral partnerships. Another key aspect to note is the role of the UNCAC in promoting democratic principles. By encouraging transparency, accountability, and integrity, the UNCAC aligns with democratic values that support public participation, freedom of the press, and a fair and independent judicial system. This reflects the understanding that to effectively combat corruption, civil society, the private sector, and the media must be involved and have the space to actively participate in the process. Thus, the UNCAC is not just a document or an agreement; it is a manifestation of the global commitment to creating a more just, equitable, and transparent society, where every individual has an equal opportunity to thrive and where public policies are made with integrity, free from the influence of corruption. In the long term, the success of the UNCAC will be measured

by its ability to facilitate concrete actions on the ground and bring about tangible changes in the lives of people around the world.

There are several elements of illicit enrichment in the United Nations Convention Against Corruption (UNCAC) of 2003, including:(Palma, 2014)

- a. Public Official;
- b. Concurrently holding a position as a public official;
- c. Enriching oneself (including enriching a corporation owned by oneself or by one's family, or enriching family members by blood or marriage up to the third degree);
- d. Unable to reasonably explain the relationship between lawful income (salary or non-salary) and the increase in wealth that is disproportionate to the lawful/legal income (salary or non-salary);
- e. Done intentionally.

The United Nations Convention Against Corruption (UNCAC) of 2003 outlines several key elements of illicit enrichment that are crucial for understanding and implementing anti-corruption measures. Firstly, the term "public official" refers to individuals who hold positions of authority within government institutions and are entrusted with public responsibilities. The second element emphasizes that illicit enrichment pertains to individuals who are currently holding such positions, thereby actively engaging in public service. Thirdly, illicit enrichment includes not only the personal gain of the public official but also the enrichment of corporations owned by them or their family members, extending up to the third degree of kinship by blood or marriage. This broadens the scope of accountability, ensuring that wealth accumulated through close associates is also scrutinized. Fourthly, a key aspect of illicit enrichment is the inability to reasonably explain the relationship between lawful income whether salary or non-salary and the significant increase in wealth that is disproportionate to such lawful income. This implies that if a public official's assets grow substantially without a logical and lawful explanation, it raises suspicion of corruption. Lastly, for an act to be considered illicit enrichment, it must be done intentionally, indicating a deliberate effort to accumulate wealth through unlawful means. These elements collectively form a comprehensive framework for identifying and addressing illicit enrichment, reinforcing the importance of transparency and accountability in public service, and providing a basis for legal action against corrupt practices.

The objectives of regulating illicit enrichment are as follows:(Endaswari, 2016)

- a. The regulation of illicit enrichment will strengthen the position of the Law on the Eradication of Corruption (TIPIKOR) and the Law on Money Laundering (TPPU);

By introducing regulations that specifically target illicit enrichment, the legal framework surrounding anti-corruption and anti-money laundering efforts can be significantly bolstered. The Law on the Eradication of Corruption (TIPIKOR) focuses on identifying and prosecuting corrupt activities, while the Law on Money Laundering (TPPU) addresses the concealment and legitimization of proceeds derived from such illegal activities. Regulating illicit enrichment enhances these laws by providing a clear legal basis for prosecuting individuals who accumulate wealth beyond their lawful income. This approach not only acts as a deterrent for potential offenders but also closes loopholes that corrupt individuals might exploit to evade justice. In essence, the regulation of illicit enrichment complements and reinforces existing laws, making it more difficult for corrupt practices to flourish undetected. It underscores the commitment of the legal system to maintain transparency, accountability, and integrity within public and private sectors. Furthermore, such regulation facilitates international cooperation by aligning domestic laws with global anti-corruption standards, thereby improving the effectiveness of cross-border investigations and asset recovery efforts. This comprehensive approach is crucial for creating a robust and cohesive legal framework that can more effectively combat corruption and money laundering.

- b. It can recover state losses arising from corruption (TIPIKOR) committed by public officials or state administrators

The regulation of illicit enrichment serves as a crucial mechanism for recovering state losses caused by corruption committed by public officials or state administrators. When public officials engage in corrupt practices, such as embezzlement or bribery, they often accumulate assets and wealth that far exceed their lawful income. These ill-gotten gains represent a significant loss to the state, as they are funds that could have been used for public services and development projects. By specifically targeting illicit enrichment, the law enables the state to identify and seize assets acquired through corrupt means. This process involves the investigation and prosecution of individuals who display wealth that cannot be justified by their legitimate income and known assets. Once such illicit enrichment is established, the law allows for the confiscation of these assets, thereby directly recovering the financial losses incurred by the state. This recovery process not only restores the stolen funds to the public treasury but also serves as a powerful deterrent against future corrupt activities. Public officials and state administrators are more likely to think twice before engaging in corruption if they know that their illicitly gained wealth can be traced and confiscated. Furthermore, the recovered funds can be redirected towards public welfare, infrastructure projects, and

other state needs, contributing to the overall development and well-being of the country.

- c. It provides reinforcement to the function of the Report on the Wealth of State Officials (LHKPN), ensuring it is not merely a formality and imposes sanctions on officials who lie about their asset declarations

The regulation of illicit enrichment plays a vital role in enhancing the effectiveness of the Report on the Wealth of State Officials (LHKPN). The LHKPN is designed to promote transparency and accountability among public officials by requiring them to declare their assets. However, without stringent enforcement and oversight, there is a risk that this process could become a mere formality, with officials underreporting or falsifying their declarations without consequence. By integrating illicit enrichment regulations, the LHKPN gains substantial enforcement power. These regulations mandate a thorough examination of declared assets, scrutinizing whether the wealth reported by officials aligns with their legitimate income and financial activities. This process helps to identify discrepancies and potential instances of illicit enrichment. Moreover, the regulation imposes severe penalties on officials who provide false or misleading information in their asset declarations. This creates a legal deterrent against dishonest reporting, as officials are aware that inaccuracies can lead to significant legal consequences, including fines, asset forfeiture, or even imprisonment. This deterrent effect is crucial in ensuring that the LHKPN fulfills its intended purpose. By reinforcing the LHKPN with the power to detect and sanction illicit enrichment, the regulation promotes a culture of honesty and integrity among public officials. It ensures that asset declarations are taken seriously and are subject to rigorous verification. This, in turn, enhances public trust in the government's commitment to combating corruption and maintaining transparency.

- d. The concept of illicit enrichment is maximized to impoverish corrupt individuals by utilizing reverse burden of proof, where the defendant must prove the origin of their wealth

The regulation of illicit enrichment employs a powerful legal concept to combat corruption by shifting the burden of proof onto the defendant. In traditional legal proceedings, the prosecution must prove that an individual's wealth was acquired through illegal means. However, with the concept of illicit enrichment, this burden is reversed. The defendant must demonstrate that their wealth was obtained lawfully and justify the origins of their assets. This approach is particularly effective in dealing with corruption cases for several reasons. First, it addresses the common issue where corrupt individuals meticulously hide their illicit gains, making it challenging for prosecutors to gather sufficient evidence to prove wrongdoing. By placing the

onus on the defendant to prove the legitimacy of their wealth, the law creates a robust deterrent against corruption. Public officials and state administrators are more likely to refrain from corrupt activities if they know they will be required to account for their wealth in detail. Second, this reverse burden of proof is instrumental in impoverishing corrupt individuals. When defendants fail to provide satisfactory explanations for their wealth, their assets can be confiscated by the state. This confiscation not only punishes the individuals involved but also serves as a warning to others. It sends a clear message that corruption will lead to significant financial and legal consequences. Furthermore, the utilization of the reverse burden of proof aligns with the principles of fairness and justice. It ensures that individuals who amass wealth through corrupt practices are held accountable, while those who have acquired their assets legitimately have the opportunity to demonstrate their innocence. This legal framework encourages transparency and integrity among public officials, reinforcing the overall anti-corruption efforts.

- e. Assets or properties registered in the name of third parties will still be considered the defendant's property if it can be proven that there was a transfer of assets

The regulation of illicit enrichment also addresses the common tactic used by corrupt individuals to hide their ill-gotten gains by transferring assets or properties to third parties. This provision ensures that even if assets are registered under someone else's name, they can still be considered the defendant's property if evidence of such transfers is provided. This approach is crucial for several reasons. Firstly, it prevents evasion, as corrupt individuals often attempt to evade detection and confiscation of their assets by transferring them to family members, friends, or associates. By extending the scope of asset recovery to include properties registered in the names of third parties, the law closes a significant loophole that could otherwise be exploited to shield illicit wealth. Secondly, it enhances the ability to trace illicit gains, allowing authorities to follow the flow of funds and establish ownership, thereby linking the assets back to the defendant. This comprehensive tracing is essential for building a solid case against corrupt individuals. Thirdly, it ensures justice by targeting the true beneficiaries of corrupt activities, regardless of the nominal ownership of the assets. This measure recognizes that simply transferring ownership does not change the corrupt origin of the assets and holds the original owner accountable for their actions. Additionally, it strengthens asset recovery efforts, as considering transferred assets as part of the defendant's property enhances the state's ability to recover stolen funds, which can then be redirected to public coffers for national development. Lastly, knowing that assets cannot be easily hidden

by transferring them to third parties serves as a deterrent to corrupt practices, as public officials are less likely to engage in corruption if they understand that all efforts to disguise their illicit wealth will ultimately be scrutinized and potentially nullified. In summary, including provisions that consider assets registered in the names of third parties as the defendant's property, given evidence of transfer, strengthens the regulation of illicit enrichment by ensuring comprehensive asset recovery, preventing evasion, promoting justice, and deterring corruption.

- f. The concept of illicit enrichment can encourage legal subjects to comply with tax payments, as possessing legitimate wealth without paying taxes may lead to suspicions of illicit enrichment.

The concept of illicit enrichment can encourage legal subjects to comply with tax payments, as possessing legitimate wealth without paying taxes may lead to suspicions of illicit enrichment. This provision creates a powerful incentive for individuals and entities to ensure that their financial activities are transparent and fully compliant with tax laws. When individuals know that unexplained wealth can trigger investigations into illicit enrichment, they are more likely to accurately report their income and pay the appropriate taxes to avoid any legal scrutiny. This approach serves multiple purposes. Firstly, it reinforces the integrity of the tax system by ensuring that all sources of income are properly declared and taxed. This helps to close the gap between actual and reported income, thereby increasing tax revenues for the state. Secondly, it acts as a preventive measure against corruption and financial misconduct. Knowing that undeclared wealth could lead to legal consequences, individuals are less likely to engage in corrupt practices or hide their income. Moreover, the linkage between illicit enrichment and tax compliance underscores the importance of financial transparency and accountability. It encourages individuals to maintain accurate financial records and fosters a culture of honesty in financial dealings. This not only aids in the detection and prosecution of illicit enrichment but also supports broader efforts to combat tax evasion and enhance the efficiency of the tax administration system.

The concept of illicit enrichment as defined in Article 20 of the United Nations Convention Against Corruption (UNCAC) aligns closely with the values and principles embedded in Pancasila, the philosophical foundation of the Indonesian state. Analyzing this relationship reveals how the regulation of illicit enrichment not only adheres to international standards but also resonates with the core principles of Pancasila. Here's an analysis linking Article 20 of the UNCAC with Pancasila:

1. Belief in the One and Only God

The principle of Belief in the One and Only God emphasizes moral and ethical behavior grounded in religious beliefs. In this context, integrity and honesty are fundamental values upheld by all major religions such as Islam, Christianity, Hinduism, and Buddhism. These religions teach the importance of truthfulness and trustworthiness in everyday life. For instance, Islam emphasizes being al-amin, or truthful and trustworthy, while Christianity includes commandments like "Thou shalt not steal" and "Thou shalt not bear false witness," which underscore the value of honesty. Similarly, Hinduism's principle of Satya (truth) urges adherents to live truthfully, and Buddhism's Eightfold Path advocates for Right Speech, promoting truthful and honest communication. These religious teachings foster an environment where individuals are encouraged to act with integrity, not just in their personal lives but also in their professional roles, including public office. Public officials are thus morally bound to uphold integrity and honesty, ensuring they do not engage in corrupt practices. This moral righteousness and accountability are crucial, as public officials are accountable not only to the public but also to God, reflecting their faith in their ethical conduct. By requiring public officials to report their assets and scrutinizing any significant, unexplained increases, the state promotes transparency and accountability, aligning with the religious imperative to act with integrity and uphold the public trust.

2. Just and Civilized Humanity

The principle of Just and Civilized Humanity calls for the fair and equitable treatment of all individuals. This principle is integral to ensuring that everyone is treated with respect, dignity, and fairness, regardless of their social or economic status.(Boiliu et al., 2022) By enforcing regulations against illicit enrichment, the state actively promotes justice and prevents the abuse of power that can lead to social and economic inequalities. Such regulations are designed to hold public officials to high standards of accountability, ensuring that they do not exploit their positions for personal gain. The enforcement of these regulations serves multiple purposes. First, it protects the rights and dignity of all citizens by ensuring that public resources are used for the common good rather than personal enrichment. This aligns with the principle of social justice, as it helps to prevent the concentration of wealth and power in the hands of a few, which can exacerbate social disparities. Second, it promotes a culture of accountability and transparency within the government, fostering public trust and confidence in the institutions of the state. When public officials are required to declare their assets and explain any significant increases, it creates a system of checks and balances that deters corruption and abuse of power. Moreover, this principle is rooted in the idea of civilized humanity, which encompasses not only fairness but also

ethical behavior and respect for the rule of law. By upholding these values, the state reinforces the notion that all individuals, regardless of their position or status, are subject to the same laws and standards. This equitable treatment is essential for maintaining social harmony and ensuring that all citizens feel valued and respected.

3. The Unity of Indonesia

The Third Principle of Pancasila, the Unity of Indonesia (Persatuan Indonesia), emphasizes the importance of national unity and solidarity among all Indonesian citizens. Corruption poses a significant threat to this unity by fostering distrust in government institutions and creating divisions within society. When public officials engage in corrupt practices such as illicit enrichment, they not only betray the public trust but also contribute to social and economic inequalities that can fragment the nation. Combating illicit enrichment is therefore crucial for maintaining national unity. By enforcing strict regulations and promoting transparency, the state reinforces trust and solidarity among its citizens. The requirements set forth by Article 20 of the United Nations Convention Against Corruption (UNCAC) mandate that public officials declare their assets and account for any significant increases. This transparency ensures that public officials are serving the interests of the nation rather than their personal gains. Transparency and accountability are key to building a cohesive society. When citizens see that public officials are held to high ethical standards and are accountable for their actions, their trust in government institutions is strengthened. This trust is essential for fostering a sense of unity and shared purpose among the diverse population of Indonesia. It reassures citizens that their leaders are working for the common good and that public resources are being used responsibly and equitably. Moreover, combating corruption and illicit enrichment helps to ensure that the benefits of development and progress are distributed fairly across all regions and communities in Indonesia. This equitable distribution of resources and opportunities is vital for reducing regional disparities and preventing feelings of marginalization or exclusion among certain groups. By promoting fairness and justice, the state can help to create a more inclusive society where all citizens feel valued and included in the nation-building process.

4. Democracy Guided by the Inner Wisdom in the Unanimity Arising out of Deliberations Amongst Representatives

The principle of Democracy Guided by the Inner Wisdom in the Unanimity Arising out of Deliberations Amongst Representatives emphasizes the importance of democratic governance, wise and ethical leadership, and collective decision-making. This principle underscores that the power of governance should be exercised through thoughtful deliberation and

consensus among representatives, reflecting the will and interests of the people.(Yusdiyanto, 2017) Requiring asset declarations and monitoring increases in wealth for public officials is a crucial aspect of ensuring transparent and responsible governance. This practice aligns the conduct of public officials with democratic values and the expectations of their constituents. By mandating that officials declare their assets and explain any significant increases, the state promotes transparency, which is a cornerstone of democracy. It ensures that public officials are held accountable for their actions and that their financial affairs are open to public scrutiny. Transparency in asset reporting helps to prevent corruption and abuse of power, fostering a culture of integrity and responsibility among public officials. When leaders are required to be transparent about their wealth, it reduces the opportunities for illicit enrichment and ensures that their actions are in line with the public good rather than personal gain. This level of accountability supports the idea of leadership that is ethical and responsive to the people's will. Furthermore, this principle highlights the importance of wise and ethical leadership in a democratic society. Leaders are expected to act with integrity, make decisions based on collective wisdom, and consider the long-term welfare of the nation. The process of asset declaration and monitoring reinforces these expectations by providing a mechanism for detecting and addressing any deviations from ethical conduct. It ensures that leaders remain focused on serving the public interest and upholding democratic principles. The principle of Democracy Guided by the Inner Wisdom also emphasizes the significance of collective decision-making and deliberation among representatives. This process of deliberation is enhanced when there is trust in the integrity of the representatives. Asset declarations and wealth monitoring contribute to building this trust by demonstrating that representatives are accountable and transparent. It reassures citizens that their elected officials are making decisions based on collective wisdom and ethical considerations rather than personal interests.

5. Social Justice for the Whole of the People of Indonesia (Keadilan Sosial bagi Seluruh Rakyat Indonesia)

The principle of Social Justice for the Whole of the People of Indonesia (Keadilan Sosial bagi Seluruh Rakyat Indonesia) is a cornerstone of Pancasila, emphasizing fairness, equity, and the well-being of all citizens. Corruption and illicit enrichment fundamentally undermine social justice by leading to the misallocation of resources, exacerbating economic disparities, and creating an environment of inequality. When public officials exploit their positions for personal gain, it diverts resources meant for public welfare and development, leading to a society where the benefits of progress are unevenly distributed.

Enforcing measures against illicit enrichment is crucial for promoting fairness and the equitable distribution of wealth and resources. By ensuring that public officials are held accountable for their assets and any significant unexplained increases in wealth, the state can prevent the misuse of power and resources. This accountability aligns with the principle of social justice, as it ensures that the wealth generated within the country is used for the benefit of all citizens rather than being concentrated in the hands of a few corrupt individuals. The implementation of regulations that require public officials to declare their assets and monitor any increases in wealth serves several purposes. First, it creates a transparent system where the financial activities of public officials are open to scrutiny, thereby deterring corrupt practices. This transparency is essential for building public trust in government institutions and ensuring that officials are working in the best interest of the people. Second, by preventing illicit enrichment, the state can ensure that resources are allocated based on need and public interest, rather than personal gain. This equitable distribution of resources is fundamental to achieving social justice, as it addresses the needs of the most vulnerable and marginalized populations, thereby reducing social and economic disparities. It ensures that all citizens have access to the opportunities and resources necessary for their well-being and development. Moreover, combating illicit enrichment supports the overall welfare and prosperity of society by promoting a culture of integrity and responsibility among public officials. When leaders are held to high standards of accountability and transparency, it fosters an environment where ethical behavior is valued and rewarded. This cultural shift is essential for sustainable development and the long-term prosperity of the nation, as it ensures that public resources are used effectively and efficiently to meet the needs of all citizens.

Pancasila is recognized as the philosophy of the Indonesian state. The values embedded in the principles of Pancasila serve as a philosophical foundation that is considered, believed, and trusted to be the most true, just, wise, good, and suitable as the basis for the Unitary State of the Republic of Indonesia.(Indra & Budiarto, 2021) It is entirely possible to draw a connection between the phenomenon of illicit enrichment and the existence of Pancasila as the nation's philosophy of life. In other words, making Pancasila an ideology to combat all forms of crime, including illicit enrichment, is appropriate because the values of Pancasila, as the life philosophy of the Indonesian nation, should inherently inspire and underpin legislation in the fight against corruption in Indonesia. Pancasila is a source of personality, morality, identity, and national safety.(Zudana, 2023) It also has strong ontological, epistemological, and axiological foundations as a moral compass and direction for the state or a nation,

with each principle having historical, rational, and actual justifications that are understood, internalized, believed, and practiced in national life.(Zico Junius Fernando, 2020)

Pancasila is explained as a monodualistic approach in law enforcement, aiming to integrate religious justice, humanity justice, and social justice into a cohesive whole. Regarding illicit enrichment, it is recognized that the effort to accumulate wealth is a fundamental right that should be respected.(Muladi, 2021) However, when this accumulation is done illegally and intentionally, violating societal norms, religious norms, and social norms through disgraceful acts such as accepting bribes, receiving gratuities, and engaging in other corrupt practices, this illegal effort to enrich oneself stands in stark contrast to the values of Pancasila. The unified values of Pancasila, therefore, serve as the foundational basis for criminalizing illicit enrichment within the legal instruments designed to combat corruption in Indonesia.

The fundamental values of Pancasila are transformed into ideals and legal principles, formulated to achieve justice, protect the Indonesian nation, and safeguard the entire Indonesian territory.(Setiyawan, Wahyu Beny Mukti Handayani, I. Gusti Ayu Ketut Rachmi Rustamaji, 2023) When discussing law and ideology, two fundamental topics must be addressed: the influence of ideology on law and the role of law as a tool to protect ideology. As a result of establishing illicit enrichment as a prevailing norm, the applicable rules and their implementation cannot be separated from the values contained within Pancasila.(Bo'a, 2018)

CONCLUSION

The principles of Pancasila and the concept of illicit enrichment under the United Nations Convention Against Corruption (UNCAC) are inherently aligned in their pursuit of justice, integrity, and the well-being of society. Article 20 of the UNCAC, which defines illicit enrichment, necessitates public officials to justify any significant increases in their wealth, ensuring their financial conduct is transparent and accountable. This requirement aligns with the core values of Pancasila, emphasizing integrity, justice, unity, democracy, and social justice. The principle of Belief in the One and Only God emphasizes the ethical and moral obligation of public officials to act with integrity and honesty, reflecting religious teachings that denounce corruption and promote righteousness. By requiring asset declarations and investigating unexplained wealth, the state promotes transparency and accountability, aligning with the moral imperative of ethical conduct. The principle of Just and Civilized Humanity demands fair and equitable treatment of all individuals. Enforcing regulations against illicit enrichment prevents the abuse of power and ensures that public resources are used for the common good, thus promoting social justice and preventing economic inequalities. The principle of the Unity of Indonesia asserts that corruption undermines national unity by fostering distrust and creating divisions. Combatting illicit enrichment

reinforces trust in government institutions and promotes national cohesion. Transparency and accountability in public office support a unified and equitable society. The principle of Democracy Guided by the Inner Wisdom in the Unanimity Arising out of Deliberations Amongst Representatives emphasizes the importance of transparent and responsible governance. Asset declarations and monitoring ensure that public officials act in the public interest rather than for personal gain, fostering ethical leadership and collective decision-making. The principle of Social Justice for the Whole of the People of Indonesia highlights that illicit enrichment undermines social justice by diverting resources meant for public welfare. Enforcing measures against illicit enrichment ensures that public resources are equitably distributed, addressing the needs of all citizens and reducing social and economic disparities. Pancasila, as the philosophical foundation of Indonesia, provides a robust moral and ethical framework for combating illicit enrichment. By integrating the values of Pancasila into anti-corruption legislation, Indonesia can create a more just, transparent, and equitable society. The regulation of illicit enrichment, supported by Pancasila principles, enhances the integrity of public officials, promotes public trust, and ensures that national resources are used for the benefit of all citizens, thereby strengthening the nation's commitment to justice and good governance.

Suggestion

To effectively harmonize the principles of Pancasila with the formulation of illicit enrichment offenses, it is essential to incorporate a holistic approach that integrates ethical, legal, and educational measures. Firstly, the government should enhance the legal framework by ensuring that the regulations on asset declarations and the monitoring of public officials are stringent, transparent, and enforceable. This includes implementing severe penalties for non-compliance and providing adequate resources for thorough investigations. Secondly, there should be a concerted effort to promote ethical behavior among public officials through continuous education and training programs that emphasize the values of Pancasila, integrity, and accountability. These programs should be incorporated into the curricula of educational institutions and mandatory training for public servants. Thirdly, public awareness campaigns are crucial to foster a culture of zero tolerance for corruption within society. These campaigns can highlight the importance of transparency and the detrimental effects of corruption on national unity and social justice. Lastly, it is important to strengthen the role of civil society organizations and the media in monitoring and reporting illicit enrichment. By providing platforms for public participation and ensuring freedom of the press, the government can create an environment where corruption is openly challenged and accountability is maintained. Implementing these measures in alignment with Pancasila values will significantly enhance the effectiveness of anti-

corruption efforts and contribute to the development of a just, equitable, and transparent society.

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