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Justice based corruption eradication policy: A comparison between Indonesia and Denmark

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Abstract: This research was conducted to obtain an explanation of corruption eradication policies in Denmark and Indonesia. In addition, to find out the justice-based corruption eradication policy in a comparative study of Indonesia and Denmark. This research uses a normative juridical method with a literature study. Based on this, the required results are that corruption eradication policies in Indonesia and Denmark have significant differences. Denmark inserts corruption eradication provisions into each of its laws and regulations and uses a strict element of transparency in state financial management. Denmark utilizes social sanctions supported by the legal culture of its highly law-abiding society. Second, the policy reconstruction that can be used in Indonesia to eradicate corruption adopts the Danish policy. Namely, the anti-corruption agency with independent status integrates corruption eradication regulations into national legislation emphasizing strict sanctions and transparency of state financial management correlated with the wealth of state officials. The independence of the Corruption Eradication Commission is crucial. Applying Denmark's mechanisms could lead to a breakthrough in corruption eradication in Indonesia.
Keywords: Corruption; Eradication; Policy; Reconstruction.

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Introduction

Corruption comes from the English word corruptio, derived from corruptio-corrumpere, which means to stink, corrupt, bribe, and distort the facts (Maolani et al., 2021). Another meaning calls it an act of a person or group that uses the authority and responsibility attached to it to gain benefits and harm the public interest. Corruption is the behavior of public officials who deviate from existing norms by benefiting themselves or groups that concretely impact society. Countries around the world have agreed that they must fight corruption. This is characterized by widespread ratification to prevent and punish perpetrators of corruption (Helfer et al., 2023)

Corruption is referred to as a special criminal offense. This is due to the qualification of special regulations governing this criminal offense. Additionally, this criminal offense has different specifications distinguishing it from other general crimes and is regulated by a special law. One of the specific elements is that the crime of corruption concerns the public interest, namely all Indonesian people. This is because it takes the form of misappropriation of state finances for the prosperity of certain individuals or groups by abusing their authority. State finances are correlated with national development to achieve national goals, namely to advance national welfare, and help the people prosper. Misappropriation of state finances with existing power is a manifestation of corruption in national development. The misappropriation of state finances through corruption is caused by the lack of mentality of state officials who love their homeland. State officials are elected through strong political mechanisms, yet sometimes these mechanisms deviate from the norms contained in Pancasila and the 1945 Constitution, which has the potential to negatively impact the future.

As a state governed by the rule of law and mandated by the Constitution, Indonesia is also recognized cognized as a highly democratic state (Kariadi, 2020). However, today's democracy is

heavily influenced by political elements. Politics, in a positive sense, will positively impact on the nation and state. However, if the country has a negative political element, it will assuredly produce bad leadership and state management processes. This can lead to the occurrence of corrupt practices ranging from simple to complex. The correlation between the political process in a country adhering to existing regulations is considered to positively impact the country.

Corruption cases have reached the level of extra ordinary crime in Indonesia. Corruption has occurred in almost all levels of society, regardless of social status and age. All officials are affected, ranging from public officials at various government institutions at the central, district, and city levels. The high number of corruption cases in Indonesia has a negative impact on the national economy (Emirzal et al., 2023). Extraordinary crimes generally impact the economic, ecological, social, and cultural problems in a country (Pabalik et al., 2020).

Corruption is referred to as the abuse of the formal duties and functions of public office (election or appointment) for purposes that are contrary to the law. This is because it involves wealth or status related to personal interests (Carothers, 2022). Corruption is related to influencing someone to do or not to do something contrary to their obligations, which is part of the initial symptoms of the crime of corruption. Corruption also includes bribery, namely giving bribes, accepting bribes, and other similar actions aimed at furthering their desires. The mechanism is interrelated with existing political policies. Based on the literature study on the definition of politics, it essentially means an effort to achieve certain goals in certain ways. Therefore, the relationship between politics and corruption crimes is interrelated.

When comparing Indonesia to the country of Denmark, Denmark'st management is well-run and prioritizes the legal culture approach (Fikri & Hadi, 2020). Denmark has the best Corruption Perception Index ranking in the world based on data released in 2023. Denmark has a culture that fosters a sense of shame when breaking the law and encouraged obeying existing rules. Denmark's regulations are integrated with its national legislation (Greco Council of Europe, 2019). The culture of shame when breaking the law is due to the principle of transparency in the management of a country that has nothing to hide. All parties have the right to know information related to state officials in Denmark because this is a form of public transparency of state officials (Petrenko et al., 2019). This is an aspect of justice expected by all parties in the management of the state and also the enforcement of existing laws. This is unlike Indonesia, which is full of political interests that lead to poor state management. It is necessary to fight corruption by using aspects of the legal culture approach and the principles of justice that still prioritize the noble values of Pancasila and the fundamental provisions in the 1945 Constitution to run the state bureaucracy in Indonesia.

In an effort to realise the originality of this writing, there are several previous studies that are relevant to this research. One of them is the Previous research related to the regulatory reconstruction of the KPK in Eradicating Corruption Cases in Indonesia by Dina Aprilia Iswara, Lex Generalis Law Journal Volume 1 Number 4, July 2020 (Iswara, 2020). This research only discusses the urgency of returning state financial losses in corruption cases. Additionally, the research only discusses strategies to eradicate corruption cases in Indonesia. It only talks in a repressive manner, so it does not approach the legal system aspect as this study does. This Research compares Indonesia and Denmark through a cross-sectoral approach, starting from the substance approach, legal structure, and legal culture approach of the two countries. In addition, this study examines legal policies for combating corruption by comparing policies in Indonesia with those in Denmark.

Another previous study is entitled Comparison of Corruption Eradication in Indonesia and Singapore written by Zaihan Harmaen Anggayudha, Kayla Zevira Alfasha, published in the Journal of Varia Hukum, Journal of the Forum for Legal and Community Studies Volume 5 Number 1, January 2023 (Apriandhini et al., 2023). The research focuses on repressive mechanisms in dealing with corruption crimes and does not explore preventive approaches, such as examining cultural, institutional, and substantial aspects within the state. Based on the research, regulations related to the eradication of corruption in Singapore distinguish between perpetrators who are officials or private employees. In Singapore, the corruption eradication agency was initially under the police. Now it has formed a separate institution parallel to the police. The research from Singapore is different from the research conducted in this paper, which focuses on the study of

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efforts to reconstruct justice-based corruption eradication policies through a comparison of conditions in Indonesia and Denmark.

The research entitled *Comparison of the Corruption Eradication Commission With Corruption Eradication Institutions in Singapore, Hong Kong, and Malaysia* by Rhendra Kusuma was published in the University of Bengkulu Law Journal Volume 7 Number 1, April 2022 (Kusuma, 2022). This research focuses on a comparative legal study conducted between the system of corruption eradication institutions in Indonesia and corruption eradication institutions in other countries such as Singapore, Hong Kong, and Malaysia. This research has not discussed the implementation of justice based corruption eradication policies that must be carried out. This is unlike the study in this paper, which compares justice based corruption eradication policies between Denmark and Indonesia.

Another research that is relevant to this paper is entitled *Efforts To Reconstruct Legal Policies For The Implementation of Islamic Value-Based Fines* by Ira Alia, Maerani, and Nuridin, Pandecta Journal Volume 16 Number 1, June 2021. This research only discusses the reconstruction of the punishment system in Indonesia related to the values of justice in Islamic sharia to fulfill people's sense of justice (Maerani & Nuridin, 2021). It explains the breakthrough method of eradicating corruption that can be used in Indonesia through the principle of justice and the educative approach to the mental renewal of citizens into a society that obeys the rules and has a sense of shame when breaking the law. In Denmark, corruption eradication is very simple and educative. Any official who commits corruption will be publicized in the national media, and efforts will be made to confiscate the wealth owned by the official. Additionally, the controlling system for the administration is detailed, transparent, and accountable.

The previous studies detailed above have not discussed corruption eradication policies based on justice by comparing Indonesia with Denmark, which has an excellent Corruption Perception Index. There is also no research above that comprehensively and accurately discusses the prevention and eradication of corruption through cultural, substance, and institutional approaches.

Therefore, this study, entitled Justice-Based Corruption Eradication Policies: A Comparison between Indonesia and Denmark, addresses several fundamental questions: How do corruption eradication policies differ in Indonesia and Denmark? In addition, how can Indonesia reconstruct a justice-based corruption eradication policy by comparing it with Denmark?

This research warns that Indonesian legal policies addressing the eradication of corruption have been inadequate, allowing corruption to grow rapidly until it becomes an extraordinary crime. The corruption eradication policy indicator provides an invaluable tool or preventing and eradicating corruption in Denmark. The policy of eradicating corruption in Denmark has occurred in totality and is comprehensive to all components of the nation that have a moral responsibility to prevent and eradicate corrupt practices in their country. This research recommeds that Indonesia, as a state governed by the rule of law, should have a policy for eradicating corruption. It should impose moral responsibility on all state officials, establishing an equal responsibility throughout the nation to be equally responsible for the prevention and eradication of corruption, as comprehensive as the one in Denmark. Furthermore, Indonesia must also have a legal policy that incorporates the obligation to prevent and eradicate corruption in all legislation, comparable to Denmark's approach.

This research is also expected to provide logical ideas to increase the intensity of prevention and eradication of corruption in Indonesia. Efforts to reconstruct corruption eradication policies in Indonesia need to be created to obtain an accurate corruption eradication formula. Legal policy will discuss changes and improvements in legal substance to deal with changing situations in the future. Reconstruction of justice-based corruption eradication policies needs to be accomplished by comparing policies in Denmark with those in Indonesia. Reconstructing corruption eradication policy will transform the existing policy into a more accurate and effective policy concept.

In the maximum effort to prevent and eradicate corruption, criminal law policy must be optimised. Corruption eradication policy through legal substance, legal structure, and legal culture approaches. This is based on the correlation between substance, law enforcement agencies (legal structure), and the culture of legal compliance of the community. These three elements are closely related in efforts to prevent and eradicate corruption.

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The legal substance approach is accomplished by synergizing corruption eradication regulations into various national laws and regulations. This concept will foster a sense of responsibility for all components of the nation to jointly prevent and eradicate corruption. This concept is missing in Indonesia's corruption eradication policy. The legal structure approach is utilized to strengthen the existence of the Corruption Eradication Commission by making it an independent institution free from all political interests. This research also proposes strengthening the role and authority of anti-corruption institutions to conduct wiretapping and other measurable efforts. Therefore, this research is also expects to inspire readers to develop a society with a culture of obeying the rule of law, similar to Denmark. Denmark epitomizes a society that has a moral responsibility to uphold the law and cultivates a sense of shame if they commit violations of the law.

Justice-based corruption prevention and eradication is the focus of this research. Public logic, when talking about corruption eradication, will be oriented toward legal certainty. This research initiates a corruption eradication policy through a justice approach. Obeying the law and avoiding corruption is a manifestation of justice towards oneself, the people, and the state. On the contrart, committing crimes and acts of corruption demonstrates and act of injustice. This concept will restore the dignity of law enforcement officials and develop a sense of nationalism and the moral responsibility of the people to be equally responsible for preventing and eradicating corruption.

Methods

This paper uses a qualitative method to study a phenomenon using written descriptions. The results of this research produce a juridical study that is described to achieve the acquisition of prescriptive studies. Namely, It compiles and propose guidelines for rules that must be obeyed by practitioners and critical legal dogmatics. Obtaining the data needed in this research must use normative juridical research methods.

The statutory approach (approach to statute), conceptual approach, and comparative approach are three approaches used in the normative juridical method. According Arief (2018), the normative juridical method is divided into two methods. These are the narrow juridical method and the broad juridical method. The narrow definition of the normative juridical method only looks at the logical or anti-logical, in the form of concepts and doctrines, as used in this research. The broad meaning of the normative juridical method is the relationship between statutory norms and the social effects of legal formation and legal validity in society. The retracing presented in the paper uses the approach of rules, concepts, and doctrines of legal experts (Marzuki, 2019).

In connection with the normative juridical method, the data collection technique used is library research based on existing legal materials, specifically related to the comparative method by examining and comparing legislation and legal history, as well as the reconstruction of legal policies to eradicate corruption in a comparative study between Indonesia and Denmark. A comparative method study should reveal the similarities and differences of each (Armia, 2022).

In addition, comparison is a common method used in research. Efforts are made to compare legal histories that aim to strengthen this research. This is done by comparing corruption eradication policies in Denmark and Indonesia. This research is complemented by the use of data derived from legislation in Indonesia and Denmark as well as using research journals relevant to the discussion.

Material comparison can be accomplished by analyzing the application of regulations and learning how other countries address the same issues. This normative juridical method uses a qualitative approach that has the potential to produce deductive research conclusions. This deductive method is an analysis that relies on general data which aims to draw specific conclusions. Given that this research is conducted based on applicable laws and regulations and the opinions of scholars. This is an exploration of the reality of several events through the use of theories that influence qualitative analysis which then leads to a specific conclusion related to corruption eradication policies.

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The data collection techniques discussed in this article include secondary data collection using statistical data and other available data, such as official records and public documents (Muhaimin, 2020). Singleton and Singleton (2010) argues that the advantage of using available data is that research can be conducted on inaccessible research topics, thus reducing the number of researchers. Morality affects the time and cost of research. Additionally, the data collected is of high quality, as there is generally no bias from the researcher or sponsor.

Results and Discussion

Corruption Eradication Policies in Indonesia and Denmark

Indonesia has experienced a corruption emergency. This is because the crime of corruption has entered various aspects of the the nation. One of the serious and frequent problems in the political policy aspect is corruption. As explained, corruption is a crime that damages public services and violates human rights. The United Nations Convention on the Eradication of Corruption (UNCAC) and international juridical provisions governing the crime of corruption do not provide precise provisions regarding corruption committed intentionally by the state as a legal subject. Likewise, witnesses for countries that do not comply with this convention are not contained in this convention. UNCAC should be able to provide benefits and legal certainty for the world community to be free from all forms of corruption crimes committed by citizens.

The crime of corruption is a problem that significantly disrupts the stability of development in Indonesia. One sector that is closely related to the occurrence of corruption is the political sector and government policies. Corruption refers to the personal or group abuse of power to achieve financial gain or personal wealth by violating the law or established rules.

Corruption in the aspect of political policy involves the act of misappropriation of the state budget that should be intended for the welfare of the people but is instead diverted for the benefit of certain individuals or groups. This action will have implications for the progress of national development. This is because national development requires an injection of the state financial budget funds for policy operations. The actions of a handful of people result in social and economic injustice for the rest of the people.

Corruption also occurs in the political decision-making process. It can take the form of bribery or nepotism that influences decisions that should be based on the public interest. For example, in the process of formulating legislative products issued when the country is in a precarious situation, namely Government Regulations in Lieu of Laws (Perppu). For example, when the government issues a Government Regulation in Lieu of Law (Perppu) concerning certain matters that should be issued in a state of compelling urgency. However, the country is in a good and stable condition, but the government issued a Government Regulation in Lieu of Law (Perppu). This is called the link between corruption and the decision-making process in parliament and in the ruling government.

However, if the nation is not in a state of emergency, the government, through its political policy, issues government regulations in place of laws, which formally violates the rules. This action is not only procedurally wrong but also contrary to the mandate of Article 22 Paragraph (1), of the 1945 Constitution, which explains that only in the event of a compelling emergency, does the President have the right to enact government regulations in place of laws. Therefore, it is clear that there are rules that provide limitations related to the authority to issue these regulations.

Acts of corruption in the political aspect can easily occur when public officials offer themselves to occupy certain positions with the aim of benefiting themselves or their groups. Furthermore, accepting requests from certain parties to abuse political power, unlawfully, and utilise the authority of their position to intervene in certain decisions with the aim of benefiting themselves and/or their groups. The act of abusing political power, unlawfully, and utilising the authority of one's position can be done by trading in influence.

Trading in influence involves giving gifts or promises to certain parties intended to make officials or state administrators do something contrary to their obligations (Tondatuon, 2021). This arrangement is regulated by the UNCAC and has been ratified by several countries. This

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includes Belgium, which contains this provision in Article 247 of the Belgian Criminal Code: Provisions related to the crime of trading in influence are categorized as acts of corruption (Bulu, 2022). This provision was ratified by Indonesia at the United Nations Convention Against Corruption (UNCAC) in 2003. UNCAC is a convention under the auspices of the United Nations to fight all forms of corruption crimes around the world (Kesiranon, 2023). This act is not considered a corruption offense if there is no accompanying bribe, so the perpetrator of trading in influence cannot be convicted due to a legal vacuum (vacuum of regulation). The concept of trading in influence has not been concretely regulated in positive law in Indonesia (Mahmud et al., 2024).

The mechanism of corruption from a political perspective is identical. This because corruption by the misuse of power to reap personal and group benefits has similarities with the lobbying process justified in politics. For example, certain individuals giving money to influence the formulation of policy that will benefit them. This is a manifestation of corruption achieve certain goals through political mechanisms. Investigation of corruption cases in politics can only be conducted with the approach of evidence of state losses audited by the National Auditor Institute.

The system of government also affects the effectiveness of preventing and combating corruption in a country. For example, Denmark has a Parliamentary Constitutional Monarchy system of government. In this system, the head of state is the king or queen, while the head of government is the prime minister. The prime minister is usually from the ruling party, with democratic contestation every four years. The legal family adopted in this country is civil law, with some elements of Common Law collaborated in it. This legal system in Denmark creates a hybrid legal system with a civil law base and certain characteristics of the Common Law system. The Danish legal system has also been significantly influenced by EU law since Denmark joined the European Community or EU. Most Danish legislation is ratified by the European Union.

Denmark's governance system and the fight against corruption are closely related. A country with reliable state management that is run transparently and with integrity will lead to an excellent Corruption Perception Index and Government Effectiveness Index. Indonesia's Government Effectiveness Index has increased to 66.04 in 2023, placing Indonesia 73rd out of 214 countries. Denmark is in second place after Singapore, with 0.83 points. Denmark is an example of state management through a well-run government system, integrity, and transparency, which will produce an excellent Corruption Perception Index. This indicates that country's Corruption Perception Index depends on the quality and efficiency of its government. Denmark, despite its monarchy status, prioritizes the principles of constitutional law that apply in the country. Unlike Denmark, Indonesia's presidential system of government has been unable to provide good governance, leading to many abuses of authority and criminal acts of corruption becoming increasingly rampant. Corruption has saturated various elements of the nation, to such an extent it has been designated an extra ordinary crime. The civil law legal system in Indonesia has not succeeded in changing the chronic conditions of corruption in Indonesia. It does not have a significant impact on the prevention and eradication of corruption.

Some of the factors that make Denmark successful in managing the country and fighting corruption are high transparency and accountability in government, public participation in monitoring and evaluating MPs' spending, and the state budget. For example, in Denmark, all institutions are authorised to supervise their officials in using the state budget. In addition, the wealth of state officials in Denmark is closely monitored, such as controlling monthly income and monitoring the fat accounts of state officials. Even though it has been closely monitored, the legal culture of officials in Denmark is committed to maintaining their integrity, which is manifested by providing reports on the personal wealth of officials in transparency and in the use of government budgets managed with transparency. This is a form of commitment of all components of the nation to realise the integrity of state management so that it is free from corrupt practices.

In addition, there is also a strong law enforcement system and national consensus on the urgency of fighting corruption. There is also an independent Ombudsman institution, namely the Folketingets Ombudsman and the Danish Parliamentary Ombudsman, which emphasizes transparency and government efficiency. There is zero tolerance for corruption in all aspects of government, with anti-corruption institutions in each state institution. Public trust in public and private

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officials in Denmark is well established by promoting public integrity, responsibility, and transparency.

Even though it has not yet resulted in state losses, legal subjects can be held criminally liable under the Corruption Eradication Law Articles 2 and 3. However, persons and legal entities can be considered to have committed the crime of corruption if they fulfill other elements, namely unlawful acts in the formal and material sense. Furthermore, the Supreme Audit Agency is the only constitutional institution that has the authority to audit and ensure state losses have occurred (Fajar Pradnyana & Parsa, 2021). This is explained in Article 23E Paragraph (1) of the 1945 Constitution which essentially states that the Supreme Audit Agency is a free and independent institution supervising state finances. Law Number 15/2006 on the Supreme Audit Agency reinforces this provision. However, in the current legal process of corruption crimes, sometimes the Supreme Audit Agency is not involved in determining whether a person has committed an act that harms state finances.

Corruption eradication policies in Indonesia are regulated in juridical provisions at the level of laws. This proves that the legal substance related to corruption eradication in Indonesia is highly comprehensive. In the Indonesian Corruption Eradication Law, it is stated that acts of corruption are very detrimental to state finances and the state economy, which impacts national development. Therefore, corruption must be eradicated in order to realize a just and prosperous society based on Pancasila and the 1945 Constitution.

Article 2 Paragraph (1) of Law Number 31 of 1999 as amended by Law Number 20 of 2001 on the Eradication of the Crime of Corruption explains that if a person commits unlawful acts to enrich himself, others, or a company that can endanger the state finances or the state economy, they will be sentenced to either life imprisonment or imprisonment for a minimum of four years and a maximum of twenty years. In addition, the lowest fine is two hundred million rupiah, and the highest is one billion rupiah. According to Article 3, anyone who abuses power, opportunity, or means that may endanger state finances or the state economy will be punished with life imprisonment or imprisonment for a minimum of 1 year and a maximum of 20 years, a minimum fine of fifty million Rupiah, and a maximum fine of one billion Rupiah. Efforts to implement a state free from collusion, corruption, and nepotism are needed to realize a just and prosperous society based on Pancasila and the 1945 Constitution of the Republic of Indonesia (Wardhani et al., 2022). The Police, the Public Prosecutor's Office, and the Corruption Eradication Commission in Indonesia are tasked with handling corruption cases in accordance with corruption eradication policies. Therefore, to ensure that both parties can work well together and succeed in eradicating corruption based on the principles of equal authority and protection of human rights, efforts need to be made to improve cooperation.

Corruption prevention and eradication policies in Indonesia only rely on three institutions. These are the police, the Attorney General's Office, and the Corruption Eradication Commission. According to Article 11 Paragraph (1) of Law Number 19 of 2019 concerning the Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission, in carrying out the duties as referred to in Article 6 letter e, the Corruption Eradication Commission is authorized to conduct investigations and prosecutions of corruption crimes involving law enforcement officials, state officials, and other persons related to corruption crimes. In addition, this extends to cases of state losses with a minimum nominal value of one billion Rupiah. If the corruption crime does not meet the requirements described in Paragraph (1) of Article 11, the Corruption Eradication Commission has the responsibility of referring the investigation and prosecution to the police and prosecutors. Article 11 Paragraph (3) states that the Corruption Eradication Commission supervises the aforementioned investigation and prosecution, exercising its supervisory authority.

When traced further, corruption crimes are closely related to government activities that contribute to social, economic, and political transformation. In 2020, Indonesia's Government Index reached 5.4 on a scale of 0 to 10 (Satria, 2020). It should be noted that a country's excellent national achievement will correlate with an accountable, transparent, and Good Governance Index score. In connection with this, Indonesia's Government Effectiveness and Good Governance Index increased from 2022 with 64.76 points to 66.04 in 2023 (Malik, 2024). However, the increase is not significant enough to indicate that Indonesia is no longer facing challenges. This condition

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shows that Indonesia is still struggling with corruption crimes and whose handling of them is considered not optimal. Therefore, the policy of preventing and eradicating corruption to its roots is only a dream. Indonesia's corruption eradication effectiveness indicator score has only stagnated at 4 since 2012.

Corruption is a widespread crime that must be handled in an extraordinary way. Talking about handling corruption crimes must be based on the noble desire of all components of the nation, including parliament as a national political force. Law enforcement will always be associated with political policies. It is a series of actions that transform legal concepts and principles into tangible actions containing moral values like truth and justice. Law has a broad meaning, and the essence of law is the achievement of justice. This is accomplished by the police, prosecutors, the Corruption Eradication Commission, courts, and correctional institutions established by the state. Law enforcement contains the supremacy of substantial values, namely justice (Anita, 2022). Justice is beyond normative values and studying it is only through philosophical studies (philosophy) with critical thinking skills.

Regarding policy, it cannot be separated from political power in formulating legislation and the nation's strategic plan for preventing and eradicating corruption. If it has entered the political will, it is uncertain whether the law can be enforced optimally or not. Likewise, when the law is faced with political aspects, the law will automatically be reduced by the existence of political interests. This fact has been explained through Lev's (1964) opinion. When law and politics are linked, the law will be used to smooth the steps of political interests (Anggoro, 2019).

Political determination of the law greatly affects the accountability, credibility, and integrity of corruption prevention and eradication in Indonesia. Romli Atmasasmita also stated that several factors influence Indonesian legal products and are considered to be more repressive (oppressive) than responsive. Legal products will automatically be responsive to the interests of a handful of rulers who hold political power. Romli Atmasasmita also said that the legislative process that produces regulatory products is never free from entanglement with political interests, but is full of political interests (Mahfuz, 2020). This is because legislation is a product of the political process.

Political corruption involves bribery in politics. This is not only for financial gain but also to maintain power or influence in the public bureaucracy. Once back in power, the perpetrator will continue to regulate laws, regulations, and policies to benefit himself or his group alone. What is intriguing is that the requirements to become a candidate for President and Vice President remind us that anything can happen in the life of a state. Efforts to reduce the climate of democracy through all means that are considered unconstitutional are very damaging to the image of Indonesia as a state of law and a democratic country. This appears to be a weakness in Indonesia's electoral system.

In Indonesia, ex-convicts are allowed to re-contest elections, which is risky for the future. Moreover, ex-convicts of corruption cases are allowed to become representatives of the people or run for regional heads (Fariz, 2020). This is regulated in the Constitutional Court Decision Number 12/PUU-XIX/2023, which, in principle, allows former corruption convicts to run again as legislative members, specifically as members of the Regional Representative Council, provided it has been five years since being officially released from prison (Jufri, 2023). The argument to strengthen the participation of ex-convicts in electoral contestation is in the name of democracy and human rights regulated in the Constitution (Bapino et al., 2022). It is important to note that these arguments in the Constitution are only general and require further elaboration. For example, a former corruption convict with the initials WON filed a petition to the Supreme Court regarding the prohibition of former corruption convicts from contesting elections (Ruslan et al., 2021). The petition was granted so that the provision prohibiting former corrupt convicts from running as legislative candidates violates human rights, namely the right to be elected and to vote, and is contrary to higher laws and regulations.

When examining the fundamental aspects, the argument is indeed true. However, democracy also has its limits, with the prevailing concept in Indonesia being Pancasila Democracy and not absolute democracy. It would be wrong for a former convict particularly one convicted of corruption, to be allowed to run for office as a representative of the people or as a candidate for

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regional head. This is not in line with recruitment in various government and private agencies that make a police record certificate (SKCK) a basic requirement for selection. This is an injustice in the political policy bureaucracy in Indonesia.

Corruption convicts running for re-election as legislative candidates or regional head candidates is a manifestation of the weak culture of shame in Indonesia. The culture of shame and the culture of obeying the existing rules of law are aspects of legal culture that are poorly executed in this nation. According to Friedman, the chronic problems in the world today are related to the legal culture of society, which is difficult to discipline (Pahlevi, 2022). This is because human nature is equipped with the mind to do things according to their will. The poor legal culture of society also has a negative impact on law enforcement. The element of legal structure, which includes law enforcement agencies carrying out their duties properly according to the procedures will not run optimally if the people do not comply with the set rules. Likewise, even well-developed laws adopted from the community cannot work effectively if the legal culture of the community is not satisfactory.

The weak legal culture of the community or its state officials will have an impact on the decline in public trust in the government. Corruption in the political aspect can be seen in the decision-making process of a political policy. Efforts to reduce the high rate of nepotism in policy making can be made by maximizing transparency, accountability, and law enforcement systems with integrity and independence. Institutional reform of corruption eradication is crucial. Institutions engaged in eradicating corruption must stand independently, free from all entanglements of political interests. An institution will maximally carry out the task of supervision of other state institutions as users of state finances to prevent misappropriation of state finances if it stands independently. The independence of an institution will have a direct impact on the maximum task of preventing and eradicating corruption.

The independence of a country's anti-graft agency will ensure maximum efforts to prevent and combat corruption, as implemented by Denmark. In Denmark, there is an effort to insert juridical provisions in the fight against corruption into legislation within the Danish state authorities. Such a mechanism could very well be applied in Indonesia. It aims to maximize the national movement to eradicate corruption universally. Therefore, the slogan of the Corruption-Free Zone (WBK), or other similar terms, is considered unable to reduce instances of corruption in Indonesia.

Discussing Trias Politica, as taught by Montesquieu, the power in the state government is generally divided into three parts, namely the legislative, executive, and judiciary (Isnaeni, 2021). These powers in Denmark are independent of state institutions. The national parliament in Denmark, called Folketinget, is in charge of making laws that are in line with the noble values that live in the society. Meanwhile, the state administration is authorized to assist the government. The state administration is responsible for ensuring that laws and regulations enacted by parliament are implemented by all components of the nation. Judicial institutions such as the district court, high court, and supreme court are responsible for judging and making legal decisions. In Denmark, all components of the nation are responsible for preventing and combating corruption. Therefore, anti-corruption task forces are spread across each state and private institution in Denmark, which coordinate with the Danish anti-corruption agency and the police.

Unlike in Denmark, law enforcement in Indonesia is considered not optimal. The first factor causing this is the lack of legal independence. In principle, the law is a fundamental and absolute regulation. The law must be independent in providing limits and orders for behavior to achieve public order. However, efforts to enforce these rules should be a priority, free from any form of political conflict of interest. The second factor is the poor integrity, accountability, and professionalism of law enforcement officials. The legal culture of law enforcement officials is considered disappointing. The third factor is the legal culture of the community, which is the primary cause of not maximizing law enforcement. This is supported by a culture of legal noncompliance among the people, leading to numerous law violations. In principle, a country cannot make people obey the set rules. However, the mentality and culture of the people are easily influenced by negative perspectives. The fourth factor is related to the weak legal substance that is not responsive to the needs of the people. It is only responsive to the interests of government power holders.

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Denmark, as part of Northern Europe, has a population of about 5,850,189. The Danish government is a unitary parliamentary government with a constitutional monarch. Concerning the legal framework, especially in combating corruption, this country has a material law in the form of the Danish Criminal Code, which has been in effect since 1930 and has been revised from time to time. The Danish Criminal Code deals with the types of offenses and their respective penalties. It consists of 29 chapters and 306 sections. Chapter 16 of the Danish Criminal Code deals with offenses committed while performing public duties. Chapter 14 deals with offenses against public authority.

Bribery is part of the crime of corruption. The Danish Criminal Code provides for this in Article 122 of the Danish Criminal Code, which describes active bribery of the public. This refers to the act of promising to give a bribe, as opposed to receiving a bribe, for example, an attempt to bribe the police to avoid a fine or criminal prosecution. Meanwhile, Article 144 of the Danish Criminal Code describes passive bribery to the public, which is an act committed by someone who receives a bribe. This bribery is interpreted as passive, whether the person does or does not do something to persuade the briber in any way. Article 299 Paragraph (2) of the Danish Criminal Code describes private bribery, namely active and passive bribery to a private person. This article clarifies the criminalization of bribery in the private sector. A fine or imprisonment of up to four years shall be imposed on any person who accepts, solicits, or agrees to accept any gift or other advantage for themself or for any other person in contravention of their duty to manage property entrusted to them by another person, and on any person who gives, promises or offers any such gift or other advantage. There is no specific legislation in Denmark, such as Act No. 20 of 2001 on the Amendment of Act No. 31 of 1999 on the Eradication of Corruption.

The Danish Criminal Code regulates the act of bribery committed by the person acting as the recipient (Mirzaev, 2022). Concerning cases of personal bribery, the Danish Criminal Code Article 304a deals specifically with the bribery of an arbitrator. Article 24 of the Danish Criminal Code makes attempted criminal acts punishable. Enforcement articles relating to bribery and corruption are set out in the Danish Criminal Code in Articles 122, 144, and Article 299(2) of the Danish Criminal Code. Bribery is defined as bribery in the public and private sectors.

There are some differences between bribery in the public and private sectors. Section 122 of the Danish Criminal Code provides that any person who unlawfully gives, promises, or offers to another person in Danish, foreign, or international employment, a gift or other favor to induce such other person to do or not to do something, shall be liable to a fine or imprisonment for a term not exceeding three years. Such an act is called active bribery.

Active bribery is a simple provision that states that any person is a natural person, company, or institution, whether registered or not. The term public office or function in Denmark describes the extra-territorial jurisdiction (authority) of citizens. The acceptance, request, or promise to accept gratuities is described in one word as “unlawful.” The Danish Criminal Code includes the element of “favoritism” as one of the modes of corruption. This is typically an accurate element of the crime of corruption to catch the corrupt. However, this mode has not been adopted in the eradication of corruption in Indonesia. Favoritism is one of the indirect forms of corruption. For active public bribery, the penalty is no more than three years and a fine, and for passive public bribery, the penalty is no more than six years and a fine. Section 144 of the Danish Criminal Code makes it clear that any person who, while exercising a Danish, foreign, or international public office or function, unlawfully accepts, demands, or receives a promise of a gift or other favor shall be liable to a fine or imprisonment for a term not exceeding six years. Denmark provides for the combination of the offenses of bribery with embezzlement and fraud to be considered corruption offenses. There is no special defense for charges under Articles 122, 144, 299(2), and Article 304(a) of the Danish Criminal Code.

In Denmark, it is stipulated that any person who works for the state, a foreign state, or an international public office in relation to the Danish state is liable for bribery (Sambandan & Nadu, 2021). Provisions relating to the involvement of all government officials and private parties who are public officials in Denmark in terms of combating corruption are regulated in the Danish Criminal Code, namely, Article 122, which is also called the Danish Code of Ethics for Public Officials. This ensures that all parties are responsible for running a clean government and public

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office free from corruption, collusion, and nepotism. If the official receives, requests, or accepts a bribe, which includes gifts and other favors, then the recipient can be held criminally liable under penalty of a fine or imprisonment of more than six years. This concept has not been found in the prevention and eradication of corruption. This is characterized by a gap in charging the authority of state institutions in the prevention and eradication of corruption. For example, in Indonesia, the authority of Indonesian military institutions in the eradication of corruption has not been clearly regulated until now. This is indicated by the fact that the national anti-corruption agency is not allowed to investigate cases of corruption within the military institutions committed by military personnel. This is a weakness of corruption eradication in Indonesia compared to Denmark.

The Danish criminal justice system revealed that in Denmark, there is a risk of corruption in the judiciary. The judiciary is said to be independent and fair compared to other institutions, and the public has full confidence in the judiciary. Keep in mind that in Denmark, the position of judge is only given to people who have the best achievements in their careers. Unlike in Indonesia, the judiciary in Indonesia is decorated with political nuances. The selection of judges is not based on merit, but based on political interests, hence the frequent judicial improprieties in Indonesia.

Regarding the police system, it is said that in Denmark, the public has full confidence in the police. People avoid corrupting the police by giving bribes, and the police do not want to accept bribes. The police in Denmark are also considered the least corrupt institution. The Danish police have effective mechanisms to investigate and punish abuses of power and corruption in Denmark. This is in line with the mentality and legal culture of the people in Denmark, who are very law-abiding. The opposite is true in Indonesia. In Indonesia, public trust in law enforcement has declined. Anti-corruption policies that fail, will result in decreasing levels of public trust in law enforcement officials and the government (Ngatikoh et al., 2020).

Denmark has an effective mechanism to control or supervise corrupt practices from administrative authorities, supported, supported by an excellent police force. Unlike Indonesia, which has a special court for corruption, Denmark does not have a special court for corruption. Public trust in the police with its authority to investigate and prosecute corruption crimes, especially bribery (Huss et al., 2023). Land administration, taxation, customs, and public procurement maintain high levels of integrity that they have always earned public trust.

Denmark enforces anti-corruption laws and keeps all public service sector units honest, accountable, transparent, and in the public interest. Public officials are authorized to pay attention to the quality of honesty, transparency, and accountability, as well as public trust. Denmark's commitment to maintaining public trust is evidenced by its zero tolerance for individuals who violate the law and who will be replaced with moral people. Likewise, if public officials are involved in a scandal, they will resign from their positions with high awareness. This situation is not found in Indonesia. Officials in Indonesia have been immorally involved in criminal offenses, but there is no awareness to resign from their positions. Therefore, the difference between Denmark and Indonesia is the legal culture and awareness of compliance with the law. Denmark is a party to the Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, namely the EU Criminal Law Convention on Corruption, the UN Convention Against Corruption (UNCAC), and the EU Convention on Corruption Involving Officials.

Such benefits can be both financial and non-financial, such as intangible favors. The benefit must relate to the public official performing or not performing a function. However, this function does not have to be a violation of the official's duties. Further, the benefit must be improper. This requirement exists to have a de minimis requirement as to what constitutes a bribe. If a public official received a small gift on their birthday, this would be considered reasonable and therefore not covered under Section 122.

Public and private officials are prohibited from receiving unlawful benefits. The benefits are in the form of financial and non-financial benefits, such as intangible favors that lead to goals contrary to their authority. The advantage in question is an advantage in terms of impropriety. However, if it is only a small scope, such as a birthday gift, then it is considered reasonable and does not fall under Section 122 of the Danish Penal Code. Section 144 has a broader scope than

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Section 122, as it penalizes the act of receiving benefits or gifts. Section 144 of the Danish Criminal Code explains that the eligibility of the punishment is due to the following factors: (1) Nature and level of profit; (2) Position of the public official; (3) Whether the action results in a financial benefit to the public official; (4) Whether the public official took the initiative to commit the act or whether the public official had the mens rea to commit the bribery; (5) Transparency of regulations; (6) Whether the gift raises doubts about the impartiality of the public official to the public service.

The value of the benefit is an important factor in assessing whether or not a gift is unlawful. This is because a small value benefit has little or no risk of influencing the recipient of the gift to act unfairly and impartially in public service. Conversely, if the benefits provided to public officials are substantial, it will influence whether or not their performance is in favor of public service. Benefits are also more likely to be considered inappropriate if public officials obtain benefits that exceed reasonable limits. As is often the case in Indonesia, public officials have the mens rea to ask for bribes, benefits, and gifts from certain people to then smooth the steps of the gift giver, bribe, or profit giver. This practice happens frequently in Indonesia, and the main factor is the legal culture.

Denmark has no safe haven for the corrupt. In Denmark, documentation of economic transactions must be systematically recorded. Denmark has regulations related to transparency in the management of the state budget, and the wealth of public officials is closely monitored by an authorized institution, the Ombudsman. Bookkeeping is carried out to the maximum extent harmonized with the Danish National Bookkeeping Act.

The division of powers, as described in the concept of Trias Politica, adopted by Denmark, is well run. In Denmark, all institutions of power run according to their respective duties, principles, functions, and authorities without any intervention between one power and another. Indonesia adheres to the Distribution of Power, which is an elaboration of the Trias Politica concept taught by Montesquieu. In Indonesia, there has been uncertainty about the main tasks and functions between one power institution and another. There is a form of political intervention in the judicial power that is considered incompatible with the nature of the division of powers adopted by Montesquieu. Additionally, in a state of law, the judiciary must be independent and autonomous. The division of power is expected to create checks and balances within the government with independent executive and supervisory institutions and an independent judiciary. This concept makes this country embrace the Trias Politica system (Ruhenda et al., 2020).

The Danish Ombudsman is an independent institution engaged in monitoring the use of state finances for all forms of misappropriation (Drugda, 2019). It was established in 1955 in the public interest and aims to see transparency, accountability, and efficiency in government. It is also responsible for supervising, advising, and investigating officials who abuse their authority, resulting in losses to the state.

According to the report on fighting corruption in Denmark, there is an Ombudsman institution called the Folketingets Ombudsman or the Danish Parliamentary Ombudsman (Fikri & Hadi, 2020). It was the third to be established in the world after Sweden in 1809 and Finland in 1919. It has fully contributed to the country's system of governance and subsequently spread the idea of an ombudsman institution around the world.

This institution contributed the most to the spread of the Ombudsman concept, which is so flexible that it can adapt to state political policies. This condition makes it possible to monitor the performance of the state apparatus in using the state budget so that there is no misuse of state finances. This Ombudsman was originally tasked with receiving complaints from the public due to government administrative decisions that were considered detrimental to the community for further improvement. Now the authority of the Ombudsman has transformed into an institution that not only corrects government policies but also has the authority to criticize and oppose government administrative decisions contrary to the interests of the people.

The legal basis for the establishment of the Danish Ombudsman or the Danish Parliamentary Ombudsman is enumerated in the Danish Constitution of 1953, which stipulates in Article 55 that Parliament may appoint one or two persons to oversee the civil and military administration of the country. The selection procedure is enumerated in the Danish Ombudsman Act of 1996, which

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stipulates that Parliament appoints a new Ombudsman after every general election or when there is a vacuum of power. The requirements are a background in law and must not double as an active politician in the country's central, state, or local legislature.

The Ombudsman in Denmark cannot stand alone without the awareness of all components of the nation in realizing government transparency and accountability. The legal substance in Denmark applies to all corrupt people without discrimination. Equitable law enforcement by obliging all components of the nation to jointly prevent and eradicate corrupt practices with fair transparency. In addition, Denmark believes that efforts to prevent and eradicate corruption in the state system must apply existing juridical provisions. Law enforcement in Denmark is carried out by prioritising the principle of equality before the law, which means that everyone has the same position before the law. Law enforcement is carried out evenly and consequently, without discrimination in handling legal events. However, the approach to the principle of justice in law enforcement is exemplary. Therefore, it should be adopted in the law enforcement system in Indonesia.

Reconstruction of Justice-Based Corruption Eradication Policy Comparative Study of Indonesia and Denmark

No.	Indicators	Indonesia	Denmark
1.	Legal Substance	Indonesia has sufficient legal substance to prevent and eradicate corruption, namely Law Number 31 of 1999 as amended by Law Number 20 of 2001 on the Eradication of Corruption.	Denmark does not have as complex rules as Indonesia's corruption eradication regulations. Denmark only has the Danish Criminal Code, and the substance related to the prevention and eradication of corruption is integrated into various Danish laws and regulations.
2.	Legal Structure	Indonesia has an institution that is authorized to prevent and eradicate corruption, namely the Corruption Eradication Commission, abbreviated as KPK. This institution was established due to the inadequacy of other law enforcement agencies in combating corruption. This institution was established based on Law Number 30 of 2002, as amended by Law Number 19 of 2019 concerning the Corruption Eradication Commission. In Indonesia, there are still parties that do not have regulations for the prevention and eradication of corruption. For example, military institutions in Indonesia cannot be entered by the Corruption Eradication Commission to investigate and prosecute corruption cases committed by military personnel. We should reflect on Denmark where all components of the nation are responsible for the prevention and eradication of corruption. People always prioritize personal interests over public interests. So that people have little trust in law enforcement officials. Indonesia's	Denmark has an anti-corruption agency similar to the Corruption Eradication Commission in Indonesia. It is an independent institution free from the shackles of political power. The institution is independent and works closely with the Danish Ombudsman. In addition, special cases of corruption are usually authorized to be investigated by the Danish police, and the police determine whether or not the case can proceed to prosecution at the prosecutor's office. In Denmark, all government and non-government officials (private sector) are responsible for preventing and combating corruption. In addition, the whole society supports this. Law enforcement agencies have the full support of the public, and the public does not want to give bribes to Danish law enforcement officials. Meanwhile, anti-corruption institutions in Indonesia are independent and stand-alone, free from attachment to elements of political power.

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No.	Indicators	Indonesia	Denmark
		anti-corruption institutions are regulated by legislation.	
3.	Legal Culture	People in Indonesia do not yet have a legal culture that complies with the law, and legal awareness is weak. All components of the nation have been infected by the disease of corruption. This is due to the corruptive culture that has developed in Indonesia for generations. Additionally, the very high element of kinship causes corruption, collusion, and nepotism to be very high. The morality and culture of shame of officials who violate the law are very poor. Public officials have been found guilty of crimes, yet still do not show remorse and they enjoy the position they hold. This condition is far different from that in Denmark.	In Denmark, a culture of obeying the law is already present. The people have a strong sense morality and a culture of shame that is well maintained in the country. The culture of shame for officials found guilty of committing a scandalous act that violates the law in the country is so strong the official will resign without coercion from any party.
4.	*Perception Corruption Index*	Based on the Transparency International (TI) report, Indonesia has a Perception Corruption Index of 34 in 2023. The score has not changed since 2022. Indonesia's ranking decreased from 110th in 2022 to 115th in 2023.	Based on the Transparency International (TI) report, Denmark is the country with the best Corruption Perception Index in 2023 with a score of 90 and ranks first, followed by Finland with a score of 87.
5.	Judicial Institutions	Indonesia has its judicial institution that tries corruption cases, namely the Corruption Court. This is evidenced by the existence of Law Number 46 of 2009 concerning the Corruption Court.	Denmark, the least corrupt country in the world, with the best Corruption Perception Index, does not have a special judicial institution that handles corruption cases but returns to the general judicial institution to examine and try corruption cases.
6.	Scope of Anti-Corruption laws	Indonesia has a set of anti-corruption laws and regulations, but they do not comprehensively regulate and bind state institutions, one of which cannot be penetrated by Indonesian anti-corruption institutions, namely military institutions.	All parties, both public and private officials, and all those involved in the administration of Denmark must take responsibility for the prevention and eradication of corruption.

Corruption is a problem that cannot be solved until now. It has become one of the aspects that prevent Indonesia from becoming a developed and prosperous nation. This is because this disease can certainly hinder national development which causes the welfare of the people to suffer. In addition, the formulation of state policies is always dominated by political interests. This is what makes corruption difficult to eradicate from Indonesia. Corruption is the act or practice of mis-using power, authority, or resources attached to it, its organization, or government for purposes outside the interests of the public. It is classified as an illegal and unethical act that causes material and non-material losses to society. It is also detrimental to state institutions. According to Max Weber, a German sociologist, corruption is an act of using legitimate power in a wrong or illegal way. Weber considers corruption as a violation of bureaucratic ethics. Meanwhile, Lawrence Lessig, who is a Professor of Law and Political Activist, states that corruption is "systemic corrup-

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tion." Lessig considers that political and economic systems that are too dependent on political money and influence corporations can create systemic corruption that undermines democracy.

The current corruption eradication policy in Indonesia is still based on legal certainty by emphasizing repressive law enforcement. The reconstruction of justice-based corruption eradication policies is a complex challenge related to law enforcement (Setiyono et al., 2023). As a developing country, Indonesia has a long history of struggling against the crime of corruption that is rampant in the national bureaucracy. The legal system approach will always dominate discussions related to overcoming corruption crimes in Indonesia. The legal system consists of sub-systems consisting of substance, structure, and legal culture. Legal substance is a sub-system that explains the substance of legislation or positive law (Ius constitutum). Positive law can never be separated from an understanding of the basic law or constitution.

The substance is composed of substantive rules and also about, how institutions should behave. This implies that the substance of law includes laws and regulations that govern how organizations act within the scope of the state. The legal substance in Indonesia that regulates the eradication of corruption is regulated in Law Number 20 of 2001, which is an amendment to Law Number 31 of 1999 concerning the Eradication of Corruption. This juridical provision regulates law enforcement against perpetrators of corruption and strives to make the national bureaucracy run cleanly free from corruption. This regulation, when examined from the political aspect of the law, contains political interests. This is because political products include regulations that are formed from the political process. The substance of the law should contain values that function as regulations as well as commands and prohibitions. The substance of the law ideally contains noble values that are representative of society (the living law). Approaching social aspects and studying behavior in the legal system is one of the problem-solving mechanisms. One aspect relates to the prevention and eradication of corruption. To address this, it is necessary to transform the cultural mindset of those who think corruption is the norm, comprehensively changing society into one that obeys the law.

Article 27 Paragraph (1) of the 1945 Constitution strengthens Indonesia's laws regarding the eradication of corruption. Every citizen has a position in the law and government, and they are obliged to uphold the law and government without victimizing them. Based on the article, it means that the state, through its constitution, accommodates regulations so that the law is enforced without any exceptions. Therefore, efforts to eradicate corruption are further regulated through national legislation.

Article 28D Paragraph (1) of the 1945 Constitution stipulates that everyone is entitled to recognition, guarantees, protection, and certainty of a just law and equal treatment before the law. Both articles in the Indonesian Constitution legitimize the principle of legal certainty in law enforcement efforts against corruption. Talking about law enforcement efforts against corruption in Indonesia today are still influenced by a dominant political element. Political determination of the law results in the law being bound by political interests alone. This condition contradicts the prevailing principle in the 1945 Constitution which regulates the rights of the community to obtain legal certainty against law enforcement for criminal offences that occur free from all influences of political power that want to benefit themselves or certain groups.

The legal structure according to Friedman is the structure of a system is its skeletal framework, the permanent shape, the institutional body of the system. The legal structure includes both state institutions that operate in the fields of law and governance. It is this legal structure that will enforce the rules that have been set. The legal substance must be supported by elements of legal structure, namely elements that include law enforcement institutions that carry out the substance of laws and regulations (Karunia, 2022).

The third sub-system is legal culture. As Friedman also said, legal culture is an element of social attitudes and values. Community cultural behavior becomes a habit, concerning opinions, ways of doing, and thinking that influence social forces towards law or vice versa (Hutomo & Soge, 2021). This means that legal culture is an element of social attitudes and values. Behavior depends on judgments about which choices are useful or right. Legal culture refers in part to compliance with established rules. Legal culture is one of the sub-systems that is very difficult to enforce. This correlates with the pluralistic elements of diverse human characters.

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Denmark is a country with a Constitutional Monarchy and a Parliamentary system of government. In addition, the country has a central government and 98 administrative subdivisions in the regions whose leaders are determined through democratic political elections. The country adheres to the Separation of Power, which separates the powers of the legislature, executive, and judiciary. All institutions are separate and maintain their independence. The Danish Legislature (Folketinget) is in charge of passing laws that apply universally (Chronowski et al., 2019). In addition, the Legislature also sends two or more of its members to become the Danish Parliamentary Ombudsman to monitor and evaluate the bureaucracy, and the national economy. The goal is to create a clean government climate, free of corruption, collusion, and nepotism.

According to the Index Perception of Corruption, Denmark is among the best in the world. The country with the highest perception of corruption ranks first in 2022. This shows that the country is very transparent about its use of the state budget. Furthermore, it shows that the country is not affected by collusion, nepotism, and corruption of civil servants (Seregig, 2018). The country is known for social equity, equal rights, bureaucratic transparency, low corruptive behavior, a strong culture of law, and universal social welfare levels such as high minimum wages for workers. This increases people's happiness and ensures that there is low unemployment.

Denmark is a model country that has excellent political and economic institutions. This is because the country is stable, democratic, peaceful, prosperous, and has a very low level of corruption. It uses a constitutional monarchy system that always prioritizes the principle of law in running the wheels of state life. The study of legal history shows that elements, such as the rule of law, focus on the formation of civil servants loyal to the king. In addition, the state has played an important role in the development of anti-corruption mechanisms and practices in the country.

Conscious efforts were made by the country's rulers to build a reliable and loyal administration. During the 18th century, this gradually transformed the Danish administration towards the Weberian bureaucratic model and largely reduced the use of fraud, such as bribery, in administration. In the mid-19th century, the Weberian bureaucratic model was associated with various legal reforms that changed the conditions of civil servants and the persistent desire of the Danes to implement and ensure that anti-corruption legislation in politics and bureaucracy was maximized.

In Denmark, the Lutheran Reformation of 1536 played a crucial role in shaping the central government and society at large. After that, the King of Denmark presided over places of worship and accommodated them as part of the state. Thus, the reformation was successful and began to build a civilization and culture of a religious society that had an impact on people's compliance with legal orders. This reform marked the state taking over the responsibilities and obligations of realizing the welfare of society that were originally assumed by the church. The Danish Constitution restricted the king's power from doing anything contrary to the Constitution. Therefore, everything he does must be substantially based on what is stipulated in the Constitution (Sampe, 2022). The Supplikker System, was a petition to the king about alleged abuses of authority by royal officials (Vadenbring, 2023). Thus, strict penalties for abuse of power and the prohibition of accepting gifts as a form of gratification were enacted in 1676.

The regulation continues to evolve in accordance with the needs of the people. Abuse of authority is regulated in Chapter VIII of the Danish Penal Code known as Straffeloven of 1866 Juncto LBK Number 1034 of October 29, 2009, Historical in Article 76. This article explains that an act is classified as a criminal offense of violation of certain rights so that it is prohibited if the facts established show concretely the risk of abuse of official authority. This is emphasized in Article 80 Paragraph (2), namely that in assessing the severity of the offense, the danger of abuse of the authority of the position held must be taken into account. In addition, this article must be reaffirmed regarding whether the perpetrator is aware of his guilt or not. Consideration of the personal and social circumstances of the perpetrator of this crime must be prioritized. Ensuring the social status between the perpetrator of abuse of authority and other people who are prioritized with rewards that have the potential for bribery is a type of corruption.

Legal Substance is a supporting element related to the substance of laws and regulations as the main reference. This element includes commands and prohibitions and the obligation to comply with them. Danish legislation regarding the eradication of corruption is included in the country's

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Criminal Code. Based on the aspect of law enforcement, corruption crimes can be realized with the existence of legal substance that supports the government's corruption eradication policy program. Denmark is a party to several International Anti-Corruption Conventions such as the United Nations Convention Against Corruptions (UNCAC), the United European Convention on the Protection of the Interests of the European Community, the Criminal Convention on Corruption of the Council of Europe (ETS Number 173), and the Group of Countries Against Corruption (GRECO).

Chapter 27 Article 264 of the Danish Penal Code reads that it is specifically a factor that aggravates the juridical consideration in a particular case if there is a criminal offense of bribery that causes other significant harm or poses a particular risk. Bribery will lead to a violation of existing morals or ethics. Making a move by giving something in return for doing or not doing something contrary to the authority of the position is classified as the crime of bribery.

The amount of punishment related to the crime of bribery is regulated in Article 299 of the Danish Penal Code, explaining the prohibition of active and passive bribery in various fields, especially business, which includes employees and company agents. Article 299 of the Danish Penal Code explains that a fine or imprisonment of up to one year and six months is imposed on the perpetrator of the crime, in accordance with the juridical provisions in Article 280 of the Danish Penal Code. Article 299 Paragraph (1) regarding the issue of capital, that individuals must commit to another person who violates their duties, causing significant financial loss to the state if it has not been returned before the judgment by the judge of first instance. Paragraph (2) explains that the return of assets is based on the means of obtaining the reward to benefit oneself or one's group to smooth the steps of the reward giver, which are strictly against the obligations of the position that the person holds. Meanwhile, Articles 122 and 144 regulate bribery of public officials. Usually, this act is giving, promising, or offering to someone who has a public office function for illegal purposes.

Denmark is one of the countries that ratified the United Nations Convention Against Corruption treaty into the country's corruption eradication regulations, aiming to regulate corruption offenses involving various legal instruments designed to prevent and eradicate corruption on an international scale (Sakinah, 2019). The prevention and eradication of corruption is essential to ensure good and sustainable governance in a country. This effort is maximized when there is a specialized institution independent of other power authorities in handling corruption cases. Corruption eradication institutions that operate in investigating and prosecuting corruption cases are free from the intervention of any party (Kusuma, 2022).

Construction means to form or arrange in such a way. Reconstruction involves the repetitive process of rearranging something until it achieves unity. Legal policy reconstruction is the process of changing, renewing, or redeveloping existing legal policies to achieve more effective goals in accordance with changes in society or the environment. This involves reviewing the legal basis, objectives, and implementation of existing legal policies to make the changes needed by a nation. The existence of legal policy reconstruction is caused by a condition of not maximizing or uncertainty of a legal system consisting of sub-systems, namely structure, substance, and legal culture associated with the law enforcement process against corruption. Extraordinary efforts are needed to overcome the crime of corruption within the scope of the national bureaucracy in Indonesia. This reconstruction recommends an idea to overcome the problems of law enforcement related to acts of corruption in Indonesia that are not maximized.

Efforts to reconstruct criminal law enforcement policies against corruption crimes must be carried out globally and maximally in Indonesia. One of them is through a comparative approach with legal systems in other countries, particularly Denmark. In this country, there is an institution called the Ombudsman. This institution is appointed by the government and parliament to ensure transparency, accountability, and efficiency in government. This independent institution is outside the government appointed by the government to review every aspect of public services in various aspects. This institution acts as a watchdog and whistleblower and investigates public services that abuse authority. The independence of corruption eradication agencies is considered highly necessary to maximize the prevention and eradication of corruption free from political conflicts of interest.

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The prevention and eradication of corruption in Indonesia needs to be accomplished by reflecting on the policies carried out in Denmark. The country has carried out a total and comprehensive policy of giving authority and obligation to all components of the nation, starting from public officials and the private sector, to take part in the prevention and eradication of corruption in the country. Therefore, Denmark inserts an anti-corruption sub-unit that will coordinate with the Danish anti-corruption agency, the Ombudsman, and the police. This policy needs to be implemented in Indonesia by placing anti-corruption agency sub-units in all state and private institutions that correlate with state finances. Today the policy is only through the authority of the Corruption Eradication Commission to supervise and request reports on the prevention and eradication of corruption from the institutions concerned. If this mechanism is used, the reports submitted to the Corruption Eradication Commission will not be accurate and effective. Therefore, it must be a direct report from the anti-corruption agency sub-units in charge of all state and private institutions. To support this policy, legal substance is needed, namely anti-corruption regulations integrated into all national laws and regulations, to provide legal responsibility to all components of the nation to jointly prevent and eradicate corruption in totality. This will ensure that there are no more state institutions that cannot be entered by the Indonesian anti-corruption agency. This is a manifestation of equality before the law to realize equitable corruption eradication for all components of the nation.

It is not only limited to the supervision of the Corruption Eradication Commission but also a sub-unit of the Indonesian anti-corruption agency that is inserted into various state and private institutions to provide transparent, accountable, and integrity state financial management reports. To support this, it is necessary to reform legislation by inserting special regulations for the prevention and eradication of corruption in all national laws and regulations across sectors. This aims to prevent and eradicate corruption in a totality and comprehensive manner.

The Danish Ombudsman, together with the state financial auditor, combats corruption by state officials. This institution does not work well without a healthy law enforcement climate. Law enforcement against corruption is carried out professionally, proportionally, accountably, and with integrity. This effort can achieve maximum results if supported by various aspects, one of which is the legal culture of the community. The implementation of national policies and supervision of state finances from various forms of efforts to abuse their authority must have a strong legal basis (Yaro, 2023). This is what is called the substance of the law, which includes legal material as outlined in the legislation.

Keep in mind that the independence of an institution is needed to maximize law enforcement, especially regarding corruption crimes that have become rampant. The forerunner of the establishment of a corruption eradication agency in Indonesia was motivated by the inability of other law enforcement agencies to eradicate corruption. For a long time, corruption has been growing rapidly, which is not matched by consistent and sustainable law enforcement. This is due to the strong political influence in law enforcement, which has resulted in the process of upholding material criminal law related to the prevention and eradication of corruption not running well. The widespread conflicts of interest have resulted in substandard law enforcement against perpetrators of corruption crimes.

Another reason why law enforcement against corruption is not maximized is because the culture in Indonesia is still rooted in familial elements. This has led to a high rate of corruption, collusion, and nepotism. Such practices occur from the lowest to the highest level. The main solution is the need for an independent institution free from the attachment of political power authorities. An independent institution free from the entanglement of political conflicts of interest will carry out its duties and functions optimally for law enforcement.

Indonesia's corruption eradication agency is governed by the Corruption Eradication Commission Law No. 19/2019. A controversial change in regulation at the outset does not in any way indicate that this institution is free from political power. This is emphasized by making this institution an executive agency. In contrast, the anti-corruption agency in Denmark is highly professional and independent. This independence is considered the principle of justice in law enforcement. Therefore, improvements should be made to the substance and structure of Indonesian law, especially regarding the rules and position of the Corruption Eradication Commission in

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the constitutional sphere. Ideally, it should be in the form of an examination institution, and its authority is regulated in the constitution, which is equal to other power institutions. This is a constitutional concept in the aspect of institutional strengthening of corruption eradication that is based on the principle of justice. Justice must be interpreted broadly, namely as an effort to carry out the law responsibly, which is part of the implementation of the concept of justice in law enforcement, especially the eradication of corruption.

The substance of the law will talk about rules that contain commands and prohibitions, along with sanctions. The substance of corruption eradication in Indonesia should have a set of laws and regulations that are integrated into all other legislative substances in various aspects of nationality. This is the concept of justice in the legal substance related to corruption eradication regulations carried out equally in various national laws and regulations. Such a concept has been applied in Denmark, which has inserted a legal substance for the prevention and eradication of corruption in its various national laws and regulations. Denmark has set an example of corruption eradication and a bureaucracy with integrity. This approach is worth implementing in Indonesia. In addition, maximizing the confiscation of assets of corrupt officials is carried out to the maximum. Efforts accompanied by social sanctions against corruptors must also be maximized, as well as the total revocation of political rights from a former corruptor. Oversight of the state assets of state officials or civil servants must be carried out with accountability, credibility, and integrity. This is a wise implementation of justice and legal certainty within the framework of the Indonesian rule of law to realize a just, prosperous, and dignified Indonesia.

Conclusion

There are several conclusions First, corruption eradication policies in Indonesia are regulated in Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the eradication of corruption. Meanwhile, corruption eradication policies in Denmark are regulated in the Danish Criminal Code, namely in Article 122, Article 144, and Article 299 Paragraph (2) of the Danish Criminal Code. Corruption eradication policies in Denmark and Indonesia have significant differences. The policy of eradicating corruption in Denmark is regulated in the Danish Criminal Code and anti-corruption policies are integrated into various national laws and regulations, which, in essence, all components of the nation, from government officials to the private sector, are obliged to play an active role in the prevention and eradication of corruption. In contrast, Indonesia only has a special law that regulates the prevention and eradication of corruption. In Indonesia, corruption eradication policies have not been maximally implemented. This is constrained by substance, institutions, and the legal culture of society. In contrast to Denmark, corruption eradication policies are strongly supported by the mentality of the community, public transparency of state officials, public participation, the maximized role of the Ombudsman, and a legal culture of a society that is obedient and has high public trust in law enforcement officials and the government.

Second, the conclusion regarding the reconstruction of justice-based corruption eradication policies in a comparative study of Indonesia and Denmark will talk about efforts to make changes to corruption eradication policies to tackle the problem of corruption. Legal policy reconstruction is the process of changing, renewing, reorganizing, or redeveloping existing legal policies to achieve more effective goals in accordance with changes in society. The legal policy to eradicate corruption in Indonesia is still not optimal. Therefore, it is necessary to reorganize the justice-based corruption eradication policy in relation to a comparative study in Denmark. Justice-based corruption eradication means that corruption eradication takes an approach based on the principles of justice and develops public trust in public and private officials. Reconstructing corruption eradication policies based on justice, then reorganising policies in combating corruption through a justice approach by building the commitment of all components of the nation to work together in preventing and eradicating corruption. In addition to building the commitment of all components of the nation, the policy efforts that must be made by the Indonesian people are to include anti-corruption sub-units in all state and private institutions related to the use of state finances, and to make anti-corruption regulations integrated in all national laws and regulations as the mechanism for preventing and eradicating corruption in Denmark.

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Suggestion

In relation to corruption eradication policies, the legislature, government, and judiciary must conduct an in-depth study to examine the ideal corruption eradication policy by reflecting on Denmark. Then, there should be a total reform in the corruption eradication policy in Indonesia by reflecting on the eradication of corruption in Denmark. Reforms in various fields must be carried out and restore public awareness about the culture of obeying the law, being honest, and improve anti-corruption culture.

The reconstruction of justice-based corruption eradication policies by reflecting on corruption eradication in Denmark must be achieved as soon as possible. Efforts should be made to restore the essence and existence of Indonesia's anti-corruption institutions to their position as independent institutions that are free from any interests. In addition expected to insert anti-corruption institutions in all state and private institutions that are directly responsible to the Corruption Eradication Commission. It is not only limited to the supervision of the Corruption Eradication Commission, but also a sub-unit of the Indonesian anti-corruption agency that is inserted into various state and private institutions to provide transparent, accountable, and integrity state financial management reports. To support this, it is necessary to reform legislation, namely by inserting special regulations for the prevention and eradication of corruption in all national laws and regulations across sectors. This is to ensure there are no more state institutions that cannot be entered by the Indonesian anti-corruption agency. This aims to prevent and eradicate corruption in a totality and comprehensive manner.

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