

Corruption and female regional heads in Indonesia according to feminist legal theory

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Abstract: Corruption cases by regional heads nowadays do not only implicate men, but also women. This is evidenced by several cases that occurred involving female regional heads. Normatively, regulations related to women's rights have been well accommodated, especially regarding their rights to run for regional heads. Therefore, the concept of feminism that is applied is no longer related to the struggle for women's rights, but rather to ensure the quality of women's leadership in accordance with the goals of feminism. The study carried out is based on the concepts of liberalism, anti-essentialism, and postmodern liberalism. These three concepts are studied in relation to the variety of motives and accessibility of women's potential to commit corruption when they become regional heads. This article discusses at a practical level the leadership of women in regional positions who are involved in corruption. Drawing from several relevant court decisions, this article analyzes the factors of accessibility, impulsive buying, women's powerlessness, and gender bias in sentencing. The results of this study show that in some cases, there are factors that indeed lead female regional heads to commit corruption based on personal motives, but there are also those based on the context of powerlessness to regulatory factors that make women feel they are given "special" rights in the judicial process.

Keywords: Corruption; Feminism; Gender; Women.

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Introduction

Corruption is defined as a person's failure to comply with applicable norms and laws to promote his or her own interests, either alone or in collaboration with others. When there are technical problems in the community, the actions and judgment of regional heads are sometimes perceived as self-serving. In some cases, there are some conditions where the surrounding environment is not supportive of corrupt acts, which ultimately leads to decision-making that may be made in a way that affects the community as a whole due to corrupt behavior by the regional head. It is therefore necessary to establish mechanisms to correct this phenomenon (Fatkuroji & Meilinda, 2022). Statistical data on corruption crimes (TPK) reported by the Corruption Eradication Commission (KPK) shows that between 2006-2024, women were involved in TPK, except in 2009, when no data was found on women's involvement. In 2018, there were 30 women involved in corruption crimes. The phenomenon of women involved in TPK was highlighted again in 2024; there are already 138 women involved in TPK as of March 2024, as reported on the Corruption Eradication Commission's website on October 25, 2024. (Komisi Pemberantasan Korupsi, 2021). One such case was committed by Rita Widyasari, who is the daughter and second child of former Kutai Kartanegara Regent Syaokani Hasan Rais. Rita's father was involved in corruption of the 2007 Kutai Kartanegara regional budget, until on July 6, 2018, Rita was proven to have received Rp. 110 billion in gratuities along with her special staff member, Khairudin (Chaterine & Kuwado, 2024). In addition to this case, the mayor of Cimahi, Atty Suharti, was arrested for corruption in the construction of the Cimahi Upper Market. Atty was arrested with her husband, Itoc Tochija, who was the former mayor of Cimahi. In 2018, the

Corruption Eradication Commission (KPK) arrested Bekasi Regent Neneng Hassanah Yasin in connection with the alleged Meikarta development project (Nariswari, 2022). That same year, Irmas Aryumningsih, the Regent of Subang, was arrested on February 14, 2018 in connection with a bribery case for the processing of permits from two companies in Subang (Juliati, 2019).

In its development, Indonesian law has guaranteed women's political opportunities through the gender quota and the right of women's representation in the nominations of regional heads, which has been empirically fulfilled. As evidenced by the data collected from the General Election Commission, the percentage of women nominated as regional heads in the 2017, 2018 and 2020 Regional Head Elections (Pilkada) has increased. In the 2017 Pilkada, 7.26 percent of candidates for regional heads were women, which then increased to 9 percent in 2018, and in the 2020 Pilkada, women candidates for regional heads reached 10.73 percent. In line with the increase in women candidates for regional heads, their electability has also increased. In the 2017 Pilkada, 7.45 percent of female regional head candidates received the most votes. Then, in 2018, as many as 8.77 percent, and in the 2020 Pilkada, the electability of women regional head candidates reached 11.02 percent. This achievement in the 2020 Pilkada surpassed the previous period in the 2015 Pilkada, where the level of electability of female candidates was only 8.16 percent (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia, 2018). Based on this data, it can be concluded that the problem is no longer related to availability of women political leaders, but more so on maintaining the quality of elected women and ensuring fair law enforcement against them.

The issue of fighting for women's rights through representation at both the central and regional levels is triggered by the public assumption that women's leadership tends to be better than men's. (Pullen & Vachhani, 2021). On the other hand, the perception is different when looking at women politicians in countries where they are generally viewed as no less corrupt than their male counterparts. Reports in the media of women politicians in India such as Mayawati (BBC, 2012) Jayalalitha (BBC, 2014), and more recently KanimozhI (BBC, 2011), show that another country's experience may be different. In this case, the feminist issue is no longer about rights or availability of women politicians, but more so about maintaining their ethics and minimizing opportunities for corruption (Jha & Sarangi, 2018). In what is known as the first country to adopt affirmative action policies, the core of affirmative action in Indian politics lies in the reservation system. This system "reserves" positions in government jobs, governing bodies, and educational admissions for "scheduled castes and tribes" and other marginalized groups. Its roots can be traced to similar practices during the colonial period. After independence, India continued the reservation system through its 1950 Constitution and subsequent amendments in 1951. These provisions ensured representation of historically marginalized castes and tribes not only in the political sphere, but also in the employment and education sectors through set quotas. India later extended this initiative to "other backward classes" and "economically weaker groups" (Schotte et al., 2023). Affirmative action cannot work without the ethical conduct of public officials, whether women or men.

Given the diverse evidence of women involved in corruption, this article intends to analyze the correlation between corruption and bribery cases that occur with women's leadership—in this case, female regional heads in Indonesia—from the perspective of feminist legal theory. The argument is that women are essentially no different from men; corruption can occur among both women and men. When discussing traffic police in Peru, for instance, where women have never been subjected to the practice of accepting bribes, unlike men, "women will not passively conform to an idealized notion of their better moral nature when they have families to provide for and if there is money to be made from public office (Silalahi, 2018). Based on these cases, there are many factors that lead to women potentially committing corruption including social and family burdens.

The argument in this article is built by taking into account other factors that could potentially affect women's presence in employment and/or corruption, both of which relationships can be obscured. These factors, including cultural issues, democratic factors, gender inequality, and political dynasties and institutions that favor a particular gender, become particularly relevant in the context of

corruption and bribery involving female regional heads. For example, some argue that women do not have access to 'corruption networks' or knowledge of how to engage in corrupt practices in the same way men do, which is responsible for the observed negative relationship between women's participation and corruption.

In terms of feminist goals being upheld, gender-biased attitudes according to public assumptions lead to unfair law enforcement. Efforts to make political parties easier to elect have benefited from kinship politics. However, in the 2020 simultaneous regional elections, kinship politics actually degraded local democracy in Indonesia. Kinship politics under the leadership of Banten Governor Ratu Atut Chosiyah showed signs of spreading, not only in the legislative and executive spheres, but also in several areas of daily life. Kinship politics is a set of political tactics used to gain and maintain power by transferring it to networks with family ties, including wives, children, nephews and other relatives. Kinship politics is a phenomenon used to increase support for candidates in elections (Arianto, 2021).

In order to improve Indonesia's democratic standards, greater attention should be paid towards ensuring the independence and neutrality of government power. In this regard, political corruption is often understood as practices that deviate from the values of honesty, openness and accountability of authority when public servants or politicians abuse their position or authority to gain unauthorized personal or group benefits. Bribery, nepotism, clientelism (promoting a particular person or group), misappropriation of public funds, money laundering, conflict of interest, misconduct, and electoral fraud are examples of political corruption (Kelman, 2000). However, in order for democratic consolidation to mature and political dynamics to truly emphasize effective governance, conflicts of interest and power biases must be properly and proportionally eliminated (Umam, 2024). According to Agus Sumaryono, vice chairman of Indonesia Corruption Watch (ICW), women's willingness to engage in corruption stems from their lack of critical thinking. He added that Indonesia's patriarchal power structure impacts the number of women involved in corruption trials each year. Corruption will continue and even grow if the mindset of leaders is not changed. In addition to being leaders at home, women are also leaders in the public sector (Primudyastutie et al., 2022).

Based on these problems, this article will analyze women regional heads in the context of corruption from the perspective of feminist legal theory.

Method

The method used in analyzing legal issues in this article is generally used in empirical legal research. A non-doctrinal approach is applied that not only analyzes the norms in the laws and regulations relevant to corruption and bribery by examining the articles contained in them, but also the psychological and social aspects related to women leaders. Primary data is obtained through a normative approach to the norms of Indonesian legislation regulating corruption and bribery. Meanwhile, the non-doctrinal approach analyzes secondary data obtained through social media and other internet media sources. Data relating to personal figures, lifestyles, and the social strata of women regional heads is analyzed to build legal arguments related to corruption cases involving women regional leaders, which have become a phenomenon in Indonesia .

Results and Discussion

Feminist Legal Theory in Relation to Female Regional Heads

Feminism is an ideology centered around women's emancipation because its approach is based on the assumption that women face injustices due to their gender. In the context of female regional heads, feminist legal theory justifies equal treatment in legal protection related to regulations on corruption and bribery. Feminism is alternatively defined as a combination of social theory, political movements, and moral ideology motivated by women's freedom. The feminist approach looks at women's equality in fulfilling their rights, and examines women's struggle for power in greater depth.

Patriarchal culture positions women towards domestic roles. Women should be liberated and dare to unmask their minds, particularly in confronting self-distrust and weak attitudes that have been associated with women (Apriyani & Bangsawan, 2023). However, the recognition to give women a greater role cannot progress smoothly if it is not associated with the 'ethics' embedded in women who represent their regions. Feminism emerged to eliminate the dominance of male participation, but the efforts that arise from this inequality must be balanced with ethics in representing one's constituents so that these differences do not lead to cultural domination. As a result of this risk, the author argues that strategies for female representation must be critical of how inequality should be balanced with ethics.

Several studies looking at the correlation between corruption levels and women's representation in politics have found that corruption tends to be lower in countries with more women in political positions. However, in the case of Indonesia, with high opportunities for women's representation as regional heads, high levels of corruption occurs among female regional heads. The fact is that corruption does not recognize gender. Data shows that between 2004-2023, the KPK has taken action against 1,648 suspects, with 141 (8,55%) of them being female regional heads in Indonesia. Bribery and gratification has also pervaded families, involving wife-husband, husband-son, and wife-children relationships (Umam, 2024). This issue is examined more deeply based on three feminist legal theories.

Liberal

As explained by MacKinnon, liberal feminism is the originator of the rejection of masculine legal norms that underpin the sexist basis of the legal system; this rejection serves as its reformist praxis (Mackinnon, 1987). Corruption law enforcement already has juridical space, as provided in Law Number 31 of 1999 and Law Number 20 of 2001 concerning the Eradication of Corruption. Criminal sanctions for corruption are outlined clearly in Article 2 paragraph (2) of the Law on Eradication of Corruption. Although, in practice, there have been no court decisions that use this article as a legal consideration in carrying out punishment. However, the law expressly does not make a difference in enforcing corruption laws, to both women and men, as argued by MacKinnon to realize equitable law enforcement (Atmoko & Syauket, 2022)

This issue does not then ensure fair law enforcement. Some of the problems that persist are related to the potential for leniency in sentencing, especially when it involves women. There is potential for law enforcement officials to introduce gender bias so that the gender-biased law enforcement process is actually used as an excuse to provide leniency. It is necessary to apply gender-based justice even before the law enforcement process reaches the sentencing stage by judges, including in the context of suspension of detention. Constitutional Court Decision Number 21/PUU-XII/2014, which regards the expansion of detention requirements in Article 21 paragraph (1) of the Criminal Procedure Code, essentially states that detention can only be carried out by first having two pieces of sufficient evidence. This was initially a progressive initiative from the Constitutional Court to provide legal certainty in detention. and provide anticipatory steps to avoid arbitrary actions from investigators, prosecutors, and judges in conducting detention.

However, the problem that makes the suspension of detention for women difficult to achieve is related to the meaning of the term "concern" in Article 21 of the Criminal Procedure Code, which is interpreted by the Constitutional Court to be read in conjunction with Article 77 of the Code. In this case, the meaning of "concern" by law enforcement officers can be applied as long as it has gone through the pre-trial process. The Constitutional Court's decision aimed to avoid subjectivity. However, there are several considerations that ultimately still state that the term "concern", which is read as a whole article with Article 77 of Criminal Procedure Code, only reaches the formal procedural stage of the judicial process. The following considerations are:

1. Returning to the procedure of pre-trial detention, which is only accidental when a lawsuit is filed, will result in a lengthy pre-trial process and make it difficult to suspend detention.

2. The formal procedural shift of Constitutional Court Decision No. 021/PUU-XII/2014, which is again restricted through Supreme Court Regulation No. 4/2016 on the Prohibition of Reconsideration of Pre-Trial Decision due to the subjective requirements by the police.

Based on this context, the subjectivity in granting suspensions has the potential to result in gender discrimination in its application between women who are suspected of corruption. **This applies equally to judges in giving sentences.** For example, former Tabanan Regent, Ni Putu Eka Wiryastuti, a defendant in a bribery case regarding the management of the Regional Incentive Fund (DID) for the 2018 fiscal year, was sentenced to two years in prison by a panel of judges at the Denpasar Corruption Court. In contrast, the verdict against the inactive Kutai Kartanegara Regent, Rita Widiasari, was sentenced to 10 years in prison and a fine of Rp 600 million in lieu of six months imprisonment. Rita was proven to have received Rp 110.7 billion in gratification money from the Kukar Regency government related to project licensing. However, this decision cannot be applied universally because judges must rely on their own legal considerations when passing a verdict. There are still variations in the sentences imposed, as judges base their decisions on various factors. In fact, there are still differences in the decisions of other judges. Its discrimination is because the considerations of judges will obviously lead to different consideration eventhough the defendant's crime is even more severe.

Anti-Essentialist

Anti-essentialist feminist legal theory recognizes that each woman's identity is a factor in all actions taken by women, so the law does not affect all women in the same way (Levit & Verchick, 2015). It is about building true equality for all people regardless of gender, race, sexual orientation, class, or disability. (Warner, 2016). Based on this theory, it is reasonable to reform the law to realize equality by improving accessibility in combating corruption against regional heads, so that the variety of legal factors that can influence women's actions can be renewed in the same way.

Therefore, it needs to be understood that in order to overcome gender bias and carry out equitable corruption eradication among regional heads, it is necessary to first improve several factors that contribute to this issue. **First**, guidelines for the punishment of corruption must be addressed. The law itself already regulates the range of sentences that can be imposed by judges. However, with clearer guidelines in the laws and regulations, the decision will be more accountable. Cassia C Spohn, Professor of Criminal Justice at Arizona State University, states that judges must have clear considerations when determining the amount of punishment. This means that if there is a disparity between the verdict and the charges, the considerations must be stronger and more justified to warrant such disparity. Until now, efforts to prevent disparities have only taken the form of circular letters. In 2009, the Supreme Court issued a circular letter for the development of judge personnel. One of them ordered the head of the appellate court to prevent disparity in decisions. Similarly, in 2010, the Attorney General's Office issued a circular letter on guidelines for prosecuting corruption cases.

Second, the length of law enforcement against corruption cases involving regional heads is related to the president's approval to eradicate corruption. If a regional head (city or district) or governor becomes a suspect of corruption or only acts as a witness, permission from the president must be sought to investigate the matter. This refers to Local Government Law No. 32/2004, Article 36, which states that presidential permission is required within two months. After that period, whether or not there is a response from the president, the investigation can then proceed. This issue of presidential permission is used as a tactic to drag out and delay investigations by the prosecutor's office or police against regional heads. The two-month period is questionable in practice. By custom, the prosecutor in charge of the case must apply for permission through a number of convoluted channels rather than directly to the president during the two-month period. The Attorney General's Office (AGO) will first request a recommendation from the prosecutor's office. At the AGO, there is no time limit on the process. The only reference is the two-month period after the AGO sends the request to the Cabinet

Secretary and it is received with the Cabinet Secretary's register number. One can imagine the length of time it takes to obtain presidential authorization.

The third factor is related to muspida plus. The head of the region (city, regency, and governor) has the highest authority, while the prosecutor's office and district court are components of muspida. It is difficult to investigate criminal offenses committed by regents, mayors, or governors because law enforcement is coordinated by the regional head. Coordination, pakewuh, and ewuh make it difficult for law enforcers to perform their duties effectively. As a result, many cases of alleged corruption involving regional heads are Warrant Termination of Investigation (SP3) or deemed not to meet the criteria of corruption crimes.

Given the various problems discussed above, the licensing process for investigating regional heads needs to be shortened, or even abolished, if the government is serious about accelerating the eradication of corruption. Why does a request have to wait two months after it is received by the Cabinet Secretary? Given that it is submitted by the investigating prosecutor, is it not possible to shorten it to two months? Presidential Instruction (Inpres) No. 5/2004 on the Acceleration of Corruption Eradication is closely related to this. As a result, the president should review the procedures for granting licenses, which have so far been an obstacle in the implementation of the Presidential Instruction. In addition, ad hoc courts specializing in corruption cases should be established in each region, particularly if the muspida plus concept hampers the pace of corruption eradication in certain regions (e.g., regional Tipikor courts).

Postmodern

Postmodern feminist legal theory emphasizes that, in the perspective of gender and law enforcement, there will always be many factors and considerations that become the basis for taking an action. There is no fixed definition that can explain concretely the meaning of gender or the actions taken by women, all are dynamic. Postmodern feminist legal theory seeks to deconstruct gender, focusing on how men and women act under the applicable law depending on the underlying motives (Frug, 1995). This is evident from several court decisions which have different legal considerations based on the underlying motives of female regional heads in committing corruption. The nature of these decisions are dynamic and not limited to the categories of male or female perpetrators. The following cases are discussed:

Light verdict

The judge in Eka Wiryastuti's case with decision number 16/Pid.Sus-TPK/2022/PN Dps handed down a light sentence because the panel of judges considered that the defendant, Eka Wiryastuti, and witness, I Dewa Nyoman Wiratmaja (defendant in a separate file), had arranged Local Incentive Fund (DID) for the benefit of Tabanan Regency. Although the provision of extortion money is an unlawful act, Dewa Wiratmaja, the defendant and witness, as well as other Tabanan Regency government officials, thought that this was the only way to reduce the budget deficit at that time. This indicates that the defendant and witness, I Dewa Nyoman Wiratmaja, could not refuse the offer because they wanted the DID to pay for Tabanan District's financial deficit. He continued to explain that in order to cooperate with Bahrullah Akbar, former Deputy Chairman of the Supreme Audit Agency (BPK), the defendant Eka Wiryastuti sent the witness, I Dewa Nyoman Wiratmaja. In addition, the panel of judges considered that the verdicts of Eka Wiryastuti and Dewa Wiratmaja were also influenced by the testimony of witness, Yaya Purnomo, a convicted bribe recipient. The panel of judges imposed a lighter sentence than the prosecutor's demands by considering these matters.

Severe verdict

Rita Widyasari was given a heavy sentence in the verdict of the Jakarta Central District Court Number 10/Pid.Sus-TPK/2018/PN Jkt.Pst. The verdict was handed down on the basis that the government's efforts to eradicate corruption were not supported by Rita's behavior of accumulating

wealth from company deposits. Rita was considered a regent who can't be a role model. However, the judge cited Rita's polite demeanor during the trial and the fact that she had never been found guilty as mitigating circumstances. In addition, Rita Widyasari received bribes of Rp 6 billion related to the issuance of location permits for oil palm plantations and a total of Rp 110 billion from projects within the Kutai Kartanegara Regency government.

Based on these two cases, if viewed from a postmodern feminist lens, the motive of women to gain "access" to commit corruption plays a big role. The application of lighter versus heavier sentences by judges is also based on the potential and access that women as regional heads have in committing corruption crimes. The case experienced by Eka Wiryastuti, which left her with no choice but to be cornered into corruption, provides a conclusion regarding how gender relations can limit women's opportunities to be involved in corruption unless they can access higher decision-making. Women are traditionally underrepresented in male-dominated arenas where corruption occurs, such as trade and politics, and in many countries, citizen interactions with public officials in general (Goetz, 2007). Supporting women's participation in public life should therefore be pursued and promoted as a human right, not merely as an anti-corruption strategy. The availability of representation is all the more important because women have fewer opportunities to participate in public life and influence policymaking; they are largely dependent on policies designed by men to meet their specific needs. In Scandinavian countries, for example, research shows that when women's participation is high (30 percent) for a long period of time, public policies become more responsive to their policy concerns, such as social, family, or gender equality (Silalahi, 2018).

Women's leadership in corruption-involved regions

Aristotle said, "the higher man's regard for wealth, the lower man's regard for decency, truth, and justice" (Primudyaastutie, hal.76). Likewise, when regional heads commit corruption to enrich themselves as a form of financial gain, then the corruption committed is what indicates that they have disregarded respect for others, because corruption is the same as violating the rights of others (Primudyaastutie et al., 2022).

Corruption results in declining social welfare, thus the wider community is forced to suffer from the behavior of the corrupt. Corruption is an infectious disease that, if not addressed, leads to a decline in the quality of human behavior and life at large (Putra & Linda, 2022).

Normatively, advocates for feminism emerge because of the unequal gender relations between men and women formed in social, political, and cultural practices that reflect a patriarchal social system. According to Febrianto (Firdaus, p.4212), gender equality provides men and women with equal opportunities to exercise their rights as human beings, enabling them to actively participate in various fields, including politics, law, economy, social life, defense, education, security, and equally enjoy the benefits of development outcomes (Firdaus et al., 2023). There should be no difference between male and female regional heads; they should have the same fulfillment of opportunities.

Empirical facts suggest otherwise. Several factors underlie why women regional heads may still be involved in corruption. **First, accessibility due to political dynasties.** Research by Akbar Faizal at the Nagara Institute found that there were 124 regional head candidates for simultaneous regional elections in 2020 who were influenced by political dynasties. One of them occurred in the winning of the Atut family's candidacy, which reflects the grouping of supporting parties based on shared interests. The Golkar Party formed a pattern where it placed Atut's family in the composition of global management. Prospective candidates who have a background in political dynasty defense, such as Ratu Atut's family, gain advantages such as increased popularity (Hafsari et al., 2022). It can be observed that political dynasties will lead to the monopoly of policies taken unilaterally by one family and the death of the regional elite circulation process, as it becomes controlled by one political family that regulates the entire project process.

Ratu Atut was arrested by the Corruption Eradication Commission (KPK), though the power of her family's political dynasty remains unshaken. This was evident in the 2015 regional head election in

Serang Regency. This success cannot be separated from the network of power that has been built by Tubagus Chasan Scochib, Ratu Atut's father. The political dynasty of the Atut family remains strong due to having established an a political dynasty with a vast network, a well-planned political strategy, and the low level of political participation of the people of Banten (Sukri, 2020).

The high involvement of women in political dynasty corruption cases compared to men can be understood through women's tendency to prioritize close social relationships, particularly when it is related to the family. Women tend to rely on external factors, such as opportunities and luck, which are beyond personal control. Family relationships are an important source of social support, providing a sense of respect, attention, recognition, unity, and positive reinforcement of actions taken. Cross and Madson explain that women have a level of interdependent self-construal that exceeds men. Interdependent self-construal leads to a view that sees others as part of oneself, thus encouraging a person to adjust to the expectations and needs of others (Trihastuti, 2022). It can be seen that political kinship influences corruption and bribery because there is a sense of protecting the family, even if the actions are unethical.

Political parties and their cadres try to compete for power, while still maintaining their power by placing productive cadres and including their relatives, thus forming political dynasties. The government, which has the authority to eradicate dynastic politics, must issue policies that overcome these problems (Rifadhana et al., 2024). Increasing government effectiveness in improving political stability is particularly important in countries with poor political outcomes. Public policy and enhancing corruption control efforts is a key strategy to maintain political stability and moderating the relationship between government effectiveness, corruption control, and political stability (Kartiko, 2024). Political parties determine the candidates eligible for nomination, which in practice, is not uncommon for them to be family members. This forms a large and entrenched force that complicates monitoring in each party, because the parties who are supposed to supervise are unable carry out their roles because there is a sense of kinship.

Second, the impulsive buying nature of women. Career women are very concerned about appearance, which triggers a culture of shopping lifestyle and hedonism that leads to high impulsiveness. Consumer psychology ultimately has the potential to lead to unplanned purchases or impulsive buying. The desire to buy a product, which is hedonic in nature, will induce feelings of pleasure and happiness and thus encourage consumers to make unplanned purchases. Compared to men, women have higher levels of brand commitment, hedonic consumerism, and impulse buying. Self-control is not able to weaken the influence between hedonic motives on impulse buying, but it is able to weaken the influence between shopping lifestyles on impulse buying (Oktafianis et al., 2024). Self-control has an influence on impulsive buying, whereas hedonic shopping motivation has no influence on impulse buying. (Sarni et al., 2020) Ratu Atut's case shows impulsive buying, even every time he visits the city, he will visit luxury goods outlets to spend tens to hundreds of millions of rupiah per shopping. Atut's shopping hobby was seen when shopping abroad in 2012 she even went to the Salvatore Ferragome outlet spending Rp. 30 million, bought children's clothes at I Pinco Pallino SA for Rp. 40 million, even visited the Hermes boutique and spent almost Rp. 50 million. During her four days in Tokyo 2012, she bought Hermes products amounting to Rp. 430 million, and even visited the Daikokuya-Tokyo luxury goods store and spent almost Rp. 100 million. Atut used her credit card to pay for purchases that led to high bills (Pusat Data dan Analisa Tempo, 2021).

Third, the powerlessness of women as regional heads. The feminine nature of women is susceptible to physical weaknesses and mental intimidation. Women as whistleblowers in corruption crimes must be given physical protection as well as spiritual, mental, and psychological guidance. Whistleblowers are parties who have high awareness regarding their duties and responsibilities as public servants and community members (Simbolon, 2019). The government should be able to issue policies that can establish a healthy system in public office.

Fourth, gender bias in punishment. There are a number of factors to consider that can mitigate punishment in a criminal offense: first, it includes characteristics such as the nature, events, and

circumstances surrounding the criminal offense, which provide an overview of the context that influenced the conduct; second, the analysis should not only be limited to the technical elements of the criminal offense, but also include elements that can provide a deeper understanding; third, it is necessary to consider the extent of the impact of the criminal offense or the level of dangerousness of the offender; fourth, consider the actions of the perpetrator in reducing the severity of the crime committed; fifth, aspects related to the criminal act that affect the level of guilt of the perpetrator; sixth, sociological factors that provide relevance or meaning to the punishment imposed (Purba et al., 2024). The sociological context will affect gender bias in sentencing, because the motive is the background or social conditions in which an event occurs.

Differences in sentencing decisions for corruption cases in Indonesia are caused by weaknesses in the legal system, statutory provisions, aspects related to the judges themselves, and the absence of uniform guidelines. Indonesia's legal system adheres to a civil law system that emphasizes the rule of law, which causes previous decisions not to be followed by other judges. Different laws to indict corrupt actors will lead to different decisions by judges. This is caused by the understanding of the judges themselves that there are diverse ideological basic values and philosophies of punishment. There are no common guidelines, which result in differences in criminal decisions that are ideologically justified, but on the other hand contain weaknesses. (Langkun et al., 2014). Consideration of Supreme Court Decision Number 10/PID.SUS-TPK/2021/PT DKI regarding Pinangki, who was the defendant, mitigated the defendant's sentence because Pinangki was a mother who had a 4-year-old child who deserved to be taken care of and provided love. (p.141) The decision illustrates the occurrence of gender bias, which influenced the initial decision of a 10-year sentence to be reduced through Appeal Decision Number 10/PID.SUS-TPK/2021/PT DKI to become 4 years and a fine of Rp 600 million.

The trimming of criminal penalties for corruptors on the basis of gender is contrary to equality before the law. 1945 Constitution article 28d paragraph (1) states that "Everyone has the right to recognition, guarantees, protection, and certainty of a just law and equal treatment before the law." The objectives of the law—namely certainty, justice, and benefit—should be reflected in its enforcement (Syahril & Rasji, 2021).

There is gender bias in judicial practice due to behaviors and decisions made by law enforcement officers in carrying out their duties (Kelompok Kerja Perempuan dan Anak Mahkamah Agung RI Masyarakat Pemantau Peradilan Indonesia Fakultas Hukum Universitas Indonesia (MaPPI FHUI), 2018). Gender, in this context, can only be applied for a certain circumstances. The Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2017, concerning Guidelines for Adjudicating Cases of Women Against the Law, clearly states that not all gender-based punishments in favor of women can be given for all stages of the criminal justice process. According to Article 1 paragraph (1), "Women against the law are women in conflict with the law, women as victims, women as witnesses or women as parties," meaning that women involved in corruption cases, and even defendants, are not included in this provision.

Feminist legal theory can analyze several aspects of corruption and bribery involving female regional leaders. The first aspect is the legal process. In this context, Indonesian law has provided the same legal processes for male regional heads and female regional heads. The laws and regulations governing corruption and bribery are intended for both genders. Additionally, legal protection and treatment before the law for perpetrators are also provided the same arrangements. The legal framework in Indonesia relevant to corruption and bribery has actually adopted the idea of the *liberal equality* model, which emphasizes a *rights-based approach*. The same rights and treatment are afforded to perpetrators of corruption and bribery, including female regional heads. The opportunity and contextual aspects of corruption and bribery committed by each female regional head can reflect the *anti-essentialist* model, which in feminist legal theory, can be analyzed through the personal background and individual experiences of the female regional head. Thus, corruption and bribery committed by female regional heads are based on different motives; the existence of opportunity motives cannot be equated among them.

The legal process pursued by female regional heads involved in corruption and bribery shows differences in the name of justice and humanity. The argument that a woman is a mother figure or other biological considerations lead to different perceptions of women, even though they have committed corruption and bribery. Women who have committed corruption have lost their humanity. Thus, gender should not be a differentiator in treatment before the law.

Rita Widya Sari, the Regent of Kutai Kartanegara and the regional leader of the Golkar Party of Kutai Kartanegara Regency, was sentenced to 10 years in prison in a corruption case that reached Rp. 49 billion. Corruption in the health sector occurred because Regent Rita Widyasari and her team concentrated full control of power. They used institutions to fulfill their interests by taking advantage of the implementation of projects overseen by the Health Office and the Public Works Office (Bina Marga), such as the AM Parikesit Tenggarong Hospital and Dayaku Raja Hospital in Kota Bangun, Kutai Kartanegara Regency. Their actions are a pattern of corruption without direct theft, where prices were set by the government, but the officials extorted compensation from the project implementers (Wahyudi, 2024). According to research done by Almas (2019, p.46), a corruption case with allegations for election funding involved Rita Widyasari, who accepted gratuities for licensing projects in the Kutai Kartanegara Regency government, where the projects' profits were used to give to Rita Widyasari's success team. (Sjafrina, 2019)

Almas also discusses Atty Suharti (2019, p.46), another corruption case with allegations for election funding. Atty took bribes for the construction of the Barokah Market in Cimahi, allegedly to advance in the Cimahi Pilkada (Sjafrina, 2019). Atty and Itoc obtained Rp 500 million from businessmen Triswara Dhanu Brata and Sani Kuspermadi in exchange for a promise to appoint their company as the developer of the Cimahi New Upper Market phase II development project in 2017, which had a budget of Rp 57 billion. The corruption court at the Bandung State Court sentenced him to four years in prison (Saputri, 2017).

Neneng Hassanah Yasin was proven to have committed a criminal act of corruption for receiving a total amount of Rp 1.5 billion in installments as a gift from PT Lippo Karawaci Tbk. The payments were related to the preparation of the Bekasi Regency Spatial Planning Detail Plan (RDTR) of the Bekasi Regency Spatial Planning and Settlement Office and recommendations for 53 site plans and block plans for the Meikarta apartment project. This was confirmed by the Judicial Review Number 193 PK/Pid.Sus/2020. Neneng owns a luxury house and five luxury cars with black license plates (Parehvi & Belarminus, 2018).

According to cassation verdict Number 285 K/Pid.Sus/2015, on October 1, 2013, Ratu Atut and Tubagus Chaeri Wardana gave money amounting to Rp 1 billion to Judge Akil Mochtar, who was a Constitutional Judge handling the case of Amir Hamzah and Kasmin, who were part of Ratu Atut. At that time M. Akil Mochtar was the Chairman of the panel of judges based on the Decree of the Chairman of the Constitutional Court Number: 747/TAP.MK/2013, which granted the application for Constitutional Case Number: 111/PHPU.D-XI/2013. Ratu Atut served as Governor of Banten, appointed under Presidential Decree of the Republic of Indonesia Number 73./P in 2011, and was Chairperson of the Women's Empowerment Division of the DPP Golkar Party between 2010-2015. On September 22, 2013, Tubagus Chaeri Wardana Chasan held a meeting with M. Akil Mochtar to discuss efforts to win the Constitutional dispute filed by Amir hamzah and Kasmin regarding the 2013 General Election of Regent and Deputy Regent of Lebak Regency. From this action, Ratu Atut Chosiyah was found to have committed the crime of corruption jointly. Her actions caused her to be sentenced to imprisonment for 7 years and a fine of Rp 200 million, with the provision that if the fine is not paid, it will be replaced by additional imprisonment of six months. She was also deprived of her right to be elected to public office. Atut was known to have diligently approached party leaders in the region. A regional leader in the party even stated that Atut knew about the birthday of the party leader's son, and had gifted Rp 25 million when she was invited to celebrate the son's birthday (Tempo, 2019). These cases highlight the factors of luxury, dynastic politics, and expensive political costs as some of the causes of corruption which involve women in the political vortex.

Conclusion

In feminist legal theory, corruption and bribery involving female regional heads can be explained through three aspects. The regulatory aspect refers to laws and regulations which provide the same prohibitions and threats to everyone. Even when the perpetrator is a female regional head, the law guarantees the same legal treatment and protection. In this aspect, feminist legal theory aligns with the liberal equality model, the concept of equal rights. In terms of the opportunity aspect, as in the opportunity for corruption and bribery to occur, the anti-essentialist model of feminist legal theory suggests that the identity and personal background of the female regional head figures involved in corruption and bribery are aspects that should be observed differently. In the name of justice, the law cannot equalize the legal process of corruption and bribery committed by a female regional head. In the context of the postmodern model, the issue of corruption and bribery committed by female regional heads can be explained through the fact that the legal process and decisions against female perpetrators are generally different from those applied to male perpetrators. Feminist legal theory shows the different context between men and women based on biological differences, and that in this case, the social strata of women and men in society are still different. Empirical facts show that there are several factors that underlie the continued involvement of women regional heads in corruption: first, accessibility due to political dynasties; second, the impulsive buying nature of women; third, the powerlessness of women as regional heads; fourth, gender bias in punishment. Prevention of corruption can begin with each individual woman, starting with instilling self-control through religious values (religious norms) and strengthening one's religious faith. Additionally, prioritizing self-control influenced by legal norms will affect legal awareness, so that women are more afraid of sanctions tied to their positions, which may also be influenced by the personal and social relations in her environment.

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References

- Apriyani, S., & Bangsawan, A. (2023). Gerakan feminisme melalui keterlibatan perempuan dalam kegiatan politik menurut pandangan Islam. *Jurnal Tapis: Teropong Aspirasi Politik Islam*, 19(1), 1–23. <https://doi.org/10.24042/tps.v19i1.16780>
- Arianto, B. (2021). Menakar politik kekerabatan dalam kontestasi Pemilihan Kepala Daerah 2020. *Jurnal Ilmu Politik Dan Pemerintahan*, 7(1), 81–98. <https://doi.org/10.37058/jipp.v7i1.2844>
- Atmoko, D., & Syauket, A. (2022). Penegakan hukum terhadap tindak pidana korupsi ditinjau dari perspektif dampak serta upaya pemberantasan. *Binamulia Hukum*, 11(2), 177–191. <https://doi.org/10.37893/jbh.v11i2.732>
- BBC. (2011). *Indian MP Kanimozhi arrested in telecoms scandal*. BBC News.
- BBC. (2012). *India court boost for Mayawati in wealth case*. BBC News.
- BBC. (2014). *Top India politician Jayalalitha jailed for corruption*. BBC News.
- Chaterine, R. N., & Kuwado, F. J. (2024). *Profil Rita Widyasari: Eks Bupati Kukar, ikuti jejak ayah korupsi hingga puluhan mobil disita KPK*. Kompas.Com. <https://nasional.kompas.com/read/2024/06/09/08351521/profil-rita-widyasari-eks-bupati-kukar-ikuti-jejak-ayah-korupsi-hingga?page=all>
- Fatkuroji, I., & Meilinda, S. D. (2022). Pilihan publik dalam serial kasus korupsi kepala daerah. *Integritas : Jurnal Antikorupsi*, 7(2), 345–358. <https://doi.org/10.32697/integritas.v7i2.799>
- Firdaus, D. N., Fajrussalam, H., Halimah, N. Fitri, Trisnawati, P., & Rohimah, R. (2023). Kontroversi

- kepemimpinan wanita Indonesia dalam Islam. *Jurnal Pendidikan Tambusai*, 7(1), 4202–4220. <https://doi.org/10.31004/jptam.v7i1.5911>
- Frug, M. J. (1995). A postmodern feminist legal manifesto (An unfinished draft). In *After Identity* (Vols. 1–17). Routledge.
- Goetz, A. M. (2007). Political cleaners: Women as the new anti-corruption force? *Development and Change*, 38(1), 87–105. <https://doi.org/10.1111/j.1467-7660.2007.00404.x>
- Hafsari, I., Andriyani, L., & Setiawan, A. (2022). Rekrutmen partai politik dalam pembentukan Dinasti Ratu Atut Chosiyah di Provinsi Banten. *Integralistik*, 33(2), 90–99. <https://doi.org/10.15294/integralistik.v33i2.37725>
- Jha, C. K., & Sarangi, S. (2018). Women and corruption: What positions must they hold to make a difference? *Journal of Economic Behavior and Organization*, 151, 219–233. <https://doi.org/10.1016/j.jebo.2018.03.021>
- Juliati, S. (2019). *Daftar 9 Kepala Daerah Wanita tersandung kasus korupsi selain Bupati Talaud* (T. Shelavie (ed.)). Tribunnews.Com. <https://www.tribunnews.com/nasional/2019/04/30/daftar-9-kepala-daerah-wanita-yang-tersandung-kasus-korupsi-selain-bupati-talaud>
- Kartiko, N. D. (2024). Does government effectiveness and corruption control support political stability? *Integritas : Jurnal Antikorupsi*, 10(1), 81–94. <https://doi.org/10.32697/integritas.v10i1.1209>
- Kelman, S. (2000). Corruption and government: Causes, consequences, and reform. *Journal of Policy Analysis and Management*, 19(3), 488–491. [https://doi.org/10.1002/1520-6688\(200022\)19:3<488::AID-PAM10>3.0.CO;2-O](https://doi.org/10.1002/1520-6688(200022)19:3<488::AID-PAM10>3.0.CO;2-O)
- Kelompok Kerja Perempuan dan Anak Mahkamah Agung RI Masyarakat Pemantau Peradilan Indonesia Fakultas Hukum Universitas Indonesia (MaPPI FHUI). (2018). *Pedoman mengadili perkara perempuan yang berhadapan dengan hukum*. Mahkamah Agung Republik Indonesia bekerja sama dengan Australia Indonesia Partnership for Justice 2.
- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia. (2018). *Perempuan dan Pilkada serentak 2018*. <https://www.kemenpppa.go.id/page/view/MTU5Ng==>
- Komisi Pemberantasan Korupsi. (2021). *Statistik TPK berdasarkan jenis perkara*. KPK. <https://www.kpk.go.id/id/statistik/penindakan/tpk-berdasarkan-jenis-perkara>
- Langkun, T. S., Bahrain, B., Wassef, M., Wahyu, T., & Asram, A. (2014). *Studi atas disparitas putusan pemidanaan perkara tindak pidana korupsi*. Indonesia Corruption Watch.
- Levit, N., & Verchick, R. R. M. (2015). *Feminist legal theory: A primer*. New York University Press.
- Mackinnon, C. A. (1987). *Difference and dominance" in feminism unmodified: discourses on life and law*. Harvard University Press.
- Nariswari, A. V. (2022). *4 kepala daerah wanita Jawa Barat yang terjerat kasus korupsi, terbaru Ade Yasin*. Suara.Com. <https://www.suara.com/news/2022/04/29/124914/4-kepala-daerah-wanita-jawa-barat-yang-terjerat-kasus-korupsi-terbaru-ade-yasin>
- Oktafianis, O., Rahmawati, E. D., & Akhmad, K. A. (2024). Peran self control dalam memoderasi pengaruh shopping lifestyle dan discount terhadap impulse buying. *Maeswara : Jurnal Riset Ilmu Manajemen Dan Kewirausahaan*, 2(4), 250–260. <https://doi.org/10.61132/maeswara.v2i4.1129>
- Parehvi, D., & Belarminus, R. (2018). *Begini penampakan rumah Bupati Bekasi yang ditangkap KPK*. Kompas.Com. <https://megapolitan.kompas.com/read/2018/10/16/10035201/begini-penampakan-rumah-bupati-bekasi-yang-ditangkap-kpk>
- Primudyastutie, M., Maarwiyah, S., & Kurniawan, D. A. (2022). Penguatan pendidikan etika islam

- untuk perempuan sebagai prevensi masifikasi korupsi. *Pendidikan Multikulturalan*, 6(1), 71–81. <https://riset.unisma.ac.id/index.php/MULTI/article/view/15380>
- Pullen, A., & Vachhani, S. J. (2021). Feminist ethics and women leaders: from difference to intercorporeality. *Journal of Business Ethics*, 173(2), 233–243. <https://doi.org/10.1007/s10551-020-04526-0>
- Purba, D. A. M., Pandiangan, H. J., & Sitanggang, D. (2024). Analisis yuridis pengurangan pidanaanan bagi terdakwa perempuan pada kasus korupsi di setiap tingkat pengadilan. *Jurnal Cahaya Mandalika*, 3(3), 1345–1367. <https://ojs.cahayamandalika.com/index.php/jcm/article/view/2764>
- Pusat Data dan Analisa Tempo. (2021). *Ratu Atut di Bukit Hermes*. Tempo Publishing.
- Putra, N. R., & Linda, R. (2022). Corruption in Indonesia: A challenge for social changes. *Integritas : Jurnal Antikorupsi*, 8(1), 13–24. <https://doi.org/10.32697/integritas.v8i1.898>
- Rifadhana, R. F., Wahyono, B. A., Hermawan, W., Budiono, I., Anggriawan, F., & Pratidina, Z. D. (2024). Eksistensi kewenangan pemerintah dalam menangani dan memberantas dinasti politik di Indonesia. *Cendekia: Jurnal Sosial & Humaniora*, 2(3), 586–595. <https://doi.org/10.5281/zenodo.12699681>
- Saputri, M. (2017). *Vonis 4 Tahun Atty Suhari Lebih Rendah dari tuntutan Jaksa*. Tirto.Id.
- Sarni, L. F., Helmy, H., & Sari, V. F. (2020). Pengaruh gender, dukungan atasan, dan proteksi terhadap keputusan pengungkapan kecurangan pada pemerintah daerah di Sumatera Barat. *JURNAL EKSPLOKASI AKUNTANSI*, 2(2), 2620–2637. <https://doi.org/10.24036/jea.v2i2.235>
- Schotte, S., Leone, T., & Gisselquist, R. M. (2023). *The impact of affirmative action in India and the United States: A systematic literature review* (WIDER Working Paper, Vol. 2023, Issue January). UNU-WIDER. <https://doi.org/10.35188/UNU-WIDER/2023/323-9>
- Silalahi, W. (2018). Wonder woman and corruption criminal action. *International Journal of Business, Economics and Law*, 17(4), 15–22. <https://www.ijbel.com/wp-content/uploads/2019/01/LAW-129.pdf>
- Simbolon, N. Y. (2019). Kajian hukum terhadap partisipasi perempuan sebagai whistleblowe tindak pidana korupsi. *Jurnal Rectum*, 1(1), 41–46. <https://jurnal.darmaagung.ac.id/index.php/jurnalrectum/article/view/109>
- Sjafrina, A. G. P. (2019). Dampak politik uang terhadap mahalnya biaya pemenangan pemilu dan korupsi politik. *Integritas : Jurnal Antikorupsi*, 5(1 SE-Articles), 43–53. <https://doi.org/10.32697/integritas.v5i1.389>
- Sukri, M. A. F. (2020). Dinasti politik di Banten: Familisme, strategi politik dan rendahnya partisipasi politik masyarakat. *JISPO Jurnal Ilmu Sosial Dan Ilmu Politik*, 10(2), 169–190. <https://doi.org/10.15575/jispo.v10i2.8316>
- Syahril, S. N., & Rasji, R. (2021). Pemangkasan hukuman pidana terhadap pelaku tindak pidana korupsi berdasarkan gender dalam perspektif filsafat hukum. *Serina III UNTAR 2021*, 217–222. <https://journal.untar.ac.id/index.php/PSERINA/article/view/16162/8938>
- Tempo, P. D. dan A. (2019). *Peran Keluarga Ratu Atut Dalam Korupsi Banten*. Tempo Publishing.
- Trihastuti, M. C. W. (2022). Ada apa dengan perempuan dan korupsi dalam dinasti politik? *Buletin Konsorsium Psikologi Ilmiah Nusantara*, 8(4). <https://buletin.k-pin.org/index.php/arsip-artikel/976-ada-apa-dengan-perempuan-dan-korupsi-dalam-dinasti-politik>
- Umam, A. K. (2024). Shadows of political corruption amidst the trend of declining democracy in Indonesia: Learning from the dynamics of 2024 Presidential Election. *Integritas : Jurnal Antikorupsi*, 10(1), 1–16. <https://doi.org/10.32697/integritas.v10i1.1226>
- Wahyudi, L. (2024). Korupsi dan pelayanan publik sektor kesehatan di Kabupaten Kutai Kartanegara.

Jurnal Ilmu Pemerintahan, 12(1). <https://ejournals2.unmul.ac.id/index.php/jip/article/view/1545>

Warner, J. C. (2016). *Proposal: the alignment of oppressed groups as post-Modern development*.