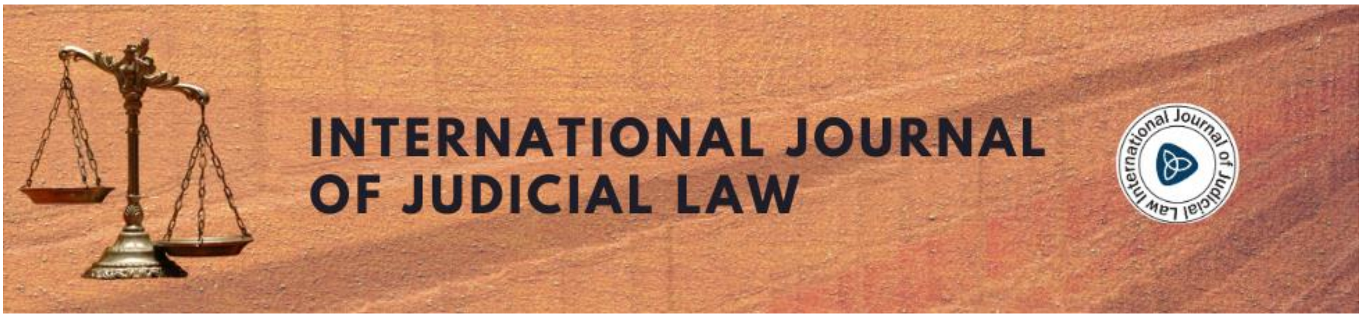

Petty Corruption: Harmonizing Eradication's Regulations in Indonesia's Public Protection Legal Remedy

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Abstract
This study has the urgency to normatively analyze the possibility of legal harmonization efforts on Indonesia's petty corruption, it is the implementation of Indonesian extortion. In addition to applying existing laws so far without clarity on eradicating petty corruption that will harm the community closely related. This research uses normative legal research, applying existing legislation to test its suitability. The legal theories used are the theory of legal objectives and the principle of preference to explain the argumentation from the description of the legal issues discussed. The core things that are being troubled in this article are condition there is disharmony in the Corruption Eradication Law, the Presidential Regulation on the Establishment of the Pungli Task Force, and the Attorney General's SEJA which supports restorative justice. Therefore, to carried out the research would bean important matter. Thesolution offered is harmonizing these three regulations and enacting them into laws and regulations. Thus, the protection of the public from extraordinary crimes can be implemented, preventing the omission of acts of corruption, and forming better laws than before in Indonesia.

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1. Introduction

Laws are created to ensure the balance of rights and obligations so that legal harmonization must be maintained. As a country that prioritizes civil law in its legal system, this means that all written laws (written code) and all codifications become the source of law. This is also included in the Indonesian legal constitution as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The state's efforts through the legal basis to create order in society through criminal sanctions on offenses to protect public security, especially in the crime of corruption, corruption in Indonesia has become one of the criminal acts classified as an extraordinary crime that continues to be fought by the state. (Siregar, 2022, p. 37) [16]

Petty Corruption through its definition can be defined as corruption with a small scale of loss below 500 million rupiah, usually this corruption is carried out by officials who interact with the public, this corruption model is familiar with gratuities, facilitation payments, and illegal levies, or extortion carried out in order to smooth the bureaucracy through smoothing public services even though it should be carried out free of charge. The closeness of *petty corruption* creates bad habits that lead to the normalization of corruption by considering the small value of corruption as normal, the act is most often referred to as illegal levies (or hereinafter referred to as extortion) due to the suitability of extortion to the characteristics of *petty* corruption or small-scale corruption. Worse than just causing financial losses to the Indonesian people, *petty corruption* can threaten the professionalism of state agency services to the public, damage the work efficiency of the State Civil Apparatus, and tarnish the name of the agency (Ramdhani, 2017, 263). In contrast to large-scale corruption, small-scale corruption is carried out in turbulent economic phases, such as the existence of services to deal with supply shortages or there are urgent interests, thus forcing the public to inevitably pay to get convenience in these conditions.

If imagined this will be imposed on people who are not able to disproportionately affect the welfare of the community as a party who must deal with the bureaucracy to meet their needs, even though it is said that the results of this kind of corruption have a small amount of loss. Indonesia is a country that is closely related to this act of petty corruption, usually this action is found in the act of extortion carried out, the agencies touched by the practice of extortion are not few, even in crucial agencies such as education agencies, health agencies, and procurement, besides that there are also law enforcement agencies that are formed to be fair and firm in taking action against actions that arecontraryto applicable law. Referring to theexisting data released by theKPK itself in corruption cases, as stated by Indonesian Corruption Watch the KPK has handled 2.730 (investigation, to prosecution) corruption cases with various modus operandi since 2020 to 2024. However this number only including corruption cases with under Rp. 1.000.000,00 (one billion rupiahs) financial loss value.

Regulations with efforts to eradicate *petty corruption* in Indonesia have actually been prepared in order to create a country that will be less corrupt and maintain the security of the rights of the Indonesian people. However, the regulations in Indonesia that discuss *petty corruption* have many arrangements so that the diversity of existing laws and regulations specifically discussing *petty corruption* causes difficulties in obtaining legal certainty and creates disparities in punishment for perpetrators of this crime. When looking at the Indonesian legal regulations, *it* has been conveyed that there is disapproval of *petty corruption*, as in Article 12A paragraph (2) of Law Number 20 of 2001 concerning the First Revision of Law Number 31 of 1999 tentang Pemberantasan Tindak Pidana Korupsi, which is a suitable arrangement for criminalizing *petty corruption* by stating that:

“Bagi pelaku tindak pidana korupsi yang nilainya kurang dari Rp 5.000.000,00 (lima juta rupiah) sebagaimana dimaksud dalam ayat (1) dipidana dengan pidana penjara paling lama 3 (tiga) tahun dan pidana denda paling banyak Rp 50.000.000,00 (lima puluh juta rupiah).”

This law was basically enacted to achieve the goal of eradicating *corruption* with state losses of less than Rp.50,000,000.00, which can be said to be *petty corruption,* based on this legislation, criminal liability is carried out by taking the litigation route as the criminal prosecution of corruption is carried out.

In addition to specific regulations governing corruption, the fact that the eradication of *petty corruption* is also discussed in other laws and regulations such as Presidential Regulation, Peraturan Presiden, (hereinafter referred to as Perpres) 87 of 2016 which regulates tentang Satuan Tugas Sapu Bersih Pungutan Liar which can be classified as *petty corruption* in Article 3 of Perpres 87 of 2016 which regulates the Task Force for Clean Sweep of Illegal Levies specifies that:

“Dalam melaksanakan tugas sebagaimana dimaksud dalam Pasal 2, Satgas Saber Pungli menyelenggarakan fungsi:

a. intelijen;
b. pencegahan;
c. penindakan; dan
d. yustisi.”

This article in letter d determines that the eradication of extortion or illegal levies is through justification, which means that it is resolved based on statutory regulations. However, it is not referred to nor explained what the method or procedure is in a more specific manner.

There are also other rules that discuss *petty corruption*. This is contained in the Attorney General's Circular Letter (Surat Edaran Jaksa Agung) (hereinafter referred to as SEJA) Number B -1113/F/Fd.1/05/2010, which outlines that the attorney general's office will prioritize corruption cases that are *big fish* (large scale, seen from the perpetrator and /or the value of losses) and cases that are carried out continuously or still on going (Fahrudin, 2024, 76). The SEJA also stipulates that perpetrators of corruption crimes under Rp. 100 million can use restorative justice (Muchlis, 2016, 340). However, rather than discussing how to eradicate *petty corruption*, thisregulationdiscussesan attemptto "not prioritize" prosecution ofperpetrators *ofpetty corruption*. This is feared to be contradictory due to its incompatibility with Article 1 point 6 of Law Number 8 of 1981 concerning the Criminal Procedure Code or Hukum Acara Pidana (hereinafter referred to as KUHAP).

Based on the *status quo*, the number of laws and regulations regulating *petty corruption* (whether through Laws, Presidential Regulations, Circular Letters of the Attorney General, and other regulations recognized in the Hierarchy of Legislation) has shown a high attention to *petty corruption* as well as proving the *urgency* in eradicating this act. However, this diversity of special laws and regulations provides a significant and crucial obstacle to the law enforcement process, whereas in the criminalization effort, proof is needed, which canonly be fulfilled through good procedures thatare also based on a good juridical basis (laws and regulations). Thus the purpose of the law can be precisely achieved (Hamdi dkk, 2022, 144) [12]. If disharmony occurs, it is clear that this shows that there is no legal certainty regarding how exactly and the flow of the settlement of this *petty corruption* case, between the Saber Pungli Task Force, and the Prosecutor's Office still use their own methods in dealing with *petty corruption* which is inherent in society in the practice of extortion. In fact, when examined from the spirit of the real formation of law, as argued by Gustav Radburch, the purpose of law is to achieve justice (philosophical), legal certainty (juridical), and expediency (sociological).

Legal disharmony that occursin theregulation oftheeradication of *petty corruption* legal certainty will clearly not be realized considering the variety of prosecution *of petty corruption* perpetrators not to mention the efforts in "not prioritizing" small-scale corruption, so that legal harmonization must be carried out so as to achieve justice for all parties both to the perpetrators and the aggrieved person. In addition, sociologically, it prevents the formation of a community mentality that allows small-scale corruption, even though theactionstaken aretheforerunnersof corruption on a larger scale. Indeed, when looking at the law that is aspired to apply (*Ius Constituendum*) *petty corruption* is expected to be resolved by litigation as described in the Criminal Procedure Code, this is evident in the latest legal arrangements that actually exist in Law Number 1 of 2023 tentang Kitab Undang-Undang Hukum Pidana concerning the Criminal Code which also regulates the existence of punishment to be imposed on perpetrators of *petty corruption* in the form of extortion. In Article 605 paragraph (2) of Law Number 1 of 2023 concerning the Criminal Code which states that:

“Pegawai negeri atau penyelenggara negara yang menerima pemberian janji sebagaimana dimaksud pada ayat (1) tahun dan paling lama 6 (enam) tahun dan dipidana denda paling sedikit kategori III dan paling banyak Kategori V."

Thus, there is still an opportunity to improve and harmonize the applicable laws and regulations to achieve the aspired law, namely as a solution to the regulation of eradicating *petty corruption* in Indonesia.

Previously, theissueof institutional harmonization had been raised in a scientific paper with the title judul "Model Politik Hukum Pemberantasa Korupsi di Indonesia dalam Rangka Harmonisasi Lembaga Penegak Hukum" by Mohammad Hidayat Muhtar in 2019, in this paper also raised the disharmony in institutions that handle corruption because there is a KPK, Prosecutor's Office, and Police and provided suggestions for harmonizing the rules so that the KPK is assisted by the Prosecutor's Office and the Police so that investigations and investigations can be carried out properly. This proves that in handling corruption in Indonesia, thereare still many tasks to improve it so that the rules that will run well, for example Law Number 1 of 2023 concerning the Criminal Code which will take effect on January 2, 2026, so that legal certainty to prevent the slightest omission of its effect on corruption can be completely eradicated. When comparing with countries outside, for example the UK, the UK as a country that has legal diversity like Indonesia because it has *precedent* (*precedent*) provides regulation on extortion through the UK Bribery Act 2010. This Act provides for a scan by relying on one institution to handle this case, namely the *Serious Fraud Office (SFO)*, this institution is equivalent to the KPK in Indonesia by not looking at the value so that it cuts down all cases of bribery in the bureaucracy that are bribes equally. In addition, *New Zealand* as a *common law* country has one law that protects the public through *The Crimes Act 1961* which does not make a difference to the amount of value given so that the *Serious Fraud Office* (*SFO*) and provides a maximum of 14 years imprisonment.

Based on the analysis of the problem of Indonesia's need to have a simple law and quickly eradicate *petty corruption* in Indonesia through legal harmonization so as to avoid the normalization of *petty corruption*. The problems in this study consist of How is the *urgency of* eradicating *Petty Corruption* based on legal arrangements in Indonesia? As well as How legal harmonization efforts are made to achieve *Ius Constituendum* (aspired law) Indonesia? Therefore, this legal issue attracts the attention of the author by discussing through a scientific article with the title: "*Petty Corruption*: Harmonization of Eradication Regulations in Efforts to Protect the Public in Indonesia*"*

2. Research Methods

In analyzing legal research and finding existing legal solutions, the use of normative methods is the choice chosen by researchers. Research with normative methods is a study of juridical aspects focused on the basis, foundation, foundation to formulate laws that function as norms, through the use of laws and regulations, doctrines from respected legal experts who are used as guidelines, and can use court decisions that can also be used as guidelines in determining good laws and are considered ideal (Soekanto, 2012, 13) [6]. Normative type research functions as a juridical argument if there are legal problems at the normative level consisting of vagueness, vacancies, and conflicts of legal norms (Diantha, 2017, 12) [1]. The emphasis in the research study studied is the problem of norms with the urgent harmonization of law in order to create dynamic legislation with the needs of society. Regarding the approach, using the law (statute approach), using a comparative approach, as well as conceptual or conceptual analysis (conceptual approach) as a type of approach (Saptomo, 2007, 30) [5]. This normative legal research relies on thedevelopment of material based on various kinds of legal materials, including primary, secondary, and tertiary legal materials, as the main and supporting sources (Marzuki, 2005, 13) [3].

The use of legal materials with primary types through the study of Law Number 20 of 2001 concerning the First Revision of Law Number 31 of 1999 concerning the Eradication of Corruption, in addition to the prosecution of the eradication of *petty corruption* is also raised through Presidential Regulation Number 87 of 2016 concerning the Clean Sweep of Illegal Levies Task Force, as well as the Attorney General's Circular Letter Number (Surat Edaran Jaksa) B-1113/F/Fd.1/05/2010 which discusses the priority to resolve large-scale corruption crimes. Secondary legal materials used include literature not remotely related to the legal substance being studied, such as reference books, scientific articles in the field of law, legal journals, and various legal theories relevant to this research. Meanwhile, tertiarylegal materials serve as complementary and supporting instruments in clarifying and elaborating primary and secondary legal materials, by referring to authoritative sources such as the Legal Dictionary and Black's Law Dictionary for interpretative foundations. In researching legal materials that have been collected, researchers use legal material analysis techniques with description, argumentation, and inductive techniques.

3. Results and Discussion

3.1 Urgency of Eradicating Petty Corruption Based on Indonesian Legal Arrangements

3.1.1. Indonesian Legal Regulations on *Petty Corruption*

Eradicating petty corruption is not an easy thing, a corrupt bureaucracy will always give birth to the tendency of petty corruption, in fact the difficulty of eradication is not only because the rules are not well structured, but also includes the number of corrupt stakeholders, even though a good arrangement also shows how committed a country is in eradicating petty corruption itself. Petty Corruption itself is closely related to the act of illegal levies (Pungli) in society, through its understanding it is explained as an official crime in which this act abuses its power for its own interests, based on factors such as authority, mentality, culture and organization, limited human resources, weak control systems by superiors or authorized officials (Sitonga, 2023, 3). Petty Corruption has become a form of criminal offense as determined in Indonesian legislation so that it is included in a formal offense or offense that emphasizes the prohibition of an action (Mertha, 2016, 83) [4]. Therefore, the clarity of legislation is crucial.

Petty Corruption itself is included in the crime of corruption, which means that it is regulated outside the provisions of Article 103 of Law Number 1 Year 1946 concerning the Criminal Code. The habit of corruption in Indonesia actually does not see the omission of any value of corruption even with a small amount as regulated in Article 12 paragraph (2) Law Number 20 of 2001 concerning the Revision of Law Number 31 of 1999 tentang PTPK with elements:

- Bernilai ≤Rp 5.000.000,00 (lima juta rupiah);
- Pemidanaan:

- Pidana Penjara terlama 3 (tiga) tahun; serta
- Denda sebesar ≤ Rp. 50.000.000,00 (lima puluuh juta rupiah).

The existence of this article determines how to deal with corruption crimes that have small losses, even though they will require criminal liability from the perpetrators of *petty corruption.* Small losses to the state emphasize that an act of corruption is categorized as *petty corruption*. In handling corruption cases with low losses, ordinary corruption cases are generally handled with punishment through litigation. However, the classification of *petty corruption* is not explicitly written in the legislation, the classification of acts in the legislation is based on legal customs in Indonesia. *Petty corruption* is mentioned as a criminal offense of corruption involving public officials, with acts classified as bribery, gratuities, and other crimes with smaller losses (Hartanti, 2005, 77) [2].

Specifically in handling cases in public positions *petty corruption is* regulated in Presidential Regulation Number 87 of 2016 concerning the Saber Pungli Task Force in the Presidential Regulation regulates the handling of *petty corruption* cases or in this law referred to as illegal levies regulates the duties of the Saber Pungli Eradication as regulated through Article 4 letter a of Presidential Regulation Number 87 of 2016 concerning the Saber Pungli Task Force outlines that the Saber Pungli Task Force has the authority to construct preventive efforts and eradicate extortion. Systematically, Article 8 paragraph (2) of the Presidential Regulation determines that it is also necessary to establish illegal levies eradication units in ministries / institutions and local governments. The rest regarding the provisions of how the Saber Pungli officers carry out judicial action or action through the judicial system has never been emphasized in the community other than by taking action in each agency. As stated in Article 12 Paragraph (3) of Presidential Regulation 87/2016 which regulates the Task Force for Clean Sweep of Illegal Levies, it also promises the role of the community and its procedures in eradicating extortion, which is promised to be promulgated directly by the Coordinating Minister for Political, Legal and Security Affairs (Menko Pulhankam), so that the regulation does not have a follow-up that will integrate with the program to be implemented. in fact, it has not memorialized further provisions. Thus, according to the clause in this regulation, *petty corruption* is also determined by a decision in front of a judge in a trial.

Based on the laws and regulations before the trial that handed down the verdict to the defendant, the prosecution should be carried out by the Public Prosecutor. However, in 2010 a circular letter was circulated by the Attorney General's Office Number B-1113/F/Fd.1/05/2010 which outlines that the Attorney General's Office will prioritize large-scale corruption cases, seen from the perpetrators and / or the value of losses or *big fish* and the case is carried out continuously (*still on going*). Based on the provisions in this circular letter, it is also emphasized that if the perpetrator of a corruption crime has returned the funds or money that was corrupted to the state, the case will be immediately terminated without proceeding to trial. This action is a new thing in the effort to eradicate *petty corruption* in Indonesia. However, when examined in Article 4 of Law Number 31 of 1999 concerning PTPK, it determines that:

"Pengembalian kerugian keuangan negara atau perekonomian negara tidak menghapuskan dipidananya pelaku tindak pidana sebagaimana dimaksud dalam Pasal 2 dan Pasal 3."

Thus, the Attorney General's Circular Letter actually denies the PTPK Law by the act of "not prioritizing" certain criminalacts classified in Tipisus (Tipisus) related to the subject of this article's discussion specifically, namely *petty corruption with* the existence of extortion.

Can this be done? In fact, given the nature of the prosecutor, namely *dominus litis* (case controller) it is possible to do so, in the criminal case system a prosecutor can determine whether the case meets the eligibility for further action towards trial. This action is referred to as Restorative *Justice*, which is defined in Article 1 of Law No. 6 of Law No. 11 of 2012 concerning Sistem Peradilan Pidana Anak, which states that there are elements that explain what restorative justice is:

- Upaya penyelesaiain perkara tindak pidana;
- Terdapat pelaku, korban, keluarga korban/pelaku sebagai pihak yang terlibat; serta
- Menekankan pencari penyelesaian yang adil serta memlihkan keadaan seperti semula.

Restorative justice can be interpreted as justice that focuses on efforts to repair damage through a vision of elevating the role of victims and perpetrators of crime without involving punishment through the courts. Therefore, the implementation of *restorative justice* can be carried out, but based on the existing regulation is the Attorney General's Circular Letter, the implementation of *restorative justice* is only binding on the prosecutor's office.

3.1.2 Harmonization of Laws Conducted to Achieve Ius Constiuendum (Aspired Law) of Indonesia

Legal harmonization is important as an effort to prevent damage to the legal culture of society. So far, it has been explained that *petty corruption* is included in the category of corruption. Corruption is said to be an *extraordinary crime* due to the high impact caused by corruption and, the classification of corruption as *extraordinary* is due to the magnitude of the impact of the implementation of the crime of corruption, especially on the finances of a country and the enforcement of public justice so that a leadership can be said to be not in favor of the community due to corruption that occurs. Corruption has a negative impact on stability and public order, and has implications for the weakening of democratic principles, norms of justice, and principles of legal certainty in the justice system. As a result, people cannot fulfill their social rights and economic rights that should be given by the state as its obligation (Syamsudin, 2011, 175). Corruption shows the existence of human vices, in sociological terms. The classification of corruption in Indonesia is divided into three types: corruption by need, corruption by greed, and corruption by chance (Radhman, 2018, 63). This corruption has penetrated all levels of society, which can easily cause someone to commit corruption. As a result over time corruption becomes something that is needed by someone as an effort to fulfill one's desires instantly outside of income, this is what makes corruption a culture in society.

This culture of corruption is what will cause problems in society, this is caused by shifting norms that occur due to these bad habits that cause negligence. The omission of corruption that threatens state security is not only based on major corruption, if the implementation of bureaucracy is completed with *petty corruption* or by having to collect extortion, of course this will cause the implementation of the law to not run well and be filled with interests. The law becomes the line that is most affected by this, the law rather than providing transparency to the public for government actions will actually provide opportunities or loopholes for the government to become even less transparent. Syamsuddin also stated that this weak law enforcement causes corruption to grow even more fertile, even though causally the existence of weak laws actually fosters the intention to commit corruption. Corruption has evolved from a *white collar* crime to a crime against the state, which means an attempt to dissolve the state Based on the opinion of the former Minister of Justice of the Republic of Indonesia, Muladi, corruption is an organized crime involving cooperation between state officials and businessmen for power, containing covert actions to encourage corruption, making policies that will facilitate corruption, and eliminating what should be the government's responsibility to society (Muladi,2005). Eventually, people's trust in the government will decline, because they believe that government decisions are made in an effort to harm the community. The best corruption eradication efforts based on can be started from harmonizing existing laws so that legal diversity does not provide a gap to find more opportunities for corruption and cover up corruption that occurs, but must be bridged so as to provide a strong defense to the community so that legal honor in Indonesia remains. Therefore, legal harmonization isan *urgency* to implement legal harmonization in order to maintain legal certainty in combating corruption.

3.2 Harmonization of Laws Conducted to Achiving Indonesia's *Ius Constituendum* (Laws Aspired)

3.2.1. Regulations on Petty Corruption in Other Countries

Apart from Indonesia, there are examples of countries that also carry out efforts to eradicate *petty corruption* in this case other countries also have special institutions that eradicate illegal levies where the main purpose is to provide bribes to the government bureaucracy so that it carries out something based on its authority. The countries that can be used as examples are the United Kingdom and New Zealand (*New Zealand*), both ofwhich havelawsregarding illegal leviesto expeditethegovernment bureaucracywith the following discussion:

1) United Kingdom

The UK recognizes legal diversity by recognizing precedent even though as a common law country this means that in the UK there are many norms from society that must be respected in shaping the law as well as the legal system in Indonesia (Arief, 2023, 16). Through the UK Bribery Act 2010, this regulation does not make a difference to the actual amount of corruption by dividing bribery as passive and active bribery. As supervision by KPK Indonesia, the key of succesfulls effrots by UK concerning the regulation is an administrative criminal regulation in this regulation does not distinguish the amount given so that it only has 1 regulation that discusses petty corruption so that the handling carried out by the Serious Fraud Office (SFO) is not selective by resulting in imprisonment for 10 years.

2) New Zealand

New Zealand is a country with a common law legal system that has little legal codification in discussing petty corruption in their bureaucracy. However, this country has an achievement that should be used as an example in Indonesia by being ranked at the top with low corruption rates. The law of this country is the Criminal Act 1961 part6 (Articles 99-106). The law does not differentiate between the value of the bribe, and provides a minimum sentence of 14 years' imprisonment for both thegiver and receiver ofthebribe. The Serious Fraud Office (SFO) is handling the case. Comparison through these two countries shows that Indonesia does have a good effort with its legal diversity. However, reflecting on other countries that can accommodate all forms of corruption with only one legal regulation shows that the quality of laws is needed rather than the number.

3.2.2 Efforts through Legal Harmonization to Achieve the Aspired Law

In the framework of the national legal system, the principle of being a state of law and a state with a government based on the constitution, the desired legal norms are laws that are related and systematically organized, this concerns norms that are not allowed to contradict or override other norms (Sumaryanto, 2019, 108) [18]. Indonesia itself uses a legal system affirmed in the 1945 Constitution of the Republic of Indonesia.

In solving the problem of threatening harmonization based on Arifin in his 2020 research concerning laws and regulations, it is carried out by:

a. Amend/revoke certain articles or all articles in laws and regulations that experience disharmony;
b. Submit a judicial review to the judiciary, either the Supreme Court or the Constitutional Court;
c. Apply the principle of preference.

In this case, any method can actually be used as long as it is able to provide legal solutions that support, justice, certainty, and usefulness in relation to this matter of legal solutions for eradicating tipikor on *petty corruption* which is very thick with extortion. The purpose of legal harmonization is based on 3 (three) reasons, namely:

- Maintaining the harmony, stability, and unanimity of the conception of laws and regulations;
- To prevent potential judicial review;
- To provideguaranteesfor theprocessofmaking lawsand regulations so that they comply with legal principles for the sake of legal certainty (Setiadi, 2007, 45).

Basically, the main purpose of legal harmonization is an effort to move legal relations, disharmony will clearly have implications for the uncertainty of the implementation of the law (Benuf, 2019, 196) [10]. In the end, legal harmonization serves to provide a strong legal basis and as ideal as possible without damaging the hierarchy of laws and regulations.

Petty corruption so far has an arrangement that is not further specified. With state institutions that have prosecutorial functionssuch astheprosecutor' soffice and a special institution created by the government to eradicate *petty corruption* in the bureaucratic system through the Saber Pungli Task Force, in addition to causing confusion in handling and eradicating it, which is threatened to be selective through the SEJA. The existence of a diversity of norms that are not accompanied by systematic arrangements, by not providing implementing rules, can cause many aspects of the normative side that are not regulated in the current legislative arrangements. Meanwhile, the principle of criminal law is always upheld by the principle of legality. The principle of legality in principle can be stated as a principle that provides a statement that no action can be said to be a criminal offense without the provisions of the legislation that regulates it first. Thus the existence of this principle is the enforcement of justice with legal certainty. In the legal regulations governing *petty corruption*, legal harmonization prevents efforts in the lack of laws governing the prevention of *petty corruption* because this will have an impact on the ease with which a law is analogized or kias, as well as the retroactive application of punishment. Clearly these three things are undesirable in a criminal law. Therefore, in an effort to protect individual human rights in order to provide a sense of security, especially thecommunity from*petty corruption*, wherethisaction professionally damages the community's economy and legal culture, harmonization is needed by revising the law which includes the contents of the regulations under it, both those contained in the Presidential Regulation (Perpres) and those in the Attorney General's Circular Letter (SEJA). And if it is felt that prosecution will provide difficulties with the small losses felt by the state, it is better to regulate the existence of restorative *justice* or *restorative justice* which is regulated at the statutory level (Ridwan, 2024, 101).

Petty corruption is corruption on a small scale, through ordinary punishment carried out, through litigation, is actually not very effective so that the restorative justice carried out will help the implementation of criminal responsibility. When examining the principle of providing space for restorative justice, it indirectly supports the principle of the trilogy of Courts (simple, fast, and light costs). Therefore, the regulation with the existence of saber extortion must also be discussed in the PTPK Law. So the thing that must be done is to revise or amend Law Number 12 of 2001 concerning Revisi atas Undang-Undang Nomor 31 Tahun 1999 concerning Pemberantasa Korupsi. In addition, the handling of *petty corruption* will be an effective idea rather than relying on litigation. This is because the litigation route also has shortcomings including a time-consuming process, as well as high costs, especially when using legal counsel, so that the criminal resolution route with restorative justice is a solution.

Why is the choice to revise the law appropriate? This is because looking at the principle of *lex siperior derogat inferiori* or the principle of higher laws overruling lower laws. This is why restorative justice should also be regulated in legislation rather than just as a suggestion based on the circulation of SEJA Number B-1113/F/Fd.1/05/2010 which allows restorative justice to be regulated.28 By regulating the amendment through a clause stipulating that there is a special institution that will handle corruption with small losses as stipulated in Article 12 paragraph (2) of Article 12 paragraph (2) of Law Number 20 of 2001 concerning Revision of Law Number 31 of 1999 concerning Eradication of Corruption, thus the Saberpungli Task Force can be implemented if it has been delegated in the Law. Furthermore, the Prosecutor's Circular Letter can be formed into a regular rule at the level of the law as well by providing the possibility of *restorative justice* in it so as not to provide omission to the perpetrators of corruption which is an *extraordinary crime*. The impact given by legal harmonization is very influential on the state of society, especially on the mentality of the Indonesian people so that by seeing regulations that have legal certainty, there will be a preventive effect not to commit extortion rather than providing disharmonious arrangements because it shows the lack of stance in fighting corruption, especially in this action as if forgiving corruption if the value of the loss is very small in addition to ensuring the prevention of future norm problems.

By harmonizing the applicable criminal law, only the desired law (*Ius Constituendum*) can be fulfilled. The criminal law in question is to carry out the punishment as stipulated in Article 605 paragraph (2) of Law Number 1 of 2023 concerning the Criminal Code, namely by determining the punishment for the perpetrator of receiving bribes or extortion will be imprisoned for a minimum of 1 (one) year for a maximum of 6 (six) years and sentenced to a fine of at least category III and a maximum of category V. The existence of this provision will be possible in the future through clear arrangements, such as the existence of limits which will be tried through litigation channels and standards which will be implemented with restorative justice.

4. Conclusion

Legal arrangements in Indonesia that regulate petty corruption in Indonesia have a high diversity in Indonesia, arrangements that are closely related to acts of extortion or illegal levies in Indonesia (existing in the government bureaucracy) are regulated in many Indonesian Laws such as, Article 12 paragraph (2) of Law Number 20 of 2001 Tentang Revisi Atas Undang-Undang Nomor 31 Tahun 199 tentang Pemberantasan Tindak Pidana Korupsi, Article 3 of Presidential Decree (Dekrit Presiden) Number 87 of 2016 concerning the Saber Pungli Task Force, as well as in SEJA Number B-1113/F/Fd.1./05/2010 so that the law does delegate the existence of a task force that will be in charge of eradicating petty corruption with the possibility of restorative justice rather than ignoring petty corruption. These three norms havedifferent views on how to providejustice to perpetrators of petty corruption where some are directly handled by the prosecutor's office, some seek the involvement of the saber extortion task force institution, and on theother hand, the SEJA prioritizes the prosecutor's office to prioritize big fish corruption (causing large losses to the state). This will clearly have a negative impact on the protection of the community with many loopholes for petty corruption actions that are closely related to the existence of bribes that harm the community to get their rights. Therefore, legal harmonization must be carried out in order to protect the public and prevent the existence of an omission or legal culture of extortion in society considering that corruption is an extraordinary crime. The harmonization solution that can be done is to revise the law by regulating the existence of further provisions so that the work of the Saber Pungli Task Force can run well and good implementing provisions. In addition, it is also crucial that if prosecution in the litigation route feels heavy, then a restorative justice clause is included in it or delineates the formation of regulations under it after the law regulates harmonization covering all laws that apply to petty corruption in Indonesia.

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