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CORRUPTION AS A VIOLATION OF HUMAN RIGHTS AND ITS IMPACT ON SOCIAL JUSTICE

Bunga Natasyah, Aidilio Rafles, Raehan Firdaus, Raditya Iryanto

bntsyh04@gmail.com

Faculty of Sharia and Law, State Islamic University of North Sumatra

ABSTRACT

Corruption is one of the most serious challenges faced by many countries, including Indonesia, as it not only causes significant financial losses to the state but also directly affects the fulfillment of human rights. Corrupt practices reduce the quality of public services, hinder development, and widen social inequality, ultimately harming society, particularly vulnerable groups. This study aims to analyze corruption as a form of human rights violation and examine its impact on the realization of social justice. The research employs a normative legal method using statutory and conceptual approaches through a literature review of relevant laws, academic publications, and related documents. The findings indicate that corruption is closely linked to human rights violations because it obstructs the fulfillment of fundamental rights, including the rights to education, health, welfare, and adequate public services. Furthermore, corruption creates injustice in the distribution of resources, weakens public trust in state institutions, and impedes the achievement of equitable development goals. Therefore, combating corruption should not only be viewed as a law enforcement effort but also as a strategic measure to protect human rights and promote social justice for all members of society. Effective collaboration among the government, law enforcement agencies, and the public is essential to strengthen corruption prevention and eradication efforts, ensuring respect for human rights and the establishment of good governance.

KEYWORDS

Corruption, Human Rights, Human Rights Violations, Social Justice, Good Governance.

Corresponding Author: Bunga Natasyah				
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INTRODUCTION

According to Article 2 of Law No. 31 of 2019 concerning the Eradication of Criminal Acts of Corruption in conjunction with Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption.

It states, "Anyone who unlawfully commits an act of enriching themselves or another person or a corporation that can harm state finances or the state economy, shall be punished with imprisonment for life or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least Rp. 200,000,000.00 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah)."

From the definition of the crime of corruption above, it can be understood that the crime of corruption is very detrimental to state finances or the state economy and hinders national development, so it must be eradicated in order to realize a just and prosperous society based on Pancasila and the 1945 Constitution, which is a threat to the principles of democracy, which uphold transparency, accountability, and integrity, as well as the security and stability of the Indonesian nation.

Because corruption is a criminal act that is systematic and detrimental to sustainable development, it requires comprehensive, systematic and continuous prevention and eradication measures at both the national and international levels, so that perpetrators of criminal acts of corruption can also be categorized as human rights violations.

Human Rights are a set of rights inherent in the nature and existence of humans as creatures of God Almighty and are His gifts which must be respected, upheld and protected by the state, law, government and every person for the sake of honor and protection of human dignity and honor.

METHODS

This research employs a normative legal research method that focuses on the analysis of applicable legal norms. The approach employed includes a statutory approach, particularly regulations regarding Mortgage Rights, as well as a conceptual approach to examine relevant legal doctrines and principles. The legal materials used consist of primary, secondary, and tertiary legal materials obtained through literature review.

RESULTS AND DISCUSSION

RESULTS

1. Corruption as a Violation of Human Rights.

Corruption is an extraordinary crime because its impact not only harms state finances but also hinders the fulfillment of basic human rights. The preamble to the Corruption Eradication Law states that corruption constitutes a violation of the social and economic rights of society at large. Therefore, corruption is closely linked to human rights violations, particularly economic and social rights.

Corruption by state officials or administrators results in a reduction in the budget that should be used for public interests, such as education, health care, infrastructure development, and other social services. As a result, the state is unable to fulfill its obligation to fulfill, protect, and respect the rights of the people. In the case of Angelina Sondakh, for example, the corruption not only harmed state finances but also diminished the public's right to adequate sports facilities and infrastructure.

In addition to economic and social rights, corruption also has the potential to violate other rights, including the right to life. This can occur in cases of corruption related to the exploitation of natural resources, such as illegal logging. The resulting environmental damage can lead to natural disasters, threaten public safety, and reduce the quality of life for current and future generations.

2. Criteria for Corruption as a Human Rights Violation

An act of corruption can be categorized as a human rights violation if its consequences interfere with or harm basic rights guaranteed by national law or international human rights instruments. These criteria include:

Violation of the rights regulated in Law Number 39 of 1999 concerning Human Rights.

Violations of economic, social and cultural rights as regulated in Law Number 11 of 2005 concerning the Ratification of the International Covenant on Economic, Social and Cultural Rights.

Violations of civil and political rights as stipulated in Law Number 12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights. Therefore, not all acts of corruption automatically constitute human rights violations. Corruption can only be categorized as a human rights violation if its impact significantly reduces, hinders, or deprives people of their basic rights guaranteed by law.

DISCUSSION

1. The Importance of Human Rights Considerations in Judges' Decisions

Judges must consider aspects of human rights violations resulting from corruption when issuing decisions to ensure that decisions reflect the values of justice, legal certainty, and legal benefit. Comprehensive considerations will allow judges to consider not only the state's financial losses but also the suffering and rights of the people harmed by corruption.

From a justice perspective, human rights considerations demonstrate that corruption is not only the state but also the public, whose rights are deprived. From a legal perspective, these criteria provide clear guidelines for judges in determining whether a corruption case constitutes a human rights violation. Furthermore, from a legal perspective, these considerations can provide a deterrent effect on perpetrators and serve as a warning to other officials not to abuse their authority.

Therefore, including aspects of human rights violations in the judge's considerations is an important step towards realizing decisions that are fairer, more comprehensive, and oriented towards protecting the rights of the community. The phenomenon of corruption has existed since humans began organizing their lives. The intensity of corruption varies across time and place; like other social problems, corruption is largely determined by various external factors. Early accounts of corruption focused on bribery of judges and the behavior of government officials, which were initially considered corrupt acts.

In Indonesia, corruption has become a thorn in the government system and is a reflection of the country's corrupt governance. This phenomenon has resulted in poverty, low levels of education and health, and poor public services. The consequences of corruption are always felt by the people, especially those living below the poverty line. In several regions, we can read and see, through news reports in print and electronic media, floods, landslides, destroyed infrastructure, disrupted transportation, hampered distribution of goods, and deteriorating public health. All of these are the effects of corruption, the impact of which is inevitably felt by the innocent common people.

Discussions on the relationship between corruption and human rights (HAM) appear to be relatively rare among academics and practitioners, and there is not much literature or textbooks on the subject. This is likely because the substance of corruption, or the crime of corruption, does not explicitly address the substantive relationship between corruption and human rights. Yet, the correlation between the two is clear, as almost all corruption cases, directly or indirectly, are followed by human rights violations. Corruption always begins with

the abuse of power, meaning that the perpetrators of corruption are usually those in power. In other words, deviant acts committed by bureaucratic officials, in the form of corruption, can cause misery for the common people in a country. This means that corruption has robbed people of their economic, social, and cultural rights, thus violating human rights. "Corrupt practice" is defined in the International Financial Institutions (IFI) Guidelines as follows: "Offering, giving, receiving, or soliciting anything of value, directly or indirectly, to improperly influence the actions of another party."

Evidence of corruption involves offering, giving, receiving, or soliciting something of value, directly or indirectly, to unlawfully influence the activities of another party. Corruption can be direct or indirect. "Indirect" can refer to bribes offered, solicited, or paid through intermediaries or other intermediaries, such as family members of project officials. A common example is payments by contractors to the children of project and government officials studying abroad.

According to the Framers, a person is said to be corrupt if they exploit their public position solely for personal gain. With this interpretation of corruption, the discussion focuses on the goals and backgrounds of the actor or actors who may be corrupt. It is difficult to distinguish between a sense of moral responsibility and failure and corruption in their written and recorded observations of the Convention. Political corruption is a specific type of deliberate or reckless abuse of a position of trust, while corruption in general is the withering away of the ideals of civic virtue and public honesty. Political corruption is the use of public life for personal gain, while political virtue is the pursuit of the public good in public life.

This definition would not exist without a moral purpose or perspective. When exercising authority, a corrupt political figure will deliberately disregard or neglect the welfare of the general public. Human rights are affected by corruption in various ways. For example, if bribes are required to gain access to these basic rights, then the rights to food, water, education, health, and the ability to access justice can be violated. Millions of dollars of state wealth can be embezzled by high-ranking state officials, making it increasingly difficult for the government to fulfill its mandate to defend, uphold, and respect the rights granted to its citizens. Even if "human dignity" is what human rights principles are intended to protect and uphold, poverty is one of the primary causes of the loss of human dignity. All human rights are "indivisible, interdependent, interrelated, and of equal importance to the dignity of all human beings," according to the Vienna Declaration. Therefore, any act that "denies, disregards, or

degrades human dignity" can be considered a human rights violation, if not outright criminalized.

Gathii emphasized that the correlation between human rights and corruption is not clear-cut; corruption can hinder the upholding of human rights, but human rights can also encourage corruption. This is because corrupt government officials can use procedural and human rights, such as the right to a fair trial and the prohibition on undue delay in judicial proceedings, to avoid punishment and accountability for their role in gaining personal gain at the expense of the people they are supposed to serve.

Public perceptions will change if it is demonstrated that corruption violates human rights. People will be more likely to support campaigns and programs to combat corruption if they become more aware of the harm it poses to public and private interests, as well as the harm that even small amounts of corruption can cause. This is important because, despite loud rhetoric, most anti-corruption initiatives have little political impact.

Key players, including public officials, parliamentarians, judges, prosecutors, lawyers, businesspeople, bankers, accountants, the media, and the general public, can be persuaded to take a more aggressive stance against corruption if a proper link is established between corruption and human rights. This can happen even in countries where discussing human rights is a sensitive issue.

Failure to fulfill economic, social, and cultural rights results in a violation of the Covenant on Economic, Social, and Cultural Rights and constitutes a violation of human rights. In general, according to Allan McChesnay, the violations referred to in this Covenant are:

1. Failing to take action to protect existing rights;
2. Not taking prompt action to prevent failure to fulfill rights;
3. Failure to fulfill an obligation required by the Covenant;
4. Not succeeding in achieving the fulfillment of rights at the minimum level, even though it is needed by the majority of society;
5. Limiting the fulfillment of a right recognized in the Covenant in a manner that not permitted by the Covenant;
6. Intentionally stopping or slowing down gradual development in fulfillment of a right;
7. Cancel or reduce programs that have helped fulfill the needs Covenant;
8. Failure to provide reports to the UN periodicals.

The firmness of the idea of corruption as a serious violation of Human Rights according to Jimly Asshiddiqie as quoted by Lawalatta is:

A balance between the application of the principle of *doelmatigheid* and the principle of *rechtsmatigheid* can be found if the panel of judges can develop contextual thinking. Furthermore, it was explained that the crime of corruption has become deeply rooted in all aspects of Indonesian society, exceeding the impact and danger of human rights violations, and thus, the crime of corruption can be equated with gross violations of human rights.

CONCLUSION

Corruption is an extraordinary crime that not only harms state finances but also directly robs the dignity and basic rights of the people, especially Economic, Social, and Cultural Rights (Ekosob). When public officials abuse their power for personal gain, the state automatically fails to fulfill its obligation to provide crucial public services such as education, health, and adequate infrastructure, which ultimately triggers systemic poverty and misery for the common people. This deep correlation shows that corruption has a real dimension of human rights violations if its impact is proven to reduce or rob basic rights that have been guaranteed by national law (such as Law No. 39 of 1999 concerning Human Rights) and international instruments, even on a very destructive scale in Indonesia, its deep-rooted impact is considered to be equivalent to a gross violation of human rights.

Therefore, a paradigm shift is needed so that panels of judges no longer focus solely on the nominal value of material losses to the state, but rather must integrate aspects of human rights protection into their deliberations to produce just, comprehensive decisions that provide a strong deterrent effect. By building collective awareness that corruption is a form of human rights violation, society and all elements of law enforcement will be encouraged to take a much more aggressive stance in combating and eradicating corruption practices at their roots.

BIBLIOGRAPHY

- Elements of Proof of Corrupt Practices,” International Financial Institution, 2023, <https://guide.iarcrc.org/elements-of-proof-corrupt-practices/>.
- Ilham M. Wira Pratama, “Corruption as a Violation of Human Rights,” *Unifikasi: Journal of Legal Studies*, Vol. 4, No. 1 (2019), p.
- Lawata Otavianus Corruption and Human Rights Violations FHUNPATTI Journal Vol.1 No.1 2020

McChesey Allan, *Advancing and Defending Economic, Social, and Cultural Rights* Yogyakarta Insist Press, 2003

Santoso Juli "The Impact of Corruption in the Form of Legal Violations Against the Decalogue and Human Rights Law in Indonesia" *RERUM Journal of Biblical Practice* Vol.3, No.1 2023

Thuo James Gathii, "Defining the Relationship between Human Rights and Corruption," *U.Pa.J. Int'IL* 31, no.1 (2014), <https://scholarship.law.upenn.edu/cgi/view.cgi?article=1116&context=jil>

Lawalatta, *Corruption and Human Rights Violations*