

**THE URGENCY OF CORRUPTION ERADICATION COMMISSION
IN HANDLING CORRUPTION IN THE PRIVATE SECTORS**

Undergraduate Thesis



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DECLARATION PAGE

I am the undersigned :

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I hereby declare that the undergraduate thesis under the title "**THE URGENCY OF CORRUPTION ERADICATION COMMISSION IN HANDLING CORRUPTION IN THE PRIVATE SECTORS**", its contents is truly the work of my own and I did not do plagiarism or quotation in ways that are inconsistent with the prevailing ethics in the scientific community. On this statement, I am ready to bear any risks/any sanctions imposed to me in accordance with applicable regulations, if a breach of scientific ethics was found in the future; I am willing to accept the sanctions.

Yogyakarta, December 9th, 2019



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MOTTO PAGE

“And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful”

(Q.S. Ali ‘Imran : 104)



DEDICATION

This Undergraduate Thesis is dedicated to

- ❖ My Lord, Allah SWT
- ❖ Prophet Muhammad SAW

My beloved parents

- ❖ H. Abdul Halim
- ❖ Hj. Mulyati (Alm)

My lovely Brothers

- ❖ H. Ahmad Sadikin Halim S.E.
- ❖ Ahmad Shalihin Halim, S.Th.I, M.Hum.
- ❖ Ahmad Akbar Halim

FOREWORD

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Finally, I do expect that this thesis will give benefits for the readers and future researchers.

Yogyakarta, December 19th, 2019



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LIST OF STATUTES

The 1945 Constitution of the Republic of Indonesia

The Decree of People's Consultative Assembly Number XI / MPR / 1998 on State Official that Clean and Free Corruption, Collusion and Nepotism.

Constitutional Court Decision Number 25/PUU-XIV/2016 regarding to the article 2 and 3 of Law number 31 of 1999 on Corruption Eradication.

The Law Number 19 of 2019 on the amendment the Law Number 30 of 2002 on Corruption Eradication Commission

The Law Number 7 of 2006 concerning the Ratification of United Nation Convention Against Corruption

The Law Number 30 of 2002 on Corruption Eradication Commission.

The Law Number 20 of 2001 on the Amendment to Law number 31 of 1999 on the Corruption Eradication

The Law Number 31 of 1999 on Corruption Eradication

The Law No. 28 of 1999 on State Official that Clean and Free Corruption, Collusion, and Nepotism

The Law Number 11 of 1980 on Bribery

Indonesia Penal Code

Supreme Court Regulation Number 13 of 2016 on Procedures for Handling
Criminal Acts by Corporations

Chapter 201 The Prevention of Bribery Ordinance Hong Kong

Chapter 241 The Prevention of Corruption Act Singapore

United Nation Convention Against Corruption 2003

African Union Convention on Preventing and Combating Corruption 2003

Criminal Law Convention on Corruption 1999

Inter-American Convention Against Corruption 1996



LIST OF ABBREVIATIONS

ACA	: Anti-Corruption Agency
APEC	: Asia-Pacific Economic Cooperation
CLCC	: Criminal Law Convention on Corruption
CPI	: Corruption Perceptions Index
CPIB	: Corrupt Practices Investigation Bureau
DPR	: Dewan Perwakilan Rakyat
GRECO	: Council of Europe’s Group of States Against Corruption
IACAC	: Inter-American Convention Against Corruption
ICAC	: Independent Commission Against Corruption
ICC	: International Chamber of Commerce
KPK	: Komisi Pemberantasan Korupsi
KUHP	: Kitab Undang-Undang Hukum Pidana
MK	: Mahkamah Konstitusi
MPR	: Majelis Permusyawaratan Rakyat
OECD	: Organization for Economic Co-operation and Development

- PCA** : Prevention of Corruption Act
- PERC** : Political and Economic Risk Consultancy
- POBO** : The Prevention of Bribery Ordinance
- TI** : Transparency International
- UNCAC** : United Nation Convention Against Corruption

