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A Comparative Study of Trading in Influence in Indonesian and Spanish Corruption Laws

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Abstract: One of the eleven types of corruption covered by Articles 18 a and b of the United Nations Convention Against Corruption (UNCAC) is trading in influence. Since trading in influence is widespread these days, it needs proper legal control to end this kind of corruption. Therefore, this research will assess the regulatory frameworks for trading in influence Spain and Indonesia, as well as the urgency of regulating trading in influence in accordance with Indonesia's anti-corruption legislation in the future. This study employs a comparative and statutory approach to normative law. According to the findings, there are notable distinctions between the two nations, particularly with regard to the legal framework. Indonesia continues to lag far behind Spain in terms of regulating trading in influence, which calls for a legislative amendment to strengthen the nation's laws.

Keyword: Trading in Influence, Corruption, Indonesia, Spanish.

INTRODUCTION

The unusual crime of the feeling of justice is negatively impacted by corruption but also harms state finances and/or the state economy and violates socio-economic rights (Danil, 2011) and affects society in wide range of ways (Pane & Pudjiastuti, 2020). In addition, corruption can overturn the order of a country, especially by causing social and economic inequality among its citizens, so corruption is a chronic problem suffered by many developed and developing countries around the world (Putra & Linda, 2022). This statement is in line with Romli Atmasasmita's doctrine which states: (Atmasasmita, 2007)

“Referring to the development of corruption, both in terms of quantity and quality, and after studying it in depth, it is not an exaggeration to say that corruption in Indonesia is not an ordinary crime but a very extraordinary crime. Furthermore, if examined in terms of the negative consequences or impacts that have greatly damaged the order of life of the Indonesian nation since the New Order government until now, it is clear that the act of corruption is a deprivation of economic and social rights of the Indonesian people.”

In 2023, Indonesia's Corruption Perception Index (ICP) recorded the number 34, indicating stagnation or no change compared to the previous year (Herawan Sauni, Zico Junius Fernando, David Aprizon Putra & Virdaus, 2024). Transparency International Indonesia (TII) calculates and releases this index, which uses a rating scale from 0 to 100 (Herawan Sauni, Zico Junius Fernando, David Aprizon Putra & Virdaus, 2024). A score of 0 indicates the highest level of corruption, while 100 reflects the optimal level of honesty (Herawan Sauni, Zico Junius Fernando, David Aprizon Putra & Virdaus, 2024). Indonesia's CPI figures in 2023 stagnate, indicating that the implemented anti-corruption efforts and initiatives have not significantly reduced the perception of corruption in the country (Herawan Sauni, Zico Junius Fernando, David Aprizon Putra & Virdaus, 2024).

Because corruption has such a wide-ranging effect, the United Nations (UN) has organized numerous nations to take part in the anti-corruption movement by establishing in December 2003, Marida, Mexico hosted the United Nations Convention Against Corruption (UNCAC).

As of October 2023, 191 nations had ratified this pact, two of which are Indonesia and Spain. This UN Convention was born out of the international community's concern that corruption has become a dangerous social phenomenon that has a very destructive power that can destroy the joints of global life. International corruption is governed by the United Nations Convention Against Corruption (UNCAC). Integrity, accountability, openness, and proper management in the public sector are the three goals of the UNCAC; international collaboration and technical aid, including the recovery of illicit assets; and the efficient and effective prevention and combating of corruption (O.S Hiarie, 2020).

A list of the categories of offenses that fall under the umbrella of corruption is provided by UNCAC. Trading in influence is one of the eleven general activities listed in Article 18 of the United Nations Convention against Corruption (UNCAC) (Ilyas et al., 2022), Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning the eradication of corruption criminal offenses exclusively regulates seven types of corruption. Trading in influence is the practice of selling one's influence on the choices made by public officials or other powerful people, according to Erdianto Effendi (Effendi et al., 2023). Trading in influence, according to Muhammad YusrilIzra and Nyoman Serikat Putra Jaya, is the deliberate offering, giving, or promising and public official and other individual an unfair advantage, either directly or indirectly, in order to exploit his influence (Irza & Jaya, 2020).

Trading in influence is prohibited by Article 18 letters (a) and (b) of United Convention Against Corruption which states: (Ilyas, 2022)

Every State Party will think about passing any legislation and other actions that could be necessary to classify deliberate offenses as crimes:

- a) "The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person".
- b) "When a public official or other individual directly or indirectly solicits or accepts an unfair advantage for themselves or another individual in order to abuse their actual or perceived influence in order to abuse their actual or perceived influence in order to obtain an unfair advantage from a State Party administration or public authority".

There are several key elements of Trading in Influence (Gluck, 2022): first, it takes place within legitimate social institutions such as legitimate political parties; second, it occupies an area of gray legality or is entirely legal; third, it depends on relationships and access to decision-makers, much more than the direct purchase of specific outcomes; fourth, it follows business and economic interests that are often aligned with government policies. This form of corruption is quite difficult to define precisely and accurately, and there is no universal test to

tell whether the influence an individual or group has is a legitimate representation of plurality, or a corruption syndrome (Gluck, 2022). The exchange of trading in influence is conceptually complicated, making it challenging to comprehend and describe. The practice involves the utilization of one's influence or position for personal gain, either directly or indirectly. Trading in influence is a form of corruption that is difficult to detect because it usually occurs in secret and involves complex networks. Legal gaps and monitoring system flaws are frequently exploited by criminals to carry out their crimes. The increasing prevalence of the practice of trading in influence, especially in Indonesia and Spain, two countries that have passed legislation relevant to this activity, is clearly one of the challenges in the global struggle to eradicate corruption.

Trading in influence is one type of corruption that frequently takes place in Indonesia but is not yet covered by corruption laws. While this has occurred in cases with a trading in influence dimension such as in the cases of Lufti Hasan Ishaq, Romahurmuzyi, Irman Gusman, and Idrus Marham. Furthermore, the Indonesian government has made criminal law reform, namely Law Number 1 of 2023, which also does not regulate trading in influence.

If we compare it with countries in Europe, such as France, Spain and Hungary, all three have Criminal Regulations that can ensnare non-public officials or non-state officials in the crime of corruption through the offense of trading in influence (Fadhil et al., 2022). Among the three countries, Spain has one of the lowest rates of corruption worldwide, Spain is ranked 36th among 180 countries in the 2023 International Transparency Corruption Perceptions Index, and the country that ranks first is considered to have the most honest public sector.. Spain's laws governing trading in influence are more specific. The Spanish Criminal Code already regulates trading in influence. This puts Spain in a better position to deal with the escalating problems of corruption, particularly when it comes to trading in influence. The public is undoubtedly concerned about the growing prevalence of influence trading as a kind of corruption. So there have been many studies that discuss trading in influence before.

Previous research on trading in influence was conducted by Adam Khafi, Muhammad Fadhil, and Nur Alam Bulu. Adam Khafi previously did research on the practice of trading in influence when purchasing goods and services, which covered the trading in influence model in this context (Ferdinand et al., 2021). Additionally, Nur Alam Bulu's research on the interpretation of corruption cases involving trading in influence is based on the Indonesian legal perspective, which discusses the idea of trading in influence and how criminal law is used to apprehend those who engage in it (Bulu & Mustajab, 2022) and Muhammad Fadhil's research on the legal construction of trading in influence in the crime of corruption which discusses the form of legal formulation of trading in influence as a crime of corruption in the future (Fadhil et al., 2022).

The author's study includes issues with how Indonesian and Spanish laws regulate influence dealing in corruption, as well as how Indonesian laws will regulate influence trading in corruption going forward. Thus, the author's research is different from the three previous studies.

METHOD

Soehartono defines a research method as an all-encompassing approach or plan to locate or acquire the required facts (Nur Soikin, 2021). This research is classified as normative juridical research, which is a sort of research where the focus is on laws and standards (Hasibuan, 2024). Normative juridical legal research is the process of determining legal doctrines, rules, and principles to solve contemporary legal concerns (Marzuki, 2009). This research is used to provide juridical answers in the event of a legal vacuum, vagueness, obstacles, and regulatory disputes (Harahap & Anwar, 2022). This study employs both a comparative and legislative approach. Comparing legal rules or court rulings in one nation with those in one or more other nations is how this comparative technique is implemented, however

it must be noted that the subjects of the comparisons must be the same (Marnalom et al., 2024). In this research, the legal regulation of trading in influence in Indonesia and Spain will be compared. This study will analyze the legal frameworks governing influence trading in Spain and Indonesia. This writing's method of gathering data is a literature review (Rahman & Rizkianti, 2024). The data collection technique in this writing is library research. Data sources consist of primary legal materials, secondary legal materials (journals and books), and tertiary legal materials used to provide explanations related to primary legal materials and secondary legal materials. The data that has been collected will be analyzed descriptively qualitatively to get answers to the legal problems being studied.

RESULTS AND DISCUSSION

Differences in the Regulation of Trading In Influence in Corruption Laws in Spain and Indonesia

Regulation of Trading In Influence in Indonesia

Given the nature of corruption and how harmful it is to the state and society, Indonesian positive law particularly regulates the legislation on its eradication, so it requires special handling by making its own formal (procedural) and material (substance) criminal law which makes this law has features that are not owned by other laws. These features include the existence of a separate institution that is directly authorized to handle corruption cases, the existence of a limited reverse proof system that provides space for the perpetrator to prove the origin of his assets that are the problem and the provision of criminal sanctions that are more severe than other criminal offenses.

There is still a great need to enhance corruption control in Indonesia because the unique characteristics of this law do not always defeat corruption, which has many different forms that change periodically. The dynamics of Indonesia's current anti-corruption legislation demonstrate how it has been improved. The first law to control corruption was Law Number 31 of 1999 about Eradication of Corruption. Law Number 20 of 2001 concerning Amendments to Law Number 30 of 1999 concerning Eradication of Corruption was the subsequent amendment. Law Number 1 of 2023, which amended several articles in the previous law, was the most recent amendment.

Nevertheless, even though Indonesia's corruption law has undergone a number of revisions, trading in influence is still unregulated under the country's corruption statute. As part of its commitment to end corruption worldwide, Indonesia ratified the United Nations Convention Against Corruption (UNCAC) through Law Number 7 of 2006 concerning Ratification of UNCAC. However, our corruption laws lack legal substance because there are no clear regulations on trading in influence. This makes it difficult to enforce an anti-corruption campaign in Indonesia.

Trading In Influence Case in Indonesia

Trading in influence is widely practiced as a *modus operandi* for corruption in Indonesia, which in the prosecution process is often associated with the bribery article or the gratification article contained in the corruption law. One example of a corruption case involving the trading of influence that was initially prosecuted under the bribery article is the sugar import case in which Irman Gusman, Chairman of the Regional Representative Council (DPD), accepted a bribe of Rp 100,000,000 (one hundred million rupiah) from Xaveriandy Susanto and Memi, the owners of CV Semesta Berjaya. The arrangement for the distribution of the imported sugar quota from Perum Bulog to West Sumatera was the subject of the bribe. Irman Gusman used his influence to arrange the granting of sugar import quota from Bulog to Xaveriandy's company. The chronology of the case is (Dylan Aprialdo Rachman, 2019) when Memi as Xaveriandy's wife met Irman Gusman where Memi asked Irman Gusman to help her company to buy imported sugar from Perum Bulog. Then the next day Irman contacted Djarot

Kusumayakti as Director of Perum Bulog West Sumatra. Irman said that he recommended Memi as his old friend who owns CV Semesta Berjaya as a party that can be trusted to distribute the imported sugar. Because the request was Irman as chairman of DPD at the time, Djarot Kusumayakti agreed and asked for Memi's personal cell phone number. Then Djarot contacted Memi to convey that he would allocate Perum Bulog's imported sugar for West Sumatera Province according to the request.

Irman Gusman was accused by KPK prosecutors of violating Article 12 letter b of Law Number 31 of 1999, as amended in Law 20 of 2001 regarding the Eradication of Corruption, in accordance with decision number 112/Pid.Sus/TPK/2016/PN. Jkt.Pst. The prosecutor for KPK claims that Irman Gusman was convicted of a crime involving corruption. He was consequently given a term of four years and six months in prison, a fine of Rp 200,000,000.00 (two hundred million rupiah) in lieu of three months in jail, and further legislation that, for three years following the completion of his initial sentence, barred him from running for public office.

Interesting things happened during the law enforcement process against IrmanGusman, who was first found guilty of bribery before being found guilty of gratification. However, upon closer inspection, it is still determined that the gratification article is inappropriate because IrmanGusman's actions in this case are more consistent with the crime of trading in influence.

Where Irman Gusman did not take advantage of his position but he used his connections to benefit other parties by trading his influence in his position as chairman of DPD to influence the decision of the Logistics Agency (Bulog) related to sugar import rations for West Sumatera. The parties engaged are essentially the primary distinction between bribery, gratuity, and influence trading. Three parties are involved in a trilateral relationship when trading influence: the first actor gives something to another party in order to profit from public officials, and two actors from the side of policy makers, including those who sell their influence (not always state administrators or public officials) and parties as well. This trilateral relationship can be found in the Irman Gusman case, where the party giving something is Xaviendry and Memi as Memi as Xaviendry's wife and the other two parties from the decision-making side are Irman Gusman and Djarot Kusumayakti as Managing Director of Perum Bulog West Sumatra. While in bribery and gratuities there is only bilateral relationship, namely the state organizer as the recipient of bribes or gratuities and the party giving bribes or gratuities that can come from state organizers or private parties. So in the case of sugar imports, Irman Gusman can be classified as trading in influence with a vertical pattern with brokers or brokers, where in that case Irman Gusman acts as a broker or broker who utilizes the influence of public officials.

Trading In Influence Regulations in Spain

As one of the nations that has ratified The United Nations Convention Against Corruption (UNCAC), Spain already has regulations of trading in influence, which is a sign of Spain's commitment to actively combating global corruption, in contrast to Indonesia, which does not yet have such regulations in its corruption laws. The Spanish Criminal Code in Chapter VI Articles 428-430 under the title "del tráfico de influencias" (on influence peddling), currently contains legal provisions pertaining to the trading in influence in Spain. The topic of passive trading in influence is covered in Articles 428 and 429. When a public official or other individual requests or accepts an undae benefit, either directly or indirectly, for themselves or for another person, they are engaging in passive trading in influence. This occurs when public official or other individual abuses their influence, whether real or perceived, in order to obtain the undae benefit (Pesireron et al., 2022). Article 428 and Article 429 read:

CHAPTER VI

On influence peddling

Article 428

A civil servant or authority faces a six-month to two-year prison sentence, a fine equal to one to two times the benefit intended or obtained, and a special ban from public office and employment for five to nine years if he uses the authority of his position or any other circumstance resulting from his personal or hierarchical relationship with another public officer or authority to influence them in order to reach a decision that could directly or indirectly benefit him or a third party financially. If the intended advantage is achieved, these penalties will be applied in the top half.

Article 429

Anyone who manipulates a civil servant or authority to take advantage of any situation arising from his personal relationship with him or with another public officer or authority to obtain a resolution that may directly or indirectly generate a financial benefit for himself or for a third party faces a jail sentence of six months to two years, a fine equal to one to two times the benefit intended or obtained, and the prohibition from entering into contracts with the public sector for a period of six to ten years. These penalties also include the loss of the opportunity to receive tax or Social Security benefits or incentives, as well as the prohibition from entering into contracts with the public sector. These penalties will be applied in the upper half in the desired advantage is realized.

From the two articles above, it can be indicated that the elements contained in Articles 428 and 429 are different even though both regulate passive trading in influence. In Article 428 the subject of the criminal offense is a public official or authority who influences another public official or authority. Therefore, Article 428 can only be imposed on public officials or authorities who practice passive trading in influence. While in Article 429 the subject of the criminal offense is an individual (nonpublic official) who has a family relationship with the public official.

In Articles 428 and 429, it is required that the influence exerted by a public official or authority in possession of the government to make a decision that can provide economic benefits to the influence peddler or client. In the provisions of these two articles, the decision made by the public official or authority does not have to be in accordance with the request of the influence peddler, meaning that it does not have to bring economic benefits, it is enough that the decision is made and it can be proven that the resulting influence can be said to be a criminal offense. If evidence is found that the decision made by the public official or authority provides an economic benefit to the influence peddler then this will be taken into consideration by the judge to give a more severe punishment to the perpetrator. For advice to be considered an offense, it must be given by someone in a higher hierarchical position or who exerts moral pressure through a personal relationship. Therefore, both articles also require a hierarchical or personal relationship between a person or public official and the public official to be influenced. Article 430 of the Spanish Criminal Code reads:

Article 430

Anyone who requests handouts, gifts, or any other form of compensation from third parties, accepts offers or pledges, or offers to behave in the way outlined in the two previous articles faces a six-month to one-year prison sentence. If a public official or authority committed the crime, they will be specifically barred from public employment and office, as well as from running for public office, for a term of one to four years.

According to the rules outlined in Article 31 bis, a legal person found guilty of any of the crimes specified in this chapter faces a fine ranging from six months to years.

According to the rules outlined in Article 66 bis, judges and courts of law may also impose the penalties listed in Sub-Paragraphs b) to g) of Section 7 Article 33.

Based on the provisions of Article 430 above, those who offer trading in influence to public officials or authorities can be convicted, in other words, this article is imposed on influence peddlers. The offering party is not only limited to public authorities or officials, but Article 430 of the Spanish Criminal Code can also be imposed on legal entities that commit the

crime of trading in influence. Where the form of criminal sanctions for officials or public authorities who commit trading in influence is more severe than non-officials or public authorities. In accordance with the provisions of this article, trading in influence can not only be carried out by individuals, be it officials or non-officials, but can also be carried out by legal entities. Meanwhile, for legal entities that commit the crime of trading in influence, they can be sentenced as follows:(Gawi & Imtichani, 2021)

1. Dissolution of a legal entity.
2. A halt to business operations for a duration of less than five years.
3. A legal entity's premises being closed for a duration shorter than five years
4. Outlawing any further actions that might be taken that could result in criminal activity.
5. Not being able to sign contracts with the public sector, receive public subsidies and help, or benefit from tax or Social Security benefits and incentives for a period of less than 15 years.

There is still a need for a modification in the legislation to develop a more comprehensive corruption law since, while the Spanish Criminal Code has restrictions pertaining to dealing in influence, it does not contain any regulations pertaining to active trading in influence.

The legal foundation or regulation of trading in influence is where Indonesian and Spanish anti-corruption legislation diverge. While Spain has made trafficking in influence a criminal felony under the Spanish Criminal Code, Indonesian positive law has yet to establish any legal foundation or regulate this practice.

Table 1. Table of Differences in the Regulation of Trading in Influence in Corruption Law in Indonesia and Spain

| | Indonesia | Spain |
|--------------------------------------|---|--|
| Regulations | Not yet regulated in Indonesian positive law,soArticle 428, Article 429, Article 430. The perpetrators of that in law enforcement ittrading in influence in Spain tends to use the bribery orwill be subject to one of these gratification article whichthree articles, depending on the makes the punishment forjudgment of the law the perpetrator less thanenforcement officials handling optimal. | Article 428, Article 429, Article 430. The perpetrators of that in law enforcement ittrading in influence in Spain tends to use the bribery orwill be subject to one of these gratification article whichthree articles, depending on the makes the punishment forjudgment of the law the perpetrator less thanenforcement officials handling the case |
| Forms of regulated influence trading | - | Only ensnares the passive influence trading. |
| Legal Subjects | - | Passive trading in influence can ensnare public officials, the private sector as well as legal entities. |

The Urgency of Regulating Trading In Influence in Indonesia in the Future

Trading in influence is still classified as a criminal extra ordinaria. Criminal extra ordinaria is a term for criminal acts that have not been regulated at all in national law so that based on the principle of legality, these acts cannot be sentenced to punishment The impact of this causes a legal vacuum related to trading in influence in Indonesian positive law. The legal vacuum then creates space for criminals to take advantage of it with the ultimate goal of benefiting from unlawful acts. The existence of this space causes a lack of effectiveness in the law enforcement process in cases with a trading in influence dimension that occur in Indonesia. So that to overcome the increasing prevalence of this act, a regulation is needed that can be used as a basis for imposing punishment on the perpetrator. Establishing a regulation on trading in influence in Indonesia is not an impossibility because basically the regulation on trading in

influence already exists in Article 18 of UNCAC and has been ratified by Indonesia since 2006, but until now the regulation contained in UNCAC has not been fully adopted by Indonesia. According to Professor of Criminal Law at the Faculty of Law UGM, Prof. Eddy Hiariej, Indonesia can adapt the provisions of Article 18 UNCAC into national positive law in order to fulfill the principle of legality, which can be formulated as follows:(O.S Hiarie, 2020).

CHAPTER “X”

TRADING INFLUENCE

ARTICLE “Y”

Trading in influence carries penalties of at least Rp 100,000,000 (one hundred million rupiahs) but not more than Rp 750,000,000 (seven hundred fifty million rupiahs), with a minimum penalty of three years in prison and a maximum of ten years.

- 1) Any individual who, directly or indirectly, intends to enable a public official or another individual to abuse his actual or perceived influence in order to obtain anything from an administrative or public authority for the benefit of that individual or any other individual by making a promise, offering, or providing anything of value.
- 2) A public official or any individual who accepts a promise, offer, or provision that would directly or indirectly give him or another individual an unfair advantage in order to abuse their actual or perceived influence in order to obtain anything from an administrative or public authority for their own or another individual's benefit.

The following are the components of trading in influence based on the article's structure (Fariz et al., 2014):

The terms public official and any person relate to two different entities: either a public official or any individual. According to the General Provisions of Article 1 Paragraph 3 of the Corruption Crime Law, people or companies are regarded as every individual. The corporation includes both legal and non-legal entities. This is discovered through Nazaruddin's experience of corruption while serving as the head of the Permai Group, a non-legal organization that oversees government projects. According to Article 1 point 8 of the Public Information Disclosure Law, a public official is defined as an individual appointed and designated to hold a specific position within a public body.

The second component of influence peddling is making or receiving a promise or offer to a public official or other individual. This can be done by the person committing the corruption crime or by a third party acting on their behalf. This second component is directed either directly or indirectly against governmental authorities or other individuals. The purpose of this component is to increase involvement in the crime of influence trading. This component demonstrates that influence peddling, both active and passive, can be prosecuted under the law (French model). The gift does not need to be accepted, according to the Republic of Indonesia Supreme Court's June 22, 1956, Decision No. 145K/Kr/1955.

Abuse of perceived or actual influence, which is anything that seeks to persuade someone else to do an action or refrain from taking one in order to obtain an unfair advantage. The aspect of influence can be perceived or actual. Evidence of influence can be found in family, organizations, parties, and blood ties, among other places.

Compared to abuse of position and authority, which is evident in statutory arrangements, work arrangements, job descriptions, and other documents, proving the element of trading in influence is typically more challenging. Because of the wording "influence that is deemed to exist," law enforcement does not need to provide evidence of the offender's actual influence. Just using electronic evidence to trace is sufficient, and so forth.

An unfair advantage is gained as a result of the abuse of influence. One of the key topics in the article on trading in influence is undue advantage. This is due to the fact that material gain is typically the goal of influence peddling. One of the aspects of Article 18 UNCAC is this

one as well. Examining the kickback or any receipt the offender received can make the proof process simpler.

Where the trading in influence is carried out either intentionally or due to negligence. This means that the perpetrator of trading in influence is not obliged to intend the act of trading in influence, but when the trading in influence occurs even if the trading in influence is done unintentionally, the perpetrator must still be held accountable for his actions.

Obtaining something from public or administrative officials is the final component trading in influence. The element of getting something from the authority can take the shape of beneficial policies or choices that are in line with the client's wishes. Getting material benefits so that the money or items acquired can be used as evidence is one of the goals of influence trading. The formulation of the trading in influence article by Prof. Eddy gives us an overview of the article that can be used as the legal basis for trading in influence in the future, so it is necessary to revise the corruption eradication law as soon as possible, so that this article can be included in the corruption law in Indonesia. The revision of the corruption eradication law must be done immediately considering that Indonesia's corruption law is no longer able to overcome the problems of the ever-growing types of corruption, so that the revision of the corruption law is the first step in strengthening the substance of existing laws and making Indonesia better prepared to deal with endless corruption cases. The regulation of trading in influence can be included after the bribery and gratification articles in the corruption law after the revision. The placement of trading in influence after the bribery and gratuity articles makes it easier for us to distinguish between these three types of corruption, so that there will be no more confusion in determining whether an act is a bribe, gratuity or trading in influence. With the regulation of trading in influence later, the legal loopholes that previously existed are no longer there, so that the opportunity for trading in influence perpetrators not to be prosecuted no longer exists.

The regulation of trading in influence in Indonesia's corruption law is a first step in catching up with Spain in the context of eradicating corruption on a national scale in each country.

The revision of the corruption law will certainly pose its own challenges in its implementation, such as the adaptation process to the changes in the law that occur so that the public, especially law enforcement officials, can be familiar with the new corruption law, besides the lack of resources for law enforcement officials is a practical challenge that can hinder law enforcement related to corruption in Indonesia so that the government must be able to anticipate this so that future corruption laws in Indonesia after the revision can be implemented as well as possible to break the chain of corruption that occurs in Indonesia.

CONCLUSION

There are significant differences in the legal framework of the two countries, where Indonesia, despite having a corruption eradication law, still has weaknesses in regulating trading in influence which is often included in the offense of bribery or gratuity. Meanwhile, Spain has a more comprehensive and specific regulation on trading in influence contained in Article 428, Article 429 and Article 430 of the Spanish Criminal Code. This difference shows the urgency for Indonesia to improve the regulation of trading in influence in the corruption eradication law. Clearer and more comprehensive regulations are needed to prevent corrupt practices that are increasingly complex and difficult to detect. In addition, a good regulation will also provide legal certainty for law enforcers in ensnaring the perpetrators of trading in influence.

REFERENCE

Atmasasmita, R. (2007). *Tindak Pidana Korupsi di Indonesia (Normatif, Toritis, Praktik, dan Masalahnya)*, Bandung: PT Alumnus.

- Bulu, N. A., & Mustajab, W. (2022). Interpretasi Kasus Korupsi Jenis Trading in Influence Berdasarkan Perspektif Hukum Pidana Indonesia. *Jurnal Kewarganegaraan*, Vol.6 No.2) DOI:<https://doi.org/10.31316/jk.v6i2.3445>
- Danil, E. (2011). *Korupsi: Konsep, Tindak Pidana, dan Pemberantasannya*, Jakarta: PT Raja Grafindo Persada.
- Dylan Aprialdo Rachman, F. J. K. (2019). Perjalanan Irman Gusman, Dari Vonis 4,5 Tahun Hingga Dapat Pengurangan Hukuman. *Kompas.Com*. <https://nasional.kompas.com/read/2019/09/27/06402091/perjalanan-irman-gusman-dari-vonis-45-tahun-hingga-dapat-pengurangan-hukuman?page=all>
- Effendi, E., Fernando, Z. J., Anditya, A. W., & Chandra, M. J. A. (2023). Trading in influence (Indonesia): A critical study. *Cogent Social Sciences*, Vol 9 No.1 DOI:<https://doi.org/10.1080/23311886.2023.2231621>
- Fadhil, M., Rachman, T., & Yunus, A. (2022). Konstruksi Hukum Perdagangan Pengaruh (Trading in Influence) dalam Tindak Pidana Korupsi. *Jurnal Ilmu Hukum AMANNA GAPP*, Vol. 21 No.1 DOI:<http://dx.doi.org/10.20956/ag.v30i1.20952>
- Fariz, D., Sjafrina, A., Sari, E. P., & Herawan, W. N. (2014). *Kajian Implementasi Aturan Trading in Influence Dalam Hukum Nasional*, Jakarta Selatan: Indonesia Corruption Watch.
- Ferdinand, A. K., Rahmat, A. A., & Sonjaya, A. V. (2021). Perdagangan Pengaruh (Trading in Influence) dalam Pengadaan Barang dan Jasa. *Simbur Cahaya*, Vol. 38 No. 2 DOI:<http://dx.doi.org/10.28946/sc.v28i2.417>
- Gawi, I. R., & Imtichani, M. I. (2021). Komparasi Pengaturan Trading in Influence Antara Indonesia Dengan Berbagai Negara di Eropa. *Jurnal Analisis Hukum*, Vol . 4 No. 2.
- Gluck, J. (2022). Trading In Influence In New Zealand. In Victoria University of Wellington. Victoria University of Wellington.
- Harahap, M. M., & Anwar, R. (2022). Supreme Court Regulation (Perma) Number 1 Year 2020: Solutions in the Guidelines for Determining Death Penalty for Corruption Criminal Acts in Certain Conditions. *JCH (Jurnal Cendekia Hukum)*, Vol. 7 No. 2, DOI:<http://doi.org/10.33760/jch.v7i2.474>
- Hasibuan, M. A. (2024). Perbandingan Pengaturan Hukum Naturalisasi Indonesia Dengan Korea Selatan. *Simbur Cahaya*, Vol. XXXI No. 1) DOI: <https://doi.org/10.28946/sc.v31i1.3169>
- Herawan Sauni, Zico Junius Fernando, David Aprizon Putra, S., & Virdaus, A. H. (2024). Beyond Borders: Shedding Lidht on Foreign Bribery through an Islamic Legal Lens. *Al-Istinbath, Jurnal Hukum Islam*, Vol. 9 No. DOI: <https://doi.org/https://dx.doi.org/10.29240/jhi.v9i2.9752>
- Ilyas, A. (2022). Kriminalisasi Trading In Influence Urgensi Dan Pengaturannya Di Berbagai Negara, Depok: Rajawali Pers.
- Ilyas, A., Hukum, F., Veteran, U. ", Timur, J., & Puspitosari, H. (2022). Urgensi Kriminalisasi Bentuk Korupsi Trading in Influence Dalam Hukum Positif Indonesia. *Jurnal Kertha Semaya*, 10(2), 383–395 DOI: <https://doi.org/10.24843/KS.2022.v10.i02.p11>
- Irza, M. Y., & Jaya, N. S. P. (2020). Urgensi Pengaturan Trading in Influence sebagai Tindak Pidana Korupsi dalam Tatanan Hukum Pidana Indonesia. *Halu Oleo Law Review*, Vol.4 No.2 DOI:<https://doi.org/10.33561/holrev.v4i2.12209>
- Marnalom, M., Syafrinaldi, S., & Mufidi, M. F. (2024). Perbandingan Pengaturan tentang Production Sharing Contract Bidang Pertambangan Perspektif Teori Keadilan. *Jurnal USM Law Review*, Vol. 7 No.2).
- Marzuki, P. M. (2009). *Penelitian Hukum*, Jakarta: Kencana Prenada Media Group.
- O.S Hiarie, E. (2020). Memahami 'Trading in Influence' Dalam Kerangka Uncac Sebagai Instrumen Pemberantasan Korupsi Di Indonesia. *Jurnal Hukum Pidana Dan Kriminologi*, Vol.1No.1) DOI: <https://doi.org/10.51370/jhpk.v1i1.6>

- Pane, M. D., & Pudjiastuti, D. (2020). The Legal Aspect of New Normal and the Corruption Eradication in Indonesia. *Padjadjaran Jurnal Ilmu Hukum*, Vol. 7 No. 2 DOI: <https://doi.org/https://doi.org/10.22304/pjih.v7n2.a3>
- Pesireron, G. A., Rina, E., Toule, M., Alfaromona, J., Titahelu, S., & Pattimura, H. U. (2022). Kebijakan Formulasi Pemanfaatan Pengaruh (Trading In Influence) Jabatan Publik Sebagai Tindak Pidana Korupsi. *Totohi Jurnal Ilmu Hukum*, Vol.2 No. 10
- Putra, N. R., & Linda, R. (2022). Impact of Social Change on Society From the Crime of Corruption. *Integritas : Jurnal Antikorupsi*, Vol. 8 No. 1 DOI: <https://doi.org/10.32697/integritas.v8i1.898>
- Rahman, T. A., & Rizkianti, W. (2024). Penyelesaian Sengketa Hak Asuh Anak Setelah Perceraian: Perbandingan Antara Indonesia dan Inggris. *Jurnal Usm Law Review*, Vol.7 No.1, DOI:<http://dx.doi.org/10.26623/julr.v7i1.8801>
- Solikin, N. (2021). *Pengantar Metodologi Penelitian Hukum*, Pasuruan: Qiara Media.