

Reconceptualizing Corruption as an International Crime: A Review of International Law

Satria Unggul Wicaksana Prakasa

Universitas Muhammadiyah Surabaya, Indonesia,

E-mail: satriaunggulwp@um-surabaya.ac.id

Submitted: Feb 22, 2024 ; Reviewed: May 13, 2024; Accepted: Jul 17, 2024.

Article Info	Abstract
<p>Keywords: Corruption, International Crime, Jurisdiction, UNCAC, ICC.</p> <p>DOI: 10.25041/lajil.v6i2.3363</p>	<p><i>The discourse surrounding corruption as an international crime is increasingly urgent, as it transcends national borders and contributes to economic crises, conflicts, and various crimes that threaten global security. Scholars such as Christensen (2017), Peters (2018), Davis (2018), and Rothe (2010) have linked corruption to human rights violations, revealing that states often struggle to address it effectively. This research seeks to explore how corruption can be redefined as an international crime and what legal accountability mechanisms exist for perpetrators within international law, while also examining the opportunities for the international community to recognize corruption as an international crime. The findings suggest that corruption crimes impacting security, human rights, and environmental integrity, particularly in contexts where states are unable or unwilling to act, should be classified as international crimes, necessitating a global commitment to amend the United Nations Convention Against Corruption (UNCAC) accordingly. Furthermore, the potential for universal jurisdiction over corruption is explored, whether through amending the 1998 Rome Statute or establishing an ad hoc international tribunal, although significant obstacles remain due to states' commitments to their sovereignty and criminal jurisdiction.</i></p>

A. Introduction

Corruption as an international crime is a pressing issue that demands immediate attention. Corruption should not be viewed as the problem of a single country but as a global challenge

due to its widespread impacts, which include economic crises¹, the onset of wars, and the facilitation of other crimes that threaten global security. The consequences of corruption are extensive and deeply detrimental, discouraging investment, stifling economic growth, and undermining progress toward achieving the United Nations Sustainable Development Goals (SDGs).²

According to the International Monetary Fund, corruption can result in a global economic loss equivalent to approximately 2% of GDP. The World Bank (2019) further highlights that over half of the population in certain oil-rich countries live in extreme poverty, despite the nation's wealth.³ This illustrates how political and economic systems are manipulated to serve corrupt actors, leading to a redistribution of wealth to those least in need.⁴ The broader effects of corruption include personal losses, intimidation, and inconvenience; dysfunction in both public and private sectors⁵; infrastructure failures; rigged economic and political systems⁶; impunity and partial justice; rising illiberal populism; and its role in enabling other crimes such as terrorism and narcotics trafficking.⁷

In terms of rethinking corruption as part of international crimes, M.J. Christensen's work analyzes the gradual establishment of a field focused on 'core crimes'—namely genocide, crimes against humanity⁸, and war crimes. A secondary aspect of this emerging discourse is the growing contestation of this narrow focus on 'core crimes,' especially among legal professionals engaged in anti-corruption efforts.⁹

Peters further elaborates on the framing of corruption, not only as a human rights issue but also as a potential violation of human rights. This perspective contributes to closing the implementation gap in international anti-corruption instruments¹⁰ and complements the predominant criminal law-based approach.¹¹ Similarly, Davis K.E. emphasizes that a human rights analysis plays a crucial role in anti-corruption efforts, as it helps to generate information regarding the incidence and moral significance of corruption.¹² Rothe D.L., in her analysis, highlights the connection between corruption and the suppression of human rights, a

¹ Juin-jen Chang, Ching-chong Lai, & C.C. Yang, (2000) Casual police corruption and the economics of crime:: Further results, *International Review of Law and Economics*, Volume 20, [https://doi.org/10.1016/S0144-8188\(00\)00020-X](https://doi.org/10.1016/S0144-8188(00)00020-X).

² Eleftherios Spyromitros & Minas Panagiotidis (2022) The impact of corruption on economic growth in developing countries and a comparative analysis of corruption measurement indicators, *Cogent Economics & Finance*, 10:1

³ United Nations, (2023) available at <<https://news.un.org/en/story/2023/08/1140282>>, access 14th January, 2024.

⁴ UNODC, (2021), available at <<https://www.unodc.org/e4j/zh/anti-corruption/module-1/key-issues/effects-of-corruption.html>> access 15th January, 2024.

⁵ Zhang Qia & Jin Yanting (2023) Historical or contemporary causes of corruption: International evidence, *Finance Research Letters*, Volume 56, <https://doi.org/10.1016/j.frl.2023.104044>.

⁶ G.N. Cerqueira Sopas de Melo Bandeira, (2013) "Corruption" and social and economic criminal law: Criminology, criminal policy, political science and law & economics – A new idea about criminal liability of legal entities, *Tékhne*, Volume 11, <https://doi.org/10.1016/j.tekhne.2013.10.002>.

⁷ Pyman, M., Bock, T., de la Blanche, E. V., Mustafa, S., & Zaum, D. (2014). *Corruption as a Threat to Stability and Peace*. Transparency International Deutschland eV..

⁸ Elizangela Valarini & Markus Pohlmann, (2019) Organizational crime and corruption in Brazil a case research of the "Operation Carwash" court records, *International Journal of Law, Crime and Justice*, Volume 59, <https://doi.org/10.1016/j.ijlcrj.2019.100340>.

⁹ Christensen, M. J. (2017). Crafting and promoting international crimes: A controversy among professionals of Core-crimes and anti-corruption. *Leiden Journal of International Law*, 30(2), 501-521.

¹⁰ Kilkon Ko & Ananya Samajdar, (2010) Evaluation of international corruption indexes: Should we believe them or not?, *The Social Science Journal*, Volume 47, <https://doi.org/10.1016/j.sosci.2010.03.001>.

¹¹ Peters, A. (2018). Corruption as a violation of international human rights. *European Journal of International Law*, 29(4), 1251-1287

¹² Davis, K. E. (2018). Corruption as a violation of international human rights: A reply to Anne Peters. *European Journal of International Law*, 29(4), 1289-1296.

relationship increasingly recognized by scholars in human rights¹³, state and state-corporate crime¹⁴, non-governmental organizations, the United Nations, and various governments. Scrutiny of governmental or regime corruption has been a central focus, particularly concerning its role in creating barriers to or outright violations of human rights.¹⁵

Today, corruption is no longer confined to the domestic jurisdiction of individual countries. It is increasingly recognized as an international crime, where universal jurisdiction can take over law enforcement authority in situations where countries face impunity or fail to uphold impartiality in law enforcement. The far-reaching consequences of corruption—ranging from economic and social crises to wars¹⁶ and human rights violations¹⁷—underscore the need to redefine corruption as part of international crimes.¹⁸

Given this context, the research aims to address the following questions: (1) How can corruption be redefined as an international crime, and what legal accountability mechanisms exist for perpetrators within international law? (2) What are the prospects for the international community in recognizing corruption as an international crime?

This research employs a socio-legal methodology, which is applied to examine the international relations and political-economic dimensions of law that influence international legal mechanisms and the global community's commitment to redefining corruption as an international crime.¹⁹ This method is particularly relevant due to the complex interplay between state legal jurisdictions and universal jurisdiction in addressing corruption, necessitating an interdisciplinary approach for comprehensive analysis.²⁰

B. Discussion

1. Jurisdiction, International Law, and International Crimes

Universal jurisdiction (*quasi delicta juris gentium*) is not a novel concept. It is invoked when a crime has reached an alarming level, and the state is either unable or unwilling to enforce its laws. In such cases, customary international law grants full authority to international mechanisms to assume responsibility. The recognition of universal jurisdiction for certain crimes demonstrates that international mechanisms are a last-resort strategy to ensure global peace, security, and stability. Crimes recognized under universal jurisdiction include hijacking,

¹³ Jiwon Suh, (2023) Human Rights and Corruption in Settling the Accounts of the Past: Transitional Justice Experiences from the Philippines, South Korea, and Indonesia, *Bijdragen tot de taal-, land- en volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, Volume 179, <https://doi.org/10.1163/22134379-bja10049>.

¹⁴ Leslie Holmes, (2009) Crime, organised crime and corruption in post-communist Europe and the CIS, *Communist and Post-Communist Studies*, Volume 42, <https://doi.org/10.1016/j.postcomstud.2009.04.002>.

¹⁵ Rothe, D. L. (2020). Moving beyond abstract typologies? Overview of state and state-corporate crime. *Journal of White Collar and Corporate Crime*, 1(1), 7-15.

¹⁶ Arusha Cooray, Chandan Kumar Jha & Bibhudutta Panda, (2023) Corruption and assortative matching of partners in international trade, *European Journal of Political Economy*, Volume 77, <https://doi.org/10.1016/j.ejpoleco.2022.102273>.

¹⁷ Aurelian Olimpiu Sabău Pop, (2012) Level the Player Field. Sanctioning the Legal Person for Crimes of Corruption Represents a Solution in Order to Reconcile the International Economic Market Opportunities, *Procedia Economics and Finance*, Volume 3, [https://doi.org/10.1016/S2212-5671\(12\)00257-2](https://doi.org/10.1016/S2212-5671(12)00257-2).

¹⁸ Robert Klitgaard (2019) Engaging corruption: new ideas for the International Monetary Fund, *Policy Design and Practice*, 2:3, 229-242

¹⁹ Jha, C. K., Mishra, A., & Sarangi, S. (Eds.). (2023). *The Political Economy of Corruption*. Taylor & Francis.

²⁰ David Restrepo Amariles (2015) Legal indicators, global law and legal pluralism: an introduction, *The Journal of Legal Pluralism and Unofficial Law*, 47:1, 9-21

threats to air travel,²¹ piracy,²² attacks upon diplomats,²³ nuclear safety,²⁴ terrorism,²⁵ apartheid,²⁶ and torture²⁷, terrorism, apartheid and torture. The categorization of crimes under universal jurisdiction influences which legal mechanisms are authorized to take action, which law enforcement officers are empowered to investigate, and which courts have the authority to adjudicate such cases.²⁸

Universal jurisdiction serves as a crucial tool in the global effort to combat corruption²⁹, particularly when corruption threatens the stability and functioning of a state.³⁰ Sector-based anti-corruption strategies, informed by the realities of corruption, could reduce the conceptual ambiguities surrounding corruption and bridge the gap between theory and practice.³¹

At the same time, universal jurisdiction preserves a state's sovereignty by allowing it to enforce the rule of law within its own jurisdiction. However, there is an increasing need for a binding international agreement to harmonize the criminal law systems of states, introducing the obligation and option to prosecute crimes that traditionally fall under national jurisdiction. This may require amendments to key international instruments, such as the United Nations Convention Against Corruption (UNCAC) and the Rome Statute of 1998, to formally recognize corruption as an international crime.

2. International Cooperation for Combating Corruption

In his introduction to the adoption of the United Nations Convention Against Corruption (UNCAC), UN Secretary-General Kofi Annan (2004) described corruption as an insidious plague that inflicts widespread corrosive effects on society. He noted that corruption undermines democracy and the rule of law³², leads to human rights violations, destabilizes markets, erodes the quality of life, and facilitates organized crime, terrorism, and other threats to human security.³³

UNCAC, established as a binding international legal framework through UN General Assembly Resolution 58/4 on October 31, 2003, reflects global awareness in the fight against corruption. Several key aspects are integral to the convention. First, the political approach to law observed during the negotiation process, including the strategies and positions of various

²¹ Hague Convention for the Suppression of Unlawful Seizure of Aircraft, (1971) 860 UNTS 105; Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, (1976) 974 UNTS 177.

²² Convention on the Law of the Sea, (1994) 1833 U N T S 3, Art. 105.

²³ Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents, (1977) 1035 U N T S 167.

²⁴ Convention on the Physical Protection of Nuclear Material of 1980, (1984) 1456 UNTS 101

²⁵ European Convention on the Suppression of Terrorism, (1978) 1137 U N T S 99; International Convention Against the Taking of Hostages, (1983) 1316 UNTS 205.

²⁶ International Convention on the Suppression and Punishment of the Crime of Apartheid, (1976) 1015 U N T S 243, Art. IV(b).

²⁷ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (1987) 1465 U N T S 85, Art. 10.

²⁸ Schabas, W. A. (2011). *An introduction to the international criminal court*. Cambridge University Press, pp.60-61

²⁹ Astrid Gamba, Giovanni Immordino & Salvatore Piccolo, (2018) Corruption, organized crime and the bright side of subversion of law, *Journal of Public Economics*, Volume 159, <https://doi.org/10.1016/j.jpubeco.2018.02.003>.

³⁰ David Olusegun Sotola & Pregala Solosh Pillay (2022) Thick concept but thin theories: a case for sector-based anti-corruption strategy, *Oxford Development Studies*, 50:4, 372-388

³¹ Lee, W. (2009). SOVEREIGNTY AND UNIVERSAL JURISDICTION. In L. May & Z. Hoskins (Eds.), *International Criminal Law and Philosophy* (ASIL Studies in International Legal Theory, pp. 13-14). Cambridge: Cambridge University Press.

³² Jon S.T. Jon S.T. QuahQuah, (2019) Combating police corruption in five Asian countries: a comparative analysis, *Asian Education and Development Studies*, Volume 9, <https://doi.org/10.1108/AEDS-06-2019-0100>.

³³ K. Aanan, Foreword of UNCAC, New York: UN Publisher, 2004

countries, has significantly impacted the outcomes achieved by nations after implementing UNCAC within their criminal law systems.³⁴

Second, UNCAC addresses various areas of vulnerability to corruption that can benefit participating countries, including asset recovery, private sector corruption, political corruption, and monitoring mechanisms.³⁵ Third, the convention outlines both the opportunities and challenges related to international legal approaches in the context of global commitments against corruption.³⁶

UNCAC accommodates various types of corruption as part of international crimes, such as bribery in international affairs³⁷, bribery in the private sector, influence peddling, and beneficial ownership, alongside establishing legal liabilities for individuals and entities involved in corruption networks. Notably, Article 4 of UNCAC mandates that States Parties respect the sovereignty and criminal systems of each nation concerning the types of crime addressed.³⁸

In parallel, the Rome Statute of 1998 provides an effective mechanism for prosecuting perpetrators of international crimes, including genocide, crimes against humanity, war crimes, and the crime of aggression, through the Permanent International Criminal Court (ICC).³⁹ The elements of international crimes and the corresponding jurisdiction are delineated in Articles 6 to 8 of the Rome Statute. This framework clearly establishes accountability for individuals whose actions intentionally disrupt international peace and security.

No	Content	Statuta Roma 1998	UNCAC	Gap Analyst
1	Types of Crimes	(a) The crime of genocide; (b) Crimes against humanity; (c) War crimes; (d) The crime of aggression (Art.5(1))	Bribery of national public officials (Art.15); Article 16. Bribery of foreign public officials and officials of public international organizations (Art.16); Embezzlement, misappropriation or other diversion of property by a public official (Art.17); Trading in Influence (Art.18); Illicit enrichment (Article 20); Bribery in the private sector (Art. 21); Laundering of proceeds of crime (Art.23)	The importance of the linkage between the 1998 Rome Statute and UNCAC, particularly in the recognition of corruption crimes as part of ICC jurisdiction

³⁴ P. Webb, "The United Nations Convention Against Corruption: Global. Achievement, or Missed Opportunity," *Journal of International Economic Law*, Oxford University Press, vol. 8, no. 1, p. 191–229, 2005.

³⁵ Monica Martinez-Bravo & Leonard Wantchekon (2023) Political economy and structural transformation: democracy, regulation and public investment, Oxford Development Studies,

³⁶ Von Rosenvinge, D. (2009). Global Anti-Corruption Regimes: Why law schools may want to take a multi-jurisdictional approach. *German Law Journal*, 10(6-7), 785-802

³⁷ EijiEiji Oyamada Oyamada, (2017) Combating corruption in Rwanda: lessons for policy makers, *Asian Education and Development Studies*, Volume 6, Issue 3, <https://doi.org/10.1108/AEDS-03-2017-0028>.

³⁸ G. B. (ed), *Histories of Transnational Crime*, New York: Springer Science+Business Media, 2015.

³⁹ International Criminal Court. (2010). In R. Pierik & W. Werner (Eds.), *Cosmopolitanism in Context: Perspectives from International Law and Political Theory* (pp. 177-178). Cambridge: Cambridge University Press.

2.	States jurisdiction of crimes	<p>1. A State which becomes a Party to this Statute thereby accepts the jurisdiction of the Court with respect to the crimes referred to in article 5.</p> <p>2. In the case of article 13, paragraph (a) or (c), the Court may exercise its jurisdiction if one or more of the following States are Parties to this Statute or have accepted the jurisdiction of the Court in accordance with paragraph 3:</p> <p>(a) The State on the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or aircraft, the State of registration of that vessel or aircraft;</p> <p>(b) The State of which the person accused of the crime is a national.</p> <p>3. If the acceptance of a State which is not a Party to this Statute is required under paragraph 2, that State may, by declaration lodged with the Registrar, accept the exercise of jurisdiction by the Court with respect to</p>	<p>Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when: (a) The offence is committed in the territory of that State Party; or</p> <p>(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.</p> <p>2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:</p> <p>(a) The offence is committed against a national of that State Party; or</p> <p>(b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or</p> <p>(c) The offence is one of those established in accordance with article 23, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an</p>	<p>The adoption of the concept of universal jurisdiction for the crime of corruption is essential, and removes impunity even for diplomats or individuals protected by international law when</p>
----	-------------------------------	--	---	---

		the crime in question (Art.12)	offence established in accordance with article 23, paragraph 1 (a) (i) or (ii) or (b) (i), of this Convention within its territory; or (d) The offence is committed against the State Party. (Art.42)	
3.	Investigation process	In order to establish the truth, extend the investigation to cover all facts and evidence relevant to an assessment of whether there is criminal responsibility ⁴⁰ under this Statute, and, in doing so, investigate incriminating and exonerating circumstances equally The Prosecutor may: (a) Collect and examine evidence; (b) Request the presence of and question persons being investigated, victims and witnesses; (c) Seek the cooperation of any State or intergovernmental organization or arrangement in accordance with its	Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds. (Art.37)	The importance of the authority of the ICC Prosecutor to have the authority to conduct investigations, and no longer stops at the criminal justice system owned by the state, but has shifted to a universal investigative mechanism, especially for corruption crimes ⁴¹ that have an impact on the economic crisis, human rights violations, and corruption crimes with more severe criminal impacts

⁴⁰ Srividya Jandhyala, & Fernando S. Oliveira, (2021) The role of international anti-corruption regulations in promoting socially responsible practices, *Journal of Economic Behavior & Organization*, Volume 190, <https://doi.org/10.1016/j.jebo.2021.07.017>.

⁴¹ Anna Sergi & Luca Storti, (2020) Survive or perish: Organised crime in the port of Montreal and the port of New York/New Jersey, *International Journal of Law, Crime and Justice*, Volume 63, <https://doi.org/10.1016/j.ijlcj.2020.100424>.

		<p>respective competence and/or mandate;</p> <p>(d) Enter into such arrangements or agreements, not inconsistent with this Statute, as may be necessary to facilitate the cooperation of a State, intergovernmental organization or person;</p> <p>(e) Agree not to disclose, at any stage of the proceedings, documents or information that the Prosecutor obtains on the condition of confidentiality and solely for the purpose of generating new evidence, unless the provider of the information consents; and</p> <p>(f) Take necessary measures, or request that necessary measures be taken, to ensure the confidentiality of information, the protection of any person or the preservation of evidence. (Art.54)</p>		
4.	Prosecution process	Where the Prosecutor considers an investigation to present a unique opportunity to take testimony or a statement from a	Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its	The importance of the authority of the ICC Prosecutor to have the authority to conduct prosecution, and no longer stops at the criminal justice

		witness or to examine, collect or test evidence, which may not be available subsequently for the purposes of a trial, the Prosecutor shall so inform the Pre-Trial Chamber. (Art.56)	public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences (Art.38)	system owned by the state, but has shifted to a universal prosecution mechanism, especially for corruption crimes that have an impact on the economic crisis, human rights violations, and corruption crimes with more severe criminal impacts
5.	Adjudication process	(a) At the commencement of the trial, the Trial Chamber shall have read to the accused the charges previously confirmed by the Pre-Trial Chamber. The Trial Chamber shall satisfy itself that the accused understands the nature of the charges. It shall afford him or her the opportunity to make an admission of guilt in accordance with article 65 or to plead not guilty. (b) At the trial, the presiding judge may give directions for the conduct of proceedings, including to ensure that they are conducted in a fair and	In the case of offences established in accordance with this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence ⁴² , to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings. (Art.30)	The importance of the ICC having jurisdiction in prosecuting corruption crimes, does not depend on the courts of each country which are still very limited and threatened with impunity

⁴² Daniel Daniel ZirkerZirker, (2017) Success in combating corruption in New Zealand, Asian Education and Development Studies, Volume 6, <https://doi.org/10.1108/AEDS-03-2017-0024>.

		impartial manner. Subject to any directions of the presiding judge, the parties may submit evidence in accordance with the provisions of this Statute. (Art.64)		
--	--	---	--	--

Under the United Nations Convention Against Corruption (UNCAC), particularly in Article 16, it is stipulated that each State Party must adopt necessary legislative and other measures to establish as a criminal offense the intentional promise, offering, or giving of an undue advantage—either directly or indirectly—to a foreign public official or an official of a public international organization. This action aims to persuade the official to refrain from performing their official duties⁴³ in order to obtain or retain business or other undue advantages in international business dealings.⁴⁴

In comparing international treaties concerning international and transnational crimes, a significant distinction arises: the jurisdiction and sovereignty over international crimes⁴⁵ addressed in the Rome Statute of 1998. This statute implies that, in the absence of a binding international agreement, the jurisdiction for crimes not specified within its framework remains limited. In contrast, UNCAC focuses on transnational crimes, which are constrained by the sovereignty and jurisdiction of each individual country, necessitating international cooperation for effective law enforcement.⁴⁶

The limitations of jurisdiction present challenges for law enforcement in corruption cases. When corruption involves a network of power that is either unable or unwilling to assume responsibility, international law may intervene. This highlights the obstacles to recognizing corruption as an international crime, underscoring the need for cooperative measures to combat corruption and its networks effectively.⁴⁷

Member countries can engage in various collaborative actions, including Mutual Legal Assistance (MLA), to facilitate cooperation in the prosecution of corruption-related offenses. Such measures may include extradition and deportation of suspects, as well as collaborative law enforcement actions, such as joint investigations, joint prosecutions, and other relevant strategies to enhance cooperation among State Parties.⁴⁸

C. Conclusion

Corruption crimes that impact the security sector, are linked to human rights violations, or relate to environmental crimes can be classified as international crimes, particularly when states are unable or unwilling to address them. This classification underscores the urgent need for a

⁴³ Nadja Capus & Melody Bozinova, (2023) Impression management in corporate corruption settlements: The storied self of the prosecutorial authority, *International Journal of Law, Crime and Justice*, Volume 73, <https://doi.org/10.1016/j.ijlcj.2023.100578>.

⁴⁴ Nouf Binhadab, Michael Breen & Robert Gillanders, (2021) Press freedom and corruption in business-state interactions, *Economic Systems*, Volume 45, <https://doi.org/10.1016/j.ecosys.2021.100922>.

⁴⁵ Ritwik Banerjee & Arnab Mitra, (2018) On monetary and non-monetary interventions to combat corruption, *Journal of Economic Behavior & Organization*, Volume 149, <https://doi.org/10.1016/j.jebo.2018.01.004>.

⁴⁶ C. Sthan, *The Law and Practice of the International Criminal Court*, Oxfordshire: Oxford University Press, 2015.

⁴⁷ Walid M.A. Ahmed, (2020) Corruption and equity market performance: International comparative evidence, *Pacific-Basin Finance Journal*, Volume 60, <https://doi.org/10.1016/j.pacfin.2020.101282>.

⁴⁸ Felix Lüth (2021) Corporate non-prosecution agreements as transnational human problems: transnational law and the research of domestic criminal justice reforms in a globalised world, *Transnational Legal Theory*, 12:2, 315-333

global commitment to amend the United Nations Convention Against Corruption (UNCAC) to formally recognize corruption as an international crime.

To achieve this recognition, it is essential for countries worldwide to agree to establish universal jurisdiction over corruption as an international crime. This could entail incorporating such crimes under the jurisdiction of the International Criminal Court (ICC) by amending the 1998 Rome Statute, or by establishing an ad hoc international tribunal governed by UNCAC. However, significant obstacles must be overcome regarding states' commitment to reform international law, as concerns surrounding sovereignty and jurisdiction often complicate these efforts.

D. Suggestion

The mechanisms of international law, whether through amending the 1998 Rome Statute or establishing an ad hoc international tribunal regulated by the United Nations Convention Against Corruption (UNCAC), face significant challenges. These challenges primarily stem from states' commitments to reform international law while balancing their sovereignty and jurisdiction over criminal authority.

Consequently, there is an urgent need for a global commitment to combat cross-border corruption and to formally recognize corruption as an international crime. This recognition would allow corrupt individuals to be prosecuted under the Rome Statute of 1998, reinforcing the connection between the principles of the Rome Statute and UNCAC. Such alignment would represent a strong commitment to advancing international politics and law in the fight against corruption.

Acknowledgements

I would like to express my sincere gratitude to the Rector of Universitas Muhammadiyah Surabaya for their unwavering support in completing this research. Additionally, I extend my heartfelt thanks to the Indonesian Society of International Law Lecturers (ISILL) for their valuable insights, which have greatly contributed to the successful completion of this research.

Grants

Universitas Muhammadiyah Surabaya

REFERENCES

A. Journals

- Anna Sergi & Luca Storti, (2020) Survive or perish: Organised crime in the port of Montreal and the port of New York/New Jersey, *International Journal of Law, Crime and Justice*, Volume 63, <https://doi.org/10.1016/j.ijlcj.2020.100424>.
- Arusha Cooray, Chandan Kumar Jha & Bibhudutta Panda, (2023) Corruption and assortative matching of partners in international trade, *European Journal of Political Economy*, Volume 77, <https://doi.org/10.1016/j.ejpoleco.2022.102273>.
- Astrid Gamba, Giovanni Immordino & Salvatore Piccolo, (2018) Corruption, organized crime and the bright side of subversion of law, *Journal of Public Economics*, Volume 159, <https://doi.org/10.1016/j.jpubeco.2018.02.003>.
- Aurelian Olimpiu Sabău Pop, (2012) Level the Player Field. Sanctioning the Legal Person for Crimes of Corruption Represents a Solution in Order to Reconcile the International Economic Market Opportunities, *Procedia Economics and Finance*, Volume 3, [https://doi.org/10.1016/S2212-5671\(12\)00257-2](https://doi.org/10.1016/S2212-5671(12)00257-2).

- Christensen, M. J. (2017). Crafting and promoting international crimes: A controversy among professionals of Core-crimes and anti-corruption. *Leiden Journal of International Law*, 30(2), 501-521.
- Daniel Daniel ZirkerZirker, (2017) Success in combating corruption in New Zealand, *Asian Education and Development Studies*, Volume 6, <https://doi.org/10.1108/AEDS-03-2017-0024>.
- David Olusegun Sotola & Pregala Solosh Pillay (2022) Thick concept but thin theories: a case for sector-based anti-corruption strategy, *Oxford Development Studies*, 50:4, 372-388
- David Restrepo Amariles (2015) Legal indicators, global law and legal pluralism: an introduction, *The Journal of Legal Pluralism and Unofficial Law*, 47:1, 9-21
- Davis, K. E. (2018). Corruption as a violation of international human rights: A reply to Anne Peters. *European Journal of International Law*, 29(4), 1289-1296.
- EijiEiji Oyamada Oyamada, (2017) Combating corruption in Rwanda: lessons for policy makers, *Asian Education and Development Studies*, Volume 6, Issue 3, <https://doi.org/10.1108/AEDS-03-2017-0028>.
- Eleftherios Spyromitros & Minas Panagiotidis (2022) The impact of corruption on economic growth in developing countries and a comparative analysis of corruption measurement indicators, *Cogent Economics & Finance*, 10:1
- Elizangela Valarini & Markus Pohlmann, (2019) Organizational crime and corruption in Brazil a case research of the “Operation Carwash” court records, *International Journal of Law, Crime and Justice*, Volume 59, <https://doi.org/10.1016/j.ijlcj.2019.100340>.
- Felix Lüth (2021) Corporate non-prosecution agreements as transnational human problems: transnational law and the research of domestic criminal justice reforms in a globalised world, *Transnational Legal Theory*, 12:2, 315-333
- G. B. (ed), *Histories of Transnational Crime*, New York: Springer Science+Business Media, 2015.
- G.N. Cerqueira Sopas de Melo Bandeira, (2013) “Corruption” and social and economic criminal law: Criminology, criminal policy, political science and law & economics – A new idea about criminal liability of legal entities, *Tékhnē*, Volume 11, <https://doi.org/10.1016/j.tekhne.2013.10.002>.
- Jha, C. K., Mishra, A., & Sarangi, S. (Eds.). (2023). *The Political Economy of Corruption*. Taylor & Francis.
- Jiwon Suh, (2023) Human Rights and Corruption in Settling the Accounts of the Past: Transitional Justice Experiences from the Philippines, South Korea, and Indonesia, *Bijdragen tot de taal-, land- en volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, Volume 179, <https://doi.org/10.1163/22134379-bja10049>.
- Jon S.T.Jon S.T. QuahQuah, (2019) Combating police corruption in five Asian countries: a comparative analysis, *Asian Education and Development Studies*, Volume 9, <https://doi.org/10.1108/AEDS-06-2019-0100>.
- Juin-jen Chang, Ching-chong Lai, & C.C. Yang, (2000) Casual police corruption and the economics of crime:: Further results, *International Review of Law and Economics*, Volume 20, [https://doi.org/10.1016/S0144-8188\(00\)00020-X](https://doi.org/10.1016/S0144-8188(00)00020-X).
- Kilkon Ko & Ananya Samajdar, (2010) Evaluation of international corruption indexes: Should we believe them or not?, *The Social Science Journal*, Volume 47, <https://doi.org/10.1016/j.soscij.2010.03.001>.
- Lee, W. (2009). SOVEREIGNTY AND UNIVERSAL JURISDICTION. In L. May & Z. Hoskins (Eds.), *International Criminal Law and Philosophy (ASIL Studies in International Legal Theory*, pp. 13-14). Cambridge: Cambridge University Press.

- Leslie Holmes, (2009) Crime, organised crime and corruption in post-communist Europe and the CIS, Communist and Post-Communist Studies, Volume 42, <https://doi.org/10.1016/j.postcomstud.2009.04.002>.
- Monica Martinez-Bravo & Leonard Wantchekon (2023) Political economy and structural transformation: democracy, regulation and public investment, Oxford Development Studies,
- Nadja Capus & Melody Bozinova, (2023) Impression management in corporate corruption settlements: The storied self of the prosecutorial authority, International Journal of Law, Crime and Justice, Volume 73, <https://doi.org/10.1016/j.ijlcj.2023.100578>.
- Nouf Binhadab, Michael Breen & Robert Gillanders, (2021) Press freedom and corruption in business-state interactions, Economic Systems, Volume 45, <https://doi.org/10.1016/j.ecosys.2021.100922>.
- P. Webb, "The United Nations Convention Against Corruption: Global. Achievement, or Missed Opportunity," *Journal of International Economic Law*, Oxford University Press, vol. 8, no. 1, p. 191–229, 2005
- Peters, A. (2018). Corruption as a violation of international human rights. *European Journal of International Law*, 29(4), 1251-1287
- Pyman, M., Bock, T., de la Blanche, E. V., Mustafa, S., & Zaum, D. (2014). *Corruption as a Threat to Stability and Peace*. Transparency International Deutschland eV..
- Ritwik Banerjee & Arnab Mitra, (2018) On monetary and non-monetary interventions to combat corruption, Journal of Economic Behavior & Organization, Volume 149, <https://doi.org/10.1016/j.jebo.2018.01.004>.
- Robert Klitgaard (2019) Engaging corruption: new ideas for the International Monetary Fund, Policy Design and Practice, 2:3, 229-242
- Rothe, D. L. (2020). Moving beyond abstract typologies? Overview of state and state-corporate crime. *Journal of White Collar and Corporate Crime*, 1(1), 7-15.
- Srividya Jandhyala, & Fernando S. Oliveira, (2021) The role of international anti-corruption regulations in promoting socially responsible practices, Journal of Economic Behavior & Organization, Volume 190, <https://doi.org/10.1016/j.jebo.2021.07.017>.
- Von Rosenvinge, D. (2009). Global Anti-Corruption Regimes: Why law schools may want to take a multi-jurisdictional approach. *German Law Journal*, 10(6-7), 785-802
- Walid M.A. Ahmed, (2020) Corruption and equity market performance: International comparative evidence, Pacific-Basin Finance Journal, Volume 60, <https://doi.org/10.1016/j.pacfin.2020.101282>.
- Zhang Qia & Jin Yanting (2023) Historical or contemporary causes of corruption: International evidence, Finance Research Letters, Volume 56, <https://doi.org/10.1016/j.frl.2023.104044>.

B. Book

- C. Sthan, The Law and Practic of the International Criminal Court, Oxfordshire: Oxford University Press, 2015.
- International Criminal Court. (2010). In R. Pierik & W. Werner (Eds.), *Cosmopolitanism in Context: Perspectives from International Law and Political Theory* (pp. 177-178). Cambridge: Cambridge University Press.
- Schabas, W. A. (2011). *An introduction to the international criminal court*. Cambridge University Press, pp.60-61

C. Website

United Nations, (2023) available at <<https://news.un.org/en/story/2023/08/1140282>>, access 14th January, 2024.

UNODC, (2021), available at <<https://www.unodc.org/e4j/zh/anti-corruption/module-1/key-issues/effects-of-corruption.html>> access 15th January, 2024.

D. International Law Source

United Nations Office on Drugs. (2004). United Nations convention against corruption. UN.

United Nations. (1998). The Rome Statute 1998. UN

Hague Convention for the Suppression of Unlawful Seizure of Aircraft, (1971) 860 UNTS 105;

Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, (1976) 974 UNTS 177.

Convention on the Law of the Sea, (1994) 1833 U N T S 3, Art. 105.

Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents, (1977) 1035 U N T S 167.

Convention on the Physical Protection of Nuclear Material of 1980, (1984) 1456 UNTS 101

European Convention on the Suppression of Terrorism, (1978) 1137 U N T S 99; International Convention Against the Taking of Hostages, (1983) 1316 UNTS 205.

International Convention on the Suppression and Punishment of the Crime of Apartheid, (1976) 1015 U N T S 243, Art. IV(b).

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (1987) 1465 U N T S 85, Art. 10.