


Political Parties and Trading in Influence: A Comparative Study from a Civil Law Perspective in Indonesia and Sri Lanka

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Abstract

Introduction: The phenomenon of trading in influence is a form of political corruption that is difficult to identify because it operates in the realm of power relations that are not always in the form of direct bribes. Political parties in the context of modern democracy often act as mediators between public and economic interests, so they have the potential to become major actors in the practice of influence trading.

Purposes of the Research: This study aims to analyze the involvement of political parties in influence trading practices and compare the effectiveness of their regulations and law enforcement in Indonesia and Sri Lanka. In addition, this study examines the extent to which the civil legal systems in both countries are able to close the legal loopholes that allow covert political corruption to occur.

Methods of the Research: This research uses a normative legal method with a comparative approach, namely examining laws and regulations, jurisprudence, and international documents related to political corruption. Secondary data were obtained through a study of academic literature, reports of anti-corruption agencies, and comparative analysis of the implementation of the United Nations Convention Against Corruption (UNCAC) in both jurisdictions between Indonesia and Sri Lanka.

Results Main Findings of the Research: The results show that Indonesia and Sri Lanka face similar challenges in enforcing laws against influence trafficking due to weak regulations that explicitly regulate the practice. However, Indonesia is showing progress in adopting the principles of the United Nations Convention Against Corruption (UNCAC), while Sri Lanka is still limited to an administrative approach without strong criminal sanctions.

Keywords: Influence Trading; Political Parties; Civil Law.

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INTRODUCTION

Political corruption in the modern context is no longer limited to practices of bribery or direct gratification, but has evolved into more subtle forms through mechanisms of trading in influence. Individuals or groups with access to political power exploit their influence to sway public officials' decisions for personal or collective gain. Such forms of corruption are difficult to identify because they often occur in informal spheres that do not always involve explicit monetary transactions¹. As a result, legal supervision and proof of this practice is a

¹ Thiwankee Abeywardena Wickramasinghe, 'The Impact of Corruption on Local Government Culture in Sri Lanka: Undermining Democratic Principles and Weakening Citizen Trust', *Journal of Emerging Technologies and Innovative Research (JETIR)* 11 (2024): 75-89, www.jetir.org/c75.

serious challenge for anti-corruption institutions and the judicial system.² Trading in influence in a multiparty democratic system gains more space because political parties act as a bridge between public interests and economic actors. The parties' strategic position in determining the direction of public policy, filling positions, and managing budgets opens up opportunities for covert abuse of power³. In addition, parties' dependence on external funding sources often creates mutually beneficial relationships laden with interests, where political influence is turned into a commodity for exchange. This situation shows that political corruption through trading in influence is a serious threat to the integrity of the democratic system and the rule of law⁴.

In developing countries like Indonesia and Sri Lanka, interactions between political parties, the bureaucracy, and the business sector often form complex and mutually beneficial interest networks. These linkages create a gray area between public and private interests that is exploited by political actors to expand their influence. Political parties not only function as a platform for people's representation but also as a means of economic and political negotiation involving various interest groups. The absence of clear boundaries between political roles and business interests makes the policy-making process vulnerable to non-transparent intervention. As a result, abuse of power is often disguised as a form of lobbying or legitimate political compromise⁵.

Trading in influence practices in those countries are difficult to identify because they often operate outside formal mechanisms and rarely leave transactional evidence that can be used as a basis for law enforcement. The weakness of internal party oversight exacerbates the situation, especially when the accountability system does not function effectively. In addition, the lack of transparency in political funding creates parties' dependence on certain donors or interest groups, which ultimately expands the space for the occurrence of influence peddling⁶. Political parties can act as intermediaries between entrepreneurs and public officials, turning political influence into an economic instrument. This situation shows that corruption through trading in influence is not only a legal issue, but also a reflection of the weaknesses in democratic governance in developing countries⁷.

The United Nations Convention Against Corruption (UNCAC) has become an important milestone in global efforts to address various forms of corruption, including trading in influence practices as regulated in Article 18. This article states that each state party shall criminalize the abuse of political influence to obtain improper benefits. These provisions expand the understanding of corruption, covering not only direct bribery or gratification but also non-transactional forms of corruption rooted in power and political proximity⁸.

² Methma Ranaweera, 'Establishing Social Justice Through Establishing Anti-Corruption Laws in Sri Lanka: A Rights-Based Analysis.', in *International Conference on Law and Justice (ICLJ)*, 2025, 45-51, doi:10.54389/ZAKL4546.

³ Erdianto Effendi et al., 'Trading in Influence (Indonesia): A Critical Study', *Cogent Social Sciences* 9, no. 1 (2023), doi:10.1080/23311886.2023.2231621.

⁴ Gebi Vani Habeahan, Herlina Manullang, and July Esther, 'A Comparative Study of Trading in Influence in Indonesian and Spanish Corruption Laws', *JLPH: Journal of Law, Politic and Humanities* 5 (2025): 1414-24, doi:https://doi.org/10.38035/jlph.v5i3.

⁵ Ribka Sri Rezeki Simanjutak, Rian Rambu Raya, and Rizal Al Birra, 'Analisis Pengaruh Partai Politik Terhadap Pembangunan Demokrasi Di Indonesia', *Jurnal Ilmiah Penelitian Mahasiswa* 2, no. 3 (10 June 2024): 269-88, doi:10.61722/jipm.v2i3.117.

⁶ Habeahan, Manullang, and Esther, 'A Comparative Study of Trading in Influence in Indonesian and Spanish Corruption Laws'.

⁷ Wickramasinghe, 'The Impact of Corruption on Local Government Culture in Sri Lanka: Undermining Democratic Principles and Weakening Citizen Trust'.

⁸ Arih Wira Suranta and Abdullah Sulaiman, 'Criminalization of Trading in Influence in Indonesian Criminal Law: A Juridical and Legal Policy Analysis Based on the United Nations Convention Against Corruption (UNCAC) 2003', *Jurnal Greenation Sosial Dan Politik* 3 (2026), doi:10.38035/jgsp.v3i4.

However, the implementation of this article is not always effective because it requires adaptation to each country's national legal system. This complexity often arises due to differences in legal traditions, institutional structures, and political cultures that influence perceptions of the boundaries between legitimate and deviant influence⁹.

Differences in legal and political systems across countries make the implementation of UNCAC inconsistent, including in enforcing the ban on trading in influence. Countries with civil law systems tend to require explicit codification in criminal law, while those with common law systems rely more on precedents and judicial interpretation. The effectiveness of criminalization depends heavily on a country's political will and institutional capacity to enforce the law independently. Challenges arise when trading in influence practices involve political elites or parties that hold significant power in determining the direction of the law itself. As a result, many countries choose a symbolic approach by formally implementing regulations without adequate substantive enforcement¹⁰.

Indonesia has been a party to UNCAC since 2006, but the provisions on trading in influence have not been explicitly regulated in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Corruption Crimes. The practice of influence abuse is still addressed through general articles such as abuse of authority or gratification, which often do not cover the complexity of the political relations behind it.¹¹ Conversely, in Sri Lanka, regulations on abuse of influence are still administrative in nature and are not accompanied by strong criminal deterrents. This approach leads to low deterrent effect and few successfully prosecuted cases of trading in influence. Both countries face similar challenges, namely the weakness of a substantive legal framework and the limited capacity of law enforcement institutions to penetrate the political power structures that protect covert corrupt actors¹².

Research on *trading in influence* has not been widely conducted with a broad focus on political parties and civil law systems in developing countries, as most studies focus on normative aspects and the impact of corruption culture at the local level. Research by Arih Wira Suranta and Abdullah Sulaiman in the *Greenation Journal of Social and Political Studies (JGSP)* shows that Indonesia's national law has not explicitly accommodated the criminal offense of trading in influence as stipulated in the 2003 UNCAC, resulting in a normative gap and weak law enforcement against trading in influence practices in political and bureaucratic environments. Therefore, reform in criminal law policy is needed through specific criminalization of trading in influence to ensure alignment with international anti-corruption standards and strengthen the integrity of officials.¹³ Next, research by Thiwankee Abeywardena Wickramasinghe in the *Journal of Emerging Technologies and Innovative Research (JETIR)* shows a significant impact on transparency, accountability, and citizen participation, which ultimately reduces public trust in local institutions. This study calls for stronger anti-corruption measures and policy reforms aimed at improving

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Nasrullah Djamil, 'Trading in Influence: Modus Baru Dalam Korupsi Indonesia Tahun 2022 Dan Paradoks Kriminalisasi', *Jurnal Audit, Akuntansi, Manajemen Terintegrasi (JAAMTER)* 1, no. 4 (2023): 2023.

¹² Kamil K. Nazliben, Luc Renneboog, and Emil Uduwalage, 'Corporate Governance from Colonial Ceylon to Post-Civil War Sri Lanka', *Journal of Management and Governance* 28, no. 1 (2024): 265-335, doi:10.1007/s10997-023-09678-5.

¹³ Wira Suranta and Sulaiman, 'Criminalization of Trading in Influence in Indonesian Criminal Law: A Juridical and Legal Policy Analysis Based on the United Nations Convention Against Corruption (UNCAC) 2003'.

governance to restore trust,¹⁴ and research by Gebi Vani Habeahan et al., in the *Journal of Law, Politics and Humanities (JLPH)*, this research explains that Indonesia is still far behind Spain in terms of regulating trading in influence, which requires legislative amendments to strengthen state law.¹⁵

The novelty of this article lies in the comparative analysis between Indonesia and Sri Lanka in the context of criminalizing trading in influence from a civil law perspective – an approach that has rarely been undertaken in studies of political corruption law in South and Southeast Asia. This article presents a more comprehensive approach by integrating normative, institutional, and legal-political analysis to assess the effectiveness of implementing UNCAC Article 18. Its urgency lies in the need to update national legal frameworks to close regulatory gaps that allow trading in influence practices to occur without clear criminal sanctions. Thus, this research contributes to strengthening political governance and anti-corruption law, while providing an academic basis for policymakers in formulating regulations that are more responsive to non-traditional forms of corruption.

The research questions focus on two main issues: first, what forms and mechanisms of political parties' involvement in trading in influence practices exist in Indonesia and Sri Lanka, reflecting the abuse of political position for specific gain; and second, how effective the national legal frameworks of both countries are in implementing the provisions of UNCAC Article 18 on the criminalization of trading in influence within civil law systems. The objectives of this research are to analyze in depth the relationship between political parties and trading in influence practices, and to evaluate the extent to which the legal systems of both countries are able to provide legal protection against the abuse of political power. In addition, this research also aims to offer normative and institutional recommendations to strengthen anti-corruption regulations that cover political and legal dimensions in a balanced manner.

METHODS OF THE RESEARCH

This research uses a normative legal approach supported by a comparative approach to examine the regulation, implementation, and effectiveness of laws related to trading in influence practices in Indonesia and Sri Lanka. The normative approach was chosen because the main focus of the research is to analyze positive legal norms, both those contained in national legislation and international legal instruments such as the United Nations Convention Against Corruption (UNCAC). The comparative approach is used to assess the similarities and differences between two legal systems with different characteristics – Indonesia with a pure civil law tradition and Sri Lanka with a mixed legal system – in order to understand how each country internalizes UNCAC principles into its legal framework. The type of data used is secondary data, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include national legislation, court decisions, and international documents. Secondary legal materials cover academic literature, journal articles, anti-corruption agency reports, previous research findings, and publications from international institutions. Tertiary legal materials include other reference sources that support the analysis of legal terminology and context. Data collection techniques are carried

¹⁴ Wickramasinghe, 'The Impact of Corruption on Local Government Culture in Sri Lanka: Undermining Democratic Principles and Weakening Citizen Trust'.

¹⁵ Habeahan, Manullang, and Esther, 'A Comparative Study of Trading in Influence in Indonesian and Spanish Corruption Laws'.

out through library research by identifying, examining, and interpreting various relevant legal sources and academic literature. The data obtained is analyzed using a qualitative-descriptive approach, with steps including identifying applicable legal norms, comparing norms and law enforcement practices in both countries, and evaluating the effectiveness of regulations in preventing the abuse of political influence. This analysis is carried out systematically through three main stages: description of legal norms governing corruption crimes and trading in influence, comparative analysis of the implementation of norms in Indonesia and Sri Lanka, and drawing conclusions on the strengths and weaknesses of each country's legal framework. In addition, this research also uses a legal-political approach to assess the political factors that influence the formulation and implementation of anti-corruption policies. This approach helps understand the extent to which political commitment and institutional design also determine the effectiveness of law implementation in addressing trading in influence. Thus, the method used in this research not only highlights formal normative aspects but also considers the socio-political context that influences legal practice and enforcement. This results in a more comprehensive and applicable analysis for the development of anti-corruption law in developing countries.

RESULTS AND DISCUSSION

A. Dynamics of Political Party Involvement in Influence Trading Practices in Indonesia and Sri Lanka

The structure and function of political parties in Indonesia and Sri Lanka show a close link between political power, economic interests, and the state bureaucracy. Political parties in Indonesia not only function as a means of people's representation but also as a key instrument in accessing economic resources through public office. The party structure, which is dominated by political elites, makes parties the center of power distribution and a source of legitimacy for the bureaucracy. Patronage relationships form when political support is given in return for access to projects, positions, or policies that benefit certain parties¹⁶. This condition shows that political power is often used as a tool to perpetuate the economic interests of certain groups, not to strengthen public services or the welfare of the people¹⁷.

Next, in Sri Lanka, the structure of political parties also shows a strong pattern of linkage between political elites and the bureaucracy, but with nuances influenced by ethnicity and family politics. Major parties such as the United National Party (UNP) and Sri Lanka Freedom Party (SLFP) have a long history of dominating the state bureaucracy through intergenerational political loyalty. The relationship between parties and the bureaucracy is hierarchical and clientelistic, where administrative support often depends on proximity to political rulers. In the context of economic interests, political parties function as intermediaries between entrepreneurs and the government, creating patronage networks that operate under formal political legitimacy¹⁸. As a result, the bureaucracy in Sri Lanka often loses its independence and acts as an instrument of party power, weakening the

¹⁶ Djamil, 'Trading in Influence: Modus Baru Dalam Korupsi Indonesia Tahun 2022 Dan Paradoks Kriminalisasi'.

¹⁷ Thanabalasingam Krishnamohan, 'The Local Government System in Indonesia and Sri Lanka: A Comparative Overview', *Monthly Double-Blind Peer Reviewed Refereed Open Access International e-Journal-Included in the International Serial Directories International Journal in Commerce, IT & Social Sciences IJCISS* 03, no. 12 (2016): 2394-5702.

¹⁸ Ibid.

principle of neutrality and expanding the space for influence peddling practices that are difficult to control legally¹⁹.

Concrete forms of trading in influence involving political parties in Indonesia are clearly evident in the practice of political intervention in the process of filling public positions and distributing government projects. Political parties use their power to influence the appointment of officials in strategic institutions, especially those with authority over budget management and infrastructure projects. Bureaucratic positions are often made part of political transactions as a reward for supporting party elites or the governing coalition. Furthermore, in economic policy, political parties often act as intermediaries between entrepreneurs and the government, facilitating business permits or projects in exchange for financial support for the party. This pattern shows how political and economic interests intertwine, turning political influence into a commodity traded within an institutionalized patronage system²⁰.

Similar practices also occur in Sri Lanka, with distinct characteristics influenced by family politics and ethnic identity. Major parties often intervene directly in the appointment of public officials, particularly at the local government level, to ensure political loyalty to the ruling authorities. Government projects in the economic sector, especially in infrastructure and energy, are frequently allocated to parties with close ties to party figures. This phenomenon indicates the existence of covert influence peddling behind formally legitimate bureaucratic processes²¹. In other words, the power of political parties in Sri Lanka is not only used to maintain political control, but also to consolidate economic power through exclusive patronage networks that are difficult to reach by legal oversight mechanisms²².

Patronage networks and political oligarchies play a central role in maintaining the dominance of political parties over public decision-making processes in Indonesia. The patronage system thrives when relationships between political elites and their followers are built on the basis of mutual interest exchanges, not on commitment to democratic values. Party elites use state positions and resources to secure political support, whether through the distribution of positions, access to projects, or the selective allocation of development funds²³. The oligarchic structure strengthens this mechanism because political power is concentrated in a small group of individuals who control parties while also wielding significant influence in the economic sector. This pattern causes public decision-making processes to no longer be based on the people's interests, but rather to be directed at maintaining the interests of the dominant group that controls political and economic resources²⁴.

Political oligarchies in Sri Lanka exhibit a more personalistic face with deep roots in family politics and ethnic loyalty. Patronage networks not only function as a tool to maintain party power, but also as a mechanism to ensure the continuity of political dynasties at various levels of government. Public decisions are often determined by the internal political

¹⁹ Mohamed Ibrahim and Mohamed Irfan, 'The Role of E-Governance in Administrative Efficiency and Combating Corruption: Case of Sri Lanka', *Global Journal of Management and Business Research: G Interdisciplinary* 17 (2017).

²⁰ Effendi et al., 'Trading in Influence (Indonesia): A Critical Study'.

²¹ Nazliben, Renneboog, and Uduwalage, 'Corporate Governance from Colonial Ceylon to Post-Civil War Sri Lanka'.

²² Ibid.

²³ Effendi et al., 'Trading in Influence (Indonesia): A Critical Study'.

²⁴ KARim Karim, A Djoko Sumaryanto, and M Sholehuddin, 'Trading in Influence in the Study of Criminal Law Renewal in the Cyber Era in Indonesia', *International Journal of Cyber Criminology* 18, no. 2 (2024): 107-22, doi:10.5281/zenodo.476618207.

considerations of ruling families or party elites, rather than by the needs of the broader society. As a result, the public policy process becomes highly elitist and closed to civil society participation. This oligarchic dominance also weakens the independence of the bureaucracy and oversight institutions, as public officials are more oriented towards the interests of the political group that protects their positions²⁵. Thus, both in Indonesia and Sri Lanka, patronage and oligarchy become the main instruments that maintain party control over the state, while also opening up wide space for the practice of influence trading that is institutionalized in the political system²⁶.

The relationship between political parties, public officials, and entrepreneurs in Indonesia is generally formed in a pattern of political patron-client relations, where power and economic resources are exchanged for mutual benefit. Political parties act as patrons with access to public policies and budgets, while entrepreneurs act as clients who provide financial support for the party's continuity. This relationship creates strong political dependence, where public decisions are often shaped by the economic interests of certain groups²⁷. Public officials who come from or are supported by parties then become an extension of the hand in implementing policies that benefit those patronage networks. As a result, the line between public policy and private interests becomes blurred, creating a political ecosystem that is difficult to monitor and vulnerable to trading in influence practices²⁸.

Unlike in Indonesia, the relationship between political parties, public officials, and entrepreneurs in Sri Lanka tends to be influenced by ethnopolitical factors and loyalty to specific social identities. Political-economic alliances are not solely based on patron-client relations, but also on ethnic solidarity and ideological proximity deeply rooted in the country's political history. Major parties often use ethnic identity as a tool for political mobilization as well as a means of distributing economic resources to their support bases. Public officials from dominant communities obtain strategic positions through party networks that emphasize ethnic loyalty, not meritocracy²⁹. This creates an exclusive power structure and weakens the principle of social justice in public decision-making. While in Indonesia, the trading of influence relies on political-economic transactions, in Sri Lanka, similar practices occur through identity politics institutionalized within ethnic-based power structures³⁰.

The practice of trading in influence involving political parties, public officials, and economic actors directly has a negative impact on democratic integrity in Indonesia. When public policies are determined by specific political and economic interests, the principles of accountability and people's representation are diminished. The public witnesses how strategic positions, government projects, and economic regulations are often politicized for the benefit of elite groups³¹. This creates the perception that democracy has merely become a formal tool for power struggle, not an instrument for the welfare of society. Public trust in political institutions – particularly parties, parliament, and the bureaucracy – has declined

²⁵ Ibrahim and Irfan, 'The Role of E-Governance in Administrative Efficiency and Combating Corruption: Case of Sri Lanka'.

²⁶ Effendi et al., 'Trading in Influence (Indonesia): A Critical Study'.

²⁷ *Ibid.*

²⁸ Djamil, 'Trading in Influence: Modus Baru Dalam Korupsi Indonesia Tahun 2022 Dan Paradoks Kriminalisasi'.

²⁹ Krishnamohan, 'The Local Government System in Indonesia and Sri Lanka: A Comparative Overview'.

³⁰ Nazliben, Renneboog, and Uduwalage, 'Corporate Governance from Colonial Ceylon to Post-Civil War Sri Lanka'.

³¹ Habeahan, Manullang, and Esther, 'A Comparative Study of Trading in Influence in Indonesian and Spanish Corruption Laws'.

because they are seen as no longer functioning transparently and fairly. As a result, citizens' participation in the political process weakens, creating a cycle of distrust that hinders the consolidation of substantive democracy³².

Similar impacts also emerge in Sri Lanka in the form of eroded political legitimacy and weakened governance due to ethnopolitical dominance in public decision-making processes. When state resources are allocated based on ethnic loyalty and political proximity, minority groups feel sidelined from what should be an inclusive governance system³³. This practice of ethnopolitical patronage strengthens social polarization and weakens the state's institutional capacity to act neutrally and professionally. Influence-based corruption not only undermines bureaucratic efficiency but also hinders the institutional reforms needed to strengthen democracy. As the integrity of public officials and state institutions remains in question, government legitimacy is eroded, and democracy becomes no more than an electoral procedure without the substance of ethics and social justice³⁴.

B. Effectiveness of Regulation and Law Enforcement against Trading in Influence in Indonesia and Sri Lanka

Article 18 of the *United Nations Convention Against Corruption* (UNCAC) provides a strong international normative basis for efforts to criminalize trading in influence practices. This provision states that each state party shall adopt legislative and administrative measures to make the abuse of influence a corruption offense. The article reflects the global view that corruption is not limited to forms of bribery or gratification, but also includes acts where a person exploits their political position or connections to influence public decisions for personal gain or the benefit of another party³⁵. The principles set out in UNCAC are oriented towards prevention and law enforcement, emphasizing the importance of transparency, integrity, and accountability in relations between the public and private sectors. UNCAC has become an important foundation for developing countries, including Indonesia and Sri Lanka, to expand the definition of corruption and close legal gaps that allow abuse of influence practices to occur without strict sanctions³⁶.

The implementation of UNCAC Article 18 faces serious challenges in many countries, especially those with mixed legal systems or civil law-based systems such as Indonesia and Sri Lanka. Differences in the interpretation of the concept of "illegitimate influence" often become an obstacle in formulating national regulations that are aligned with these international provisions. For example, anti-corruption law in Indonesia still focuses on conventional forms of corruption such as bribery and gratification, without explicitly regulating *trading in influence*³⁷. Meanwhile, in Sri Lanka, regulations related to abuse of influence remain administrative in nature and are not accompanied by adequate criminal deterrents, resulting in low effectiveness. The absence of comprehensive legal instruments to prosecute perpetrators of trading in influence means that UNCAC norms have yet to be

³² Effendi et al., 'Trading in Influence (Indonesia): A Critical Study'.

³³ Ibrahim and Irfan, 'The Role of E-Governance in Administrative Efficiency and Combating Corruption: Case of Sri Lanka'.

³⁴ Karim, Djoko Sumaryanto, and Sholehuddin, 'Trading in Influence in the Study of Criminal Law Renewal in the Cyber Era in Indonesia'.

³⁵ Wira Suranta and Sulaiman, 'Criminalization of Trading in Influence in Indonesian Criminal Law: A Juridical and Legal Policy Analysis Based on the United Nations Convention Against Corruption (UNCAC) 2003'.

³⁶ Djamil, 'Trading in Influence: Modus Baru Dalam Korupsi Indonesia Tahun 2022 dan Paradoks Kriminalisasi'.

³⁷ Effendi et al., 'Trading in Influence (Indonesia): A Critical Study'.

implemented optimally. Therefore, the study of Article 18 is not only important as a normative reference but also as an impetus for national legal reform to be able to address more complex and covert forms of political corruption³⁸.

Indonesia's legal framework for combating corruption still shows significant limitations, particularly because Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes (Tipikor Law) has not explicitly regulated trading in influence. The main focus of the law remains on conventional forms of corruption such as bribery, gratification, abuse of authority, and direct losses to the state. As a result, practices of abuse of power through political influence that do not always involve actual money transfers often escape legal prosecution. For example, when an official or political party member uses their influence to affect public decisions for personal gain or the benefit of another party, this is difficult to categorize as a criminal offense under the existing legal framework. This situation creates a gray area in law enforcement, where corrupt practices can occur in a legal-formal manner because they do not meet the elements of the existing articles in the Tipikor Law³⁹.

These limitations also indicate the lack of alignment between the national legal framework and the international standards set out in UNCAC Article 18. Law enforcement institutions such as the Corruption Eradication Commission (KPK) often face difficulties in taking action on cases involving political influence, as there is no legal basis that explicitly regulates such criminal acts. Furthermore, the absence of a clear juridical definition of "illegitimate influence" means that law enforcement officials have to interpret the scope of acts that can be considered unlawful on their own⁴⁰. This risks creating legal uncertainty and inconsistency in the application of sanctions. Thus, Indonesia needs legislative reform to expand the scope of corruption crimes to include trading in influence practices, while also strengthening the effectiveness of the oversight system for relations between public officials, political parties, and the private sector⁴¹.

Sri Lanka's legal system in regulating abuse of influence still shows fundamental weaknesses because its provisions are administrative in nature and lack effective criminal force. Existing regulations – particularly within the framework of public service law and state officials' ethics – only normatively prohibit the abuse of influence without providing strict legal consequences. As a result, practices of misusing political positions or bureaucratic posts to influence public decisions are often regarded as ethical violations, not criminal offenses. Administrative sanction mechanisms such as warnings, demotions, or dismissals are not sufficient to create a deterrent effect, especially for officials with strong political support. This is exacerbated by the weak independence of oversight institutions and the dominance of party elites in the rule enforcement process, which means many cases of influence abuse never progress to the criminal investigation stage⁴².

The absence of criminal norms that specifically regulate abuse of influence also weakens Sri Lanka's commitment to the implementation of UNCAC Article 18. The country has

³⁸ Ibrahim and Irfan, 'The Role of E-Governance in Administrative Efficiency and Combating Corruption: Case of Sri Lanka'.

³⁹ Iwan Kurniawan, 'Kriteria Untuk Menentukan Bentuk-Bentuk Tindak Pidana Dan Pertanggungjawaban Pidana Dari Korporasi Yang Melakukan Tindak Pidana Korupsi', *Unes Law Review* 5 (2023), doi:10.31933/unesrev.v5i3.

⁴⁰ Simanjatak, Raya, and Al Birra, 'Analisis Pengaruh Partai Politik Terhadap Pembangunan Demokrasi Di Indonesia'.

⁴¹ Ranaweera, 'Establishing Social Justice Through Establishing Anti-Corruption Laws in Sri Lanka: A Rights-Based Analysis.'

⁴² Merdita Manik, 'Pengaruh Perdagangan Internasional Terhadap Pertumbuhan Ekonomi Indonesia', *Jurnal Ekonomi Manajemen Dan Bisnis* 23, no. 2 (2024).

indeed ratified the convention, but has yet to adopt adequate provisions into its legal system. Abuse of influence is often linked to violations of the Bribery Act or *Public Administration Code*, but both legal instruments only cover corruption in the form of direct material benefit exchanges. As a result, non-transactional forms of corruption such as the use of political influence to shape policies, make appointments, or allocate projects are difficult to prosecute. This situation creates impunity for political elites who use power for personal or party purposes⁴³. Therefore, legal reform in Sri Lanka needs to be directed at the explicit criminalization of abuse of influence and the strengthening of anti-corruption institutions to enable them to handle influence-based corruption practices effectively and independently⁴⁴.

The implementation of laws related to influence abuse in Indonesia and Sri Lanka shows fundamental differences in terms of effectiveness, institutions, and legal scope. In Indonesia, the existence of the Corruption Eradication Commission has a broad mandate to handle various forms of corruption, yet normative limitations in the Tipikor Law mean that trading in influence cases are difficult to process legally⁴⁵. The Corruption Eradication Commission tends to only be able to take action on cases that meet the elements of bribery, gratification, or financial losses to the state, while abuse of influence practices that do not involve direct transactions are often untouched. That said, the Corruption Eradication Commission has attempted to expand legal interpretation through a contextual approach, particularly in cases involving political influence over bureaucratic processes and the determination of national strategic projects⁴⁶. However, political challenges and interventions against the institution's independence pose a serious obstacle to its effectiveness. As a result, although Indonesia has a strong anti-corruption institutional framework, law enforcement against trading in influence remains weak in practice because there is no criminal article that explicitly regulates it⁴⁷.

Conversely, in Sri Lanka, the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) acts as the main institution in handling corruption offenses, but its authority is limited to administrative violations and direct gratification. CIABOC does not yet have legal instruments that allow investigations into the abuse of political influence, as the national legal framework does not include the criminalization of abuse of influence as set out in UNCAC⁴⁸. In addition, this institution often faces political pressure from ruling party elites, given that many corruption cases are closely linked to the political power structure and ethnopolitical networks in Sri Lanka. Limited resources, weak legal protection for investigators, and lack of coordination between law institutions further undermine enforcement effectiveness. While both Indonesia and Sri Lanka have legally recognized anti-corruption institutions, they face different challenges: Indonesia is hindered by a gap in

⁴³ Henk Berkman and Vidura Galpoththage, 'Political Connections and Firm Value: An Analysis of Listed Firms in Sri Lanka', *Pacific Accounting Review* 28, no. 1 (2016): 92-106, doi:10.1108/PAR-06-2014-0020.

⁴⁴ Asanga Abeyagoonasekera, 'Sri Lanka's Political-Economic Crisis; Corruption, Abuse of Power and Economic Crime', *Journal of Financial Crime* 30, no. 6 (2023): 1432-43, doi:10.1108/JFC-03-2023-0069.

⁴⁵ Effendi et al., 'Trading in Influence (Indonesia): A Critical Study'.

⁴⁶ Kurniawan, 'Kriteria Untuk Menentukan Bentuk-Bentuk Tindak Pidana Dan Pertanggungjawaban Pidana Dari Korporasi Yang Melakukan Tindak Pidana Korupsi'.

⁴⁷ Manik, 'Pengaruh Perdagangan Internasional Terhadap Pertumbuhan Ekonomi Indonesia'.

⁴⁸ Ranaweera, 'Establishing Social Justice Through Establishing Anti-Corruption Laws in Sri Lanka: A Rights-Based Analysis.'

substantive norms, while Sri Lanka is trapped in structural weaknesses and political dependencies that limit the independence of its oversight institutions⁴⁹.

Legal obstacles are one of the main factors hindering the effectiveness of law enforcement against trading in influence practices in Indonesia and Sri Lanka. In the legal context, the main issue lies in the difficulty of proving the element of illegitimate influence, as such practices often take place in the realm of socio-political relations that do not always involve evidence of material transactions. Law enforcement officials often struggle to show a direct link between the act of influencing policy and the benefits received by the perpetrator or related parties⁵⁰. In addition, the legal frameworks in both countries have not provided a clear definition of abuse of influence, leading to overly broad room for interpretation and creating opportunities for legal defense. This weakness is exacerbated by overlapping authority among law enforcement institutions, resulting in similar cases being handled in conflicting ways or even ignored. Without legal reforms that clarify normative boundaries and evidential standards, abuse of influence practices will remain difficult to prosecute effectively⁵¹.

Power interference has become a dominant factor that weakens the performance of anti-corruption institutions in both countries. The independence of Indonesia's Corruption Eradication Commission has been threatened several times by political pressure and regulations that undermine its investigative authority, particularly in cases involving party elites or high-ranking officials⁵². A similar situation occurs in Sri Lanka, where institutions such as CIABOC face structural barriers because they are under government influence, so investigations into powerful officials often stall at the administrative level. The lack of coordination between institutions such as the police, prosecutor's office, and internal oversight bodies also reduces law enforcement effectiveness⁵³. Bureaucratic fragmentation and inter-institutional rivalry mean that legal processes often do not result in strong convictions. Institutional reform and strengthening the independence of anti-corruption institutions are crucial prerequisites to ensure that trading in influence practices do not continue to take shelter behind legal gaps and political power⁵⁴.

C. Implications and Recommendations for Legal Reform in Preventing Influence Trading in Indonesia and Sri Lanka

Structural weaknesses in the legal systems of Indonesia and Sri Lanka are the main root cause that allows abuse of influence practices to persist, even though both countries already have anti-corruption mechanisms in place. In Indonesia, these weaknesses are evident in the misalignment between legal norms, institutions, and political practices, where political parties still hold significant control over bureaucratic processes and public policy. The legal structure, which focuses on transactional corruption, has not been able to accommodate

⁴⁹ Wira Suranta and Sulaiman, 'Criminalization of Trading in Influence in Indonesian Criminal Law: A Juridical and Legal Policy Analysis Based on the United Nations Convention Against Corruption (UNCAC) 2003'.

⁵⁰ Ikhsan Lubis et al., 'Comparison Of Civil Law Regarding The Implementation of Cyber Notary In Countries With Common Law And Civil Law Traditions', *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 1 (2022), doi:10.29303/ius.v10i1.981.

⁵¹ Ria Agustina, Kamal Anas, and Yuyut Prayuti, 'The Development and Challenges of Civil Law in Indonesia', *Legal Brief* 14, no. 2 (2025): 428-34.

⁵² Fendi Nugroho, Hartiwiningsih Hartiwiningsih, and I. Gusti Ayu Ketut Rachmi Handayani, 'Rethinking Subsidiary in Corruption Cases: Indonesian Experiences', *Journal of Human Rights, Culture and Legal System* 5, no. 2 (2025): 686-713, doi:10.53955/jhcls.v5i2.714.

⁵³ Krishnamohan, 'The Local Government System in Indonesia and Sri Lanka: A Comparative Overview'.

⁵⁴ Ranaweera, 'Establishing Social Justice Through Establishing Anti-Corruption Laws in Sri Lanka: A Rights-Based Analysis.'

non-material forms of corruption such as the misuse of political influence⁵⁵. In addition, internal government oversight mechanisms are often formalistic and lack independence, so they are not effective in detecting abuse of power at an early stage. A political recruitment system based on loyalty rather than competence further strengthens patronage and weakens legal accountability. Law in Indonesia still functions more as an administrative instrument than as a tool for moral and institutional transformation in governance⁵⁶.

Meanwhile, in Sri Lanka, structural weaknesses are more complex as they are influenced by the politicization of law and the ingrained ethnopolitical dominance in the governance system. Law enforcement and oversight institutions are often not independent because their positions are under the direct influence of the executive and ruling parties. Administrative legal provisions without the support of criminal sanctions create a safe space for perpetrators of influence abuse, especially among political and bureaucratic elites⁵⁷. In addition, the tradition of family politics and ethnic loyalty reinforces a closed power structure, where public decisions are often made based on the interests of specific groups. As a result, the law loses its corrective power over political behavior, and institutional reform proceeds slowly because it is bogged down by resistance from groups that benefit from the system. Both countries ultimately face a similar problem: the weak institutionalization of law independent of political interests, which is a crucial prerequisite for systematically ending trading in influence practices⁵⁸.

National legal reform in Indonesia has become an urgent step to close the regulatory gap that allows trading in influence practices to take place without strict sanctions. Its urgency lies in the need to incorporate explicit provisions on trading in influence into the Tipikor Law, so that non-transactional abuse of power practices can be prosecuted criminally⁵⁹. By referring to UNCAC Article 18, Indonesia can expand the scope of political corruption beyond bribery and gratification to include any form of intervention in public policy carried out through political influence or power relations. This reform should also be accompanied by the strengthening of the evidence system through instruments such as illicit enrichment and transparency in the relationships between public officials and the private sector⁶⁰. Furthermore, political party oversight mechanisms need to be strengthened through funding audits and mandatory disclosure of conflicts of interest for state officials. Such reforms would not only clarify the legal boundaries between legitimate and illegitimate influence but also restore the law's role as a tool for guaranteeing integrity in Indonesia's democratic system⁶¹.

The reforms needed in Sri Lanka focus on structural and administrative changes to strengthen the independence of anti-corruption institutions and expand legal authority over influence abuse. Currently, administrative provisions need to be converted into criminal instruments so that abuse of influence carries real legal consequences. This step can begin with amendments to the *Bribery Act* to align it with UNCAC norms and include non-

⁵⁵ Wickramasinghe, 'The Impact of Corruption on Local Government Culture in Sri Lanka: Undermining Democratic Principles and Weakening Citizen Trust'.

⁵⁶ Djamil, 'Trading in Influence: Modus Baru Dalam Korupsi Indonesia Tahun 2022 Dan Paradoks Kriminalisasi'.

⁵⁷ Krishnamohan, 'The Local Government System in Indonesia and Sri Lanka: A Comparative Overview'.

⁵⁸ Ibrahim and Irfan, 'The Role of E-Governance in Administrative Efficiency and Combating Corruption: Case of Sri Lanka'.

⁵⁹ Effendi et al., 'Trading in Influence (Indonesia): A Critical Study'.

⁶⁰ Ibrahim and Irfan, 'The Role of E-Governance in Administrative Efficiency and Combating Corruption: Case of Sri Lanka'.

⁶¹ Simanjutak, Raya, and Al Birra, 'Analisis Pengaruh Partai Politik Terhadap Pembangunan Demokrasi Di Indonesia'.

financial behavior in the definition of corruption⁶². In addition, administrative reforms should be directed at increasing bureaucratic transparency, implementing a merit-based system for public official appointments, and limiting political intervention in decision-making. CIABOC needs to be institutionally strengthened and granted budgetary autonomy to reduce its dependence on the government. Through a combination of normative and institutional reforms, Sri Lanka can narrow the space for impunity among political elites while building a more accountable, just, and corruption-free governance system free from influence abuse practices⁶³.

Enhancing political finance transparency is a strategic step to prevent trading in influence practices rooted in parties' dependence on external funding sources. In Indonesia, weak regulation and oversight of the origin and use of political funds have opened the door for business interests to enter party structures. This situation creates a reciprocal relationship between entrepreneurs and political elites, where financial support is rewarded with access to public policy and government projects. Reform of the funding system needs to focus on strict reporting obligations, public audits of party finances, and limits on donations from private parties that have business relationships with the state⁶⁴. Furthermore, establishing a public funding system for political parties can reduce dependence on individual or corporate donations. With greater transparency, political parties' legitimacy will increase, and opportunities for abuse of influence for economic gain can be systematically suppressed⁶⁵.

In Sri Lanka, political finance transparency is also a weak point that allows political corruption practices to persist, especially because internal party oversight is weak and lacks an independent accountability mechanism. Many major parties do not have a financial reporting system that is open to the public, while political donations are often channeled through informal channels to avoid legal scrutiny⁶⁶. Therefore, reforms need to focus on strengthening internal party oversight mechanisms by establishing an internal audit body with the authority to take action against ethical and financial violations transparently. The implementation of a strict party code of ethics, including a ban on cadres from accepting personal donations from entrepreneurs, can narrow the space for conflicts of interest to arise. Strengthening the capacity of the election commission to audit campaign funds will help build a cleaner and more credible political governance system⁶⁷. With a combination of transparency and strong internal oversight, political parties can transform from instruments of patronage into key pillars of democratic governance that are accountable and free from corrupt influences⁶⁸.

Strengthening anti-corruption institutions is a crucial element in ensuring the state's ability to take action against political corruption practices, particularly those involving trading in influence. In Indonesia, the KPK needs stronger institutional support to maintain

⁶² Wira Suranta and Sulaiman, 'Criminalization of Trading in Influence in Indonesian Criminal Law: A Juridical and Legal Policy Analysis Based on the United Nations Convention Against Corruption (UNCAC) 2003'.

⁶³ Nazliben, Renneboog, and Uduwalage, 'Corporate Governance from Colonial Ceylon to Post-Civil War Sri Lanka'.

⁶⁴ Effendi et al., 'Trading in Influence (Indonesia): A Critical Study'.

⁶⁵ Karim, Djoko Sumaryanto, and Sholehuddin, 'Trading in Influence in the Study of Criminal Law Renewal in the Cyber Era in Indonesia'.

⁶⁶ Krishnamohan, 'The Local Government System in Indonesia and Sri Lanka: A Comparative Overview'.

⁶⁷ *Ibid.*

⁶⁸ Wickramasinghe, 'The Impact of Corruption on Local Government Culture in Sri Lanka: Undermining Democratic Principles and Weakening Citizen Trust'.

its independence from political pressure and executive intervention. Institutional reforms should be directed at restoring the authority to conduct wiretapping and prosecutions without external approval, as well as enhancing investigators' capacity to handle complex and non-transactional political corruption cases. Additionally, coordination between the KPK, the Attorney General's Office, and the Police must be strengthened through the establishment of an inter-institutional coordination mechanism based on data integration and joint investigations. With an integrated work system, the potential for overlapping case handling or authority conflicts can be avoided, allowing investigations into influence abuse in the political sphere to be carried out more effectively and consistently⁶⁹.

In Sri Lanka, recommendations for strengthening are directed at CIABOC so that this institution not only functions administratively but also has the independent investigative and prosecutorial capacity to handle political corruption cases. One strategic step is to strengthen CIABOC's legal basis through legislative amendments to include authority over abuse of influence and public officials' conflicts of interest. Additionally, a national coordination mechanism between CIABOC, the police, the auditor general, and the public ethics oversight body is needed to prevent the authority fragmentation that has so far hindered law enforcement effectiveness⁷⁰. Providing legal protection for investigators and whistleblowers is also essential to ensure the independence of investigations into high-profile corruption cases. Strengthening coordination between authorities not only improves law enforcement effectiveness but also expands the legal reach over political corruption that has so far been beyond the scope of criminal sanctions. Both Indonesia and Sri Lanka need a proactive and bold institutional approach to ensure that anti-corruption institutions can function as the main check on political power within the framework of a clean and transparent democracy⁷¹.

A comparative policy model based on the civil law system can be an effective approach to strengthening law enforcement against trading in influence practices in developing countries such as Indonesia and Sri Lanka. In the civil law system, legal certainty and the codification of norms are key priorities, so explicit and integrated regulations in anti-corruption laws are required. Indonesia can adapt the legal models of France or Spain, which have directly criminalized trading in influence, by adding elements of abuse of office for non-material gain. This adaptation needs to be tailored to Indonesia's political context, which is still influenced by party oligarchies and bureaucratic patronage⁷². Therefore, legal renewal is not sufficient only at the normative level, but must also be accompanied by institutional reforms so that law enforcement institutions have strong professional capacity and autonomy⁷³. With an approach that combines legal and political dimensions, Indonesia can build a law enforcement system that is not only repressive, but also preventive against the abuse of influence⁷⁴.

Meanwhile, in Sri Lanka, the implementation of a more systematic civil law model can strengthen the effectiveness of a legal system that has so far remained administratively

⁶⁹ Habeahan, Manullang, and Esther, 'A Comparative Study of Trading in Influence in Indonesian and Spanish Corruption Laws'.

⁷⁰ Nazliben, Renneboog, and Uduwalage, 'Corporate Governance from Colonial Ceylon to Post-Civil War Sri Lanka'.

⁷¹ Ibrahim and Irfan, 'The Role of E-Governance in Administrative Efficiency and Combating Corruption: Case of Sri Lanka'.

⁷² Shahla F. Ali, 'Civil Mediation Reform: Balancing the Scales of Procedural and Substantive Justice', *Civil Justice Quarterly*, 2019.

⁷³ Leon Yehuda Anidjar, Ori Katz, and Eyal Zamir, 'Enforced Performance in Common Law Versus Civil Law Systems: An Empirical Study of a Legal Transformation', *American Journal of Comparative Law* 68, no. 1 (2020): 1-54, doi:10.1093/ajcl/avaa006.

⁷⁴ Nazliben, Renneboog, and Uduwalage, 'Corporate Governance from Colonial Ceylon to Post-Civil War Sri Lanka'.

oriented and based on case-by-case enforcement. The country can learn from the practices of Continental European countries that emphasize institutional accountability and public officials' responsibility for any action that may create a conflict of interest. This adaptation must take into account Sri Lanka's socio-political context, which is marked by ethnopolitical influence and a power structure based on party loyalty. To this end, policy reforms need to prioritize the integration of criminal law, public officials' codes of ethics, and political transparency to close the space for abuse of power⁷⁵. Strengthening the internal oversight system of public institutions and political parties is also an integral part of this model, as it can prevent malpractices before they reach the criminal stage. By implementing a civil law framework that is responsive to the political dynamics of developing countries, Sri Lanka can build a sustainable legal system capable of upholding justice without compromising political stability⁷⁶.

CONCLUSION

Trading in influence practices in Indonesia and Sri Lanka are a form of political corruption that has evolved through a symbiotic relationship between political parties, the bureaucracy, and economic interests. Both countries show similar patterns in the weakness of their legal systems and internal party oversight, which open the door for influence abuse for personal or group interests. In legal terms, Indonesia faces limitations due to the Tipikor Law, which has not explicitly regulated *trading in influence*, while Sri Lanka still places abuse of influence in the administrative domain without effective criminal sanctions. Therefore, national legal reform is needed to incorporate explicit provisions on *trading in influence* and strengthen the independence of anti-corruption institutions through cross-law enforcement authority coordination. The implementation of these research findings emphasizes the importance of establishing a transparent and accountable political governance system, particularly in party funding and public official recruitment processes. Indonesia and Sri Lanka can adopt policy models adapted to the political context of developing countries, emphasizing strict legal codification and sustainable institutional oversight. The main recommendation of this research is the need to strengthen public oversight of political activities through open reporting mechanisms, civil society participation, and an integrated political audit system. Through a combination of legal reform, political transparency, and the strengthening of oversight institutions, both countries can create a more effective law enforcement system, prevent abuse of power, and enhance public trust in democracy and the rule of law.

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⁷⁵ Wickramasinghe, 'The Impact of Corruption on Local Government Culture in Sri Lanka: Undermining Democratic Principles and Weakening Citizen Trust'.

⁷⁶ Habeahan, Manullang, and Esther, 'A Comparative Study of Trading in Influence in Indonesian and Spanish Corruption Laws'.

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