

# Corruption In The Eyes Of Criminology (Understanding The Inability Of The Legal System To Traping Persons Of Crime Of Corruption)

Supardi Hamid<sup>1\*</sup>, Teddy Rusmawan<sup>2</sup>

<sup>1,2</sup> Sekolah Tinggi Ilmu Kepolisian Jakarta, Indonesia

e-mail\* : [supardihamid@stik-ptik.ac.id](mailto:supardihamid@stik-ptik.ac.id)<sup>1</sup>, [teddy.rusmawan@stik-ptik.ac.id](mailto:teddy.rusmawan@stik-ptik.ac.id)<sup>2</sup>

## Abstract

Korupsi merupakan tindak pidana yang merugikan negara dan masyarakat secara luas. Dalam perspektif kriminologi, korupsi dianggap sebagai bentuk kejahatan yang kompleks dan sulit untuk diatasi karena melibatkan banyak pelaku dan melibatkan banyak aspek seperti politik, ekonomi, dan sosial. Tujuan dari penelitian ini menjawab mengapa para koruptor belum juga dijerat oleh ketentuan hukum yang berlaku dari sudut pandang konstruksi hukum dan *law enforcement*. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan deskriptif analitis. Hasil penelitian menunjukkan bahwa kurangnya rasa kesadaran akan pentingnya tanggung jawab moral bagi mereka yang memiliki jabatan dan kekuasaan merupakan faktor penyebab terjadinya korupsi. Guna menanggulangi berbagai tipe kejahatan korupsi tersebut, syarat mutlak yang harus dipenuhi adalah transparansi di segala bidang kehidupan Negara. Transparansi ini dibutuhkan guna masyarakat dapat mengadakan social control terhadap penyelenggaraan Negara dalam menjalankan fungsinya masing-masing.

**Kata kunci:** *Korupsi, Kriminologi, Law Enforcement, Konstruksi Hukum*

## Abstract

Corruption is a criminal act that harms the State and society at large. From the perspective of criminology, corruption is considered a complex and challenging form of crime to overcome because it involves many perpetrators and many aspects, such as political, economic, and social. This study aims to answer why corruptors have not been trapped by applicable legal provisions from the point of view of legal construction and law enforcement. This research uses a normative juridical method with a descriptive-analytical approach. The results showed that a lack of awareness of the importance of moral responsibility for those with positions and power contributes to corruption. To overcome these various types of corruption crimes, the absolute requirement must be met transparency in all areas of State life.

**Keywords:** *Corruption, Criminology, Law Enforcement, Legal Construction*

## INTRODUCTION

Designed and enacted as a measure against corruption, Legislation - Invitation is a type of legal politics of governmental institutions. Choose. Some attorneys and outside observers believe that the government has taken decisive measures against corruption as of late. Corruption poses a threat to the security and stability of Indonesia as well as the democratic principles of transparency, accountability, and integrity (Muhtar, 2019).

State officials make corruption cases a powerful weapon in their speeches, speaking as if they are clean, anti-corruption. The community, through NGOs and mass organizations, does not want to be outdone, benefiting from the anti-corruption campaign in Indonesia. Weak law in Indonesia is used as a powerful weapon for corruptors to avoid prosecution. The corruption case of former President Suharto is an example of a corruption case that has never been resolved. Even though the resolution of the Suharto and crony corruption cases, the BLBI

funds and other major corruption cases will be able to stimulate the economic development program in Indonesia.

Literally, corruption is the behavior of public officials, both politicians and civil servants, who improperly and illegally enrich themselves or enrich those close to them, by abusing the public power entrusted to them.

Meanwhile, Okorim, as quoted by Petter Gottschalk, argues that:(Gottschalk, 2010)

*“Corruption is defined as the giving, requesting, receiving, or accepting of an improper advantage related to a position, office, or assignment. The improper advantage does not have to be connected to a specific action or not-doing this action. It will be sufficient if the advantage can be linked to a person's position, office, or assignment. Corruption is to destroy or pervert the integrity or fidelity of a person in his discharge of duty, it is to induce to act dishonestly or unfaithfully, it is to make venal, and it is to bribe”.*

Indonesia already has a legal basis and created institutions to deal with corruption. The legal basis that has been created is:

1. Law No. 3 of 1971
2. Law No. 31 of 1999
3. Law No. 20 of 2001
4. Law No. 30 of 2002,

Meanwhile, institutions that have been established include the Corruption Eradication Commission (KPK). According to Law no. 30 of 2002, the authority of the Corruption Eradication Commission includes criminal acts which include:

1. Involve law enforcement officials, state administrators and other people who are related to criminal acts of corruption committed by law enforcement officials or state administrators,
2. Get attention that is troubling the community and/or
3. Regarding state losses of at least IDR 1,000,000,000 (one billion rupiah).

Furthermore, with Law no. 30 of 2002, Corruption Eradication Commission

1. Able to develop strong networks and treat existing institutions as conducive "counterpartners" so that the eradication of corruption can be carried out effectively and efficiently.
2. Do not monopolize the duties and authorities of investigations, investigations and prosecutions
3. Serves as a trigger and empowerment of existing institutions in eradicating corruption (trigger mechanism)
4. Functions to supervise and monitor existing institutions and in certain circumstances can take over the duties and authorities of investigations, investigations and prosecutions (superbody) that are being carried out by the police and/or the prosecutor's office.

In carrying out its investigative duties, the KPK is bound by certain authorities as stated in Article 6 letter a of Law No. ". If we pay attention, this is also tied to the KPK's authority in taking legal action if there is insufficient evidence in a corruption crime.

As understood, it is relevant to the provisions of Law No. 46 of 2009 which is also a provision of Article 26A of Law Number 31 of 1991 in conjunction with Law Number 20 of 2001 which underlines that the source of obtaining legal evidence is in the form of instructions (as referred to in Article 188 paragraph (2) of Law Number 8 of 1981 concerning the Criminal Procedure Code), in addition to obtaining witness statements, letters and statements of the accused, particularly corruption cases, can also be obtained from:

1. Other evidence in the form of information spoken, sent, received or stored electronically with optical devices or something similar; but not limited to electronic data interchange, electronic mail (e-mail), telegram, telex, and facsimile; And
2. Document, namely any record of data or information that can be seen, read, and/or heard that can be issued with or without the help of some means, whether stated on paper, any physical object other than paper, or recorded electronically, in the form of writing, sounds, pictures, maps, plans, photographs, letters, signs, numbers or perforations that have meaning(Shamsuddin, 2019).

Insufficient evidence in an investigative process can certainly impede a process of examining criminal acts of corruption, so insufficient evidence in examining criminal acts of corruption can give rise to the KPK's authority to carry out coordination. Still remember the opinion of Hali, one of which is: "Power tends to corrupt, and absolute power corrupts absolutely". This outdated expression is a kind of postulate put forward by Lord Acton that power tends to corrupt. This is in line with what was stated by Montesquieu in *Le Esprit Des lois* which is translated as *The Spirit of Law* that towards people in power there are three tendencies. First, the tendency to maintain power. Second, the tendency to enlarge power. (Montesquieu, 1993: 27). Third is the tendency to take advantage of power. In relation to utilizing this power, what is called abuse of power often occurs which often enriches oneself or enriches others.

Several years ago, around the mid-90s, the broadcast of fugitive corruptors on television had raised pros and cons. Those who are pro with the broadcast are of the opinion that the fugitive suspect in the corruption case being broadcast can be immediately found and tried according to applicable law. Meanwhile, those who were against argued that the broadcast was contrary to the principle of the presumption of innocence. There was even a new breakthrough by the Corruption Eradication Commission, namely the Corruption Eradication Commission's resistance to wearing uniforms which were also designed and intended to provide a deterrent effect for corruptors.

Jeremy Pope writes in his book *Confronting: The Elements of the National Integrity System* that corruption is a worldwide issue that needs attention from all sectors of society. Corrupt practises are sometimes compared to those of totalitarian governments, in which a select few have all of the authority. But this doesn't rule out the possibility of corruption in a democratic social-political system; indeed, it's possible for corruption to flourish in such an environment. Pope went on to say that corruption is a form of human rights abuse.

Former Director General for European Development Dieter Frish says. Corruption is any practise that raises prices for consumers, adds to a country's debt, or reduces product quality standards. Corruption always produces an uncertain socioeconomic environment (uncertainty), since development initiatives are typically selected for grounds of huge capital participation rather than on the urgency of the public interest. This doubt does not constitute asymmetric information in commercial and economic transactions. Due to the unpredictability of both the expenses and the return on investment (ROI) resulting from corrupt practises, the private sector typically views this as the greatest risk of doing business. Corruption, like embezzlement, is a sin, as Akhbar Salmi writes in his notebook.

Corruption is not a crime under the provisions of the laws and regulations of the Republic of Indonesia that define corruption as a crime, as stated in Article 1 of Law No. 28 of 1999 Concerning State Administration that is Clean and Free from Corruption, Collusion, and Nepotism. In his paper, Pancasila Economic Activist Mubaryanto identified corruption as one of the major issues in the legal system, calling it "Corruption, Collusion, and Nepotism" to be more diplomatic. Reasoned because corruption is often about who you know and who you owe money to, this makes sense. It's undeniable that corruption, collusion, and other negative influences have made this "replacement" harmful. The author of this brief diary entries seeks to provide a criminological explanation for a reality about corruption. Given that various corruption cases have yet to be settled because they lack a legal footing, what factors prevent corrupt officials from being prosecuted? Under the rules? Is it because of the imperfections in our legal system? Or perhaps it's due to the ineffectiveness of law enforcement.

## METHOD

The concerns and/or concepts that were chosen as the basis for this study classify it as normative legal research. Philosophy, analysis, and logic are at the heart of this study's methodology, and the study's final results will hopefully lead to novel insights that provide solutions to the study's identified key issues (Ishaq, 2017). It will also be analysed utilising descriptive analytical techniques, such as providing a summary of the relevant laws and

regulations, discussing relevant legal theory, and highlighting effective law enforcement practises (Mahmud Marzuki, 2011).

## RESULTS AND DISCUSSION

### **Criminology from a Sociological Perspective – Critical Criminology**

So far, to deal with corruption, we have taken a criminal law approach that is only concerned with the question "Did Nazaruddin commit corruption?" (Who). If we take a criminological approach, then the sound of the question will change and be more proactive, why did Nazaruddin commit corruption? (Why). We find out the cause of the crime (criminal etiology). Because if we find out who the perpetrators are, then the perpetrators can be anyone, they can increase, not decrease and even the perpetrators will be intervened by hidden hands.

There are several theories that elaborate on the causes of crime (corruption). The theory of Anomie from Emile Durkheim explains that anomie occurs due to the destruction of social order as a loss of standards and values. Moral decadence causes corruptors to feel that corruption is common because many have done it (Hidayat Muhtar et al., 2023). There is also the Psychoanalytic theory of Sigmund Freud, which states that criminal behavior is driven by a weak conscience that is unable to withstand strong urges of lust. The desire to have wealth, wealth and luxury, even if it is obtained from illegal means (Mohamad Hidayat Muhtar, 2023). It is different from the radical theory, which argues that capitalism is the cause of crime.

Tracing the causes of the current reality, we find answers such as low salaries, because the process of corruption is instantaneous, meaning that once you rake in you can get a lot right away without waiting for the low salary. And it could also be caused by the very low quality of our nation's human resources, especially in law enforcement. So Jusuf Kalla was right when he said: "Corruption is now starting to decline, passing on to posterity". At least we already know the factors that cause corruption. Now let's examine;

Criminology is the science of evil and disgraceful behavior that concerns the people who are involved in that evil and disgraceful behavior. Wolfgang, Savitz and Johnston as quoted by Topo Santoso provide a definition of criminology as (Santoso & Zulfa, 2007):

A collection of knowledge about crime that aims to gain knowledge and understanding of the symptoms of crime by studying and scientifically analyzing the explanations, uniformities, patterns and causal factors related to crime, perpetrators of crime and society's reactions to both. The object of study of criminology includes:

1. The act is called a crime
2. Perpetrator
3. The reaction of the community is aimed at both the act and the perpetrator.

In the realm of criminology, there are several schools that have different opinions on criminology. In addition to the Juridical (Law) stream, there is a non-Juridical school which is better known as the Sociological school. One scholar of the Sociological stream, Thorsten Sellin, as quoted by Topo Santoso, argued that a better basis for the development of scientific categories is to provide a better basis by studying conduct norms, because the concept of behavioral norms which includes every group or institution such as the state and is the creation of any normative groups, and is not confined by political boundaries and does not always have to be contained in law.

In the opinion of the critical criminology school, including Ian Taylor, Paul Walton and Jack Young stated that it is the lower class, "the power of labor from industrial society", which is controlled through criminal law and its enforcers, while "owners of labor" are only bound by law. laws governing competition between them. Economic institutions, then, are the source of all conflict, the struggle between classes is always related to the distribution of resources and power, and only when capitalism is eradicated will crime disappear. (Raghib & Ariman, 2015).

The critical criminology approach is more comprehensive than the classical approach which places more emphasis on juridical aspects. A critical approach that covers the root causes of crime and involves authorities such as labor owners is seen as having relevance in overcoming crime (corruption) in Indonesia.

## **Criminology And Criminal Law**

As we all know, talking about a crime from a criminological perspective is much broader than the perspective of criminal law science. Nevertheless, criminology and criminal law are like two sides of the same coin even though they have different objects and goals. The science of criminal law has the object of legal rules relating to crime and aims to be used as well as possible and as fairly as possible.

Meanwhile, criminology has the object of people committing crimes and aims to understand why someone commits a crime. In addition, the view of a crime from the science of criminal law is only limited to the legal definition of crime, meaning that an act has been labeled by the State as a crime. As WAbonger said that crime is an anti-social act which consciously receives a reaction from the State in the form of giving suffering and then as a reaction to legal formulations regarding crime.(Eddy, 2014).

Against crime in the view of criminal law, Thorsten Sellin criticizes that criminal law cannot meet the demands of scientists and a better basis for the development of scientific categories is to study conduct norms, because the concept of behavioral norms covers every group or institutions such as the State and are not the creation of any normative groups, nor are they confined by political boundaries and do not always have to be contained in law(Prasetyo, 2014).

Along with Sellin's criticism, a crime from the aspect of criminology does not only concern the legal definition of crime but also concerns the social definition of crime, meaning that an act, even though it has not been labeled by the State as a crime, is labeled by society as a crime if the act is deemed to deviate from the norms or customs of the local community.

Therefore it is not an exaggeration what Sellin once said, quoted by H. Mannheim, that criminology is "a king without a country", only that in its development, criminology must pay attention to other disciplines such as psychology, psychiatry, politics, sociology, law and economics.(Soeroso, 2009).

In relation to corruption, a review of the criminological aspect is very important to find out more about what are the main causes of someone committing corruption and then look for a solution. Meanwhile, if corruption is only seen from the perspective of criminal law, then we will only be fixated on the construction of laws that define acts that are categorized as corruption within certain limits. In fact, if we look at the Explanation of Law Number 31 of 1999 concerning the Restriction of Corruption Crimes which was renewed by Law No. 20 of 2001, the lawlessness in the formulation of corruption offenses is not limited to the meaning in law alone. This will be discussed later in another section of this paper.

Apart from that, with the development of science, especially political science, economics and sociology, Pierce Beirne and James Mitchmidt, two criminologists from Southern Maine University tried to characterize the types of corruption which will also be discussed further in this paper.

## **Corruption and Crime Studies**

Power and corruption are inextricably linked concepts. In any position of authority, corruption is inevitable. This is the "entrance" to corrupt behaviour, which is now embedded in the very essence of authority. Lord Acton, a Cambridge don, famously said, "Power tends to corrupt, and absolute power corrupts absolutely." Corruption and power go hand in hand like two sides of a coin.

Corruption is a byproduct of power, according to a hypothesis. Corruption can be found in both national and local governments. If a country's government is headquartered in one place, so will its corruption. As concentrations of power increase, so do incidences of corruption within them. This took place when Indonesia was under the New Order. On the other hand, corruption tends to grow in a way that mirrors the pattern of decentralised governance, such as in countries that have adopted Regional Autonomy. That is to say, bribery and other forms of corruption are also commonplace at the municipal level. Corruption spreads as power moves away from a centralised government and into a network of independent governments. This kind of thing is happening right now in Indonesia.

When someone in a position of power engages in behaviour that runs counter to established codes of ethics, we say that they are corrupt. Those in positions of authority are more likely to engage in corrupt behaviour. A person's propensity to engage in corrupt behaviour decreases if he has less authority over others. Humans without special abilities cannot achieve this. Another essential element of corruption is that the perpetrator acts selfishly, putting his own interests ahead of those of others. A kid who skips class and has a friend sign him in is the simplest case in point. Having control over his own attendance in class is corruption on his part. This was something he did for himself.

When placed in the context of actual corruption cases in Indonesia, high-level corruption stands out as extremely harmful to the nation and its people. Power dynamics are also at play in the corruption at hand. Government officials have knowingly broken the law for their own benefit. Any elected official can have an impact on government policymaking just by virtue of their position. With the goal of getting individuals to willingly submit to the state (government), coercive (forcing) control of human behaviour (society) is inherent to power (political authority). Every rule or regulation that is put into effect here is one that serves the interests of those in power. This is where bribery and other forms of corruption can take place.

According to Don. C. Gibbons, the study of crime and criminals involves many topics or questions, including the formulation of crime and deviant behavior (Gobel et al., 2023). Therefore, before determining the definition of a crime, determining the perspective and paradigm of a crime is very important. As expressed by Michalowsky in Meier, quoted by Romli Atamsasmita, that perspectives and paradigms regarding an event around us are used to observe and analyze all events as a single dual. A critical understanding of any theory of criminology should begin by investigating the basic perspectives and paradigms that produced the theory (Lamintang, 2014).

Basically, perspective and paradigm have the same goal, namely to determine the problem to be investigated and the solution to be taken. However, between the two there is a difference. Perspective is a perspective that can be seen from various aspects of a meaning and appreciation of that meaning, while a paradigm is much narrower because it is a perspective that is specific to a phenomenon. (Alam & Ilyas, 2010).

Returning to the study of a crime, criminologists usually use the trichotomy paradigm model. First, the positivist paradigm which refers to a consensus perspective. This perspective has a rationale for law as a will of society. Breaking the law reflects uniqueness in society and those who break the law represent a unique group.

Second, the interactionist paradigm refers to a pluralist perspective. This perspective views law as a result of disagreement regarding differences in interests and values among members of society. Paradigm gave birth to labeling theory which views every action that is called a crime and those who are called criminals as the result of the quality of society's reaction to both.

Meanwhile, the third paradigm is the socialist paradigm which also refers to a pluralist perspective on the heterogeneity of society and the disagreements that occur in society. However, there are fundamental differences regarding the best way of solving this disagreement. This perspective actually emphasizes that the method of resolving disagreements is the coercion of will through law.

In relation to corruption, the positive paradigm and consensus perspective view corruption as behavior that deviates from the consensus that has been agreed upon by the community represented by parliament and the state represented by the government. The consensus is in the form of a law and the corruptor is a person who represents a unique community group and violates the consensus.

Against the interactionist paradigm and pluralist perspective, viewing corruption as a quality of people's reaction to actions that are categorized as corruption. It's just that here not all the qualities of the community's reaction can be set forth in a complete formulation in a law. In other words, the stigmatization of society towards an act that is categorized as corruption cannot be completely fulfilled by the State which labels the act in a law.

In such a context, the concept of "Victim participation" emerges in corruption cases, namely a concept which explains that in general every corruption case contains elements of the participation of victims in helping corruption occur. In this case, the state as a victim of acts of corruption indirectly provides opportunities for people to commit corruption.

As an example that best describes this victim precipitation is "corruption" (in quotation marks) committed by former President Soeharto. The collection of state money is carried out through various foundations, then various facilities used to facilitate family businesses and their cronies are carried out in the form of legal rules. Usually these rules are in the form of government regulations or presidential decrees which are legally reasonable if carried out by a president. In other words, the "corruption" committed by former President Soeharto is structurally "corruption".

Still in the interactionist paradigm and pluralist perspective that views crime as a quality of social reaction, in fact the corruption law has anticipated this. In article 2 paragraph (1) of Law Number 3 of 1999 it states:

"Anyone who unlawfully commits an act of enriching himself or another person or a corporation that can harm the State's finances or the State's economy, shall be punished.....".

Article 2 paragraph 1 of the law is further clarified as follows: "What is meant by "unlawfully" in this article includes acts against the law in the formal sense as well as the material sense, that is, even though these actions are not regulated in statutory regulations, but if the act is considered disgraceful because it is not in accordance with a sense of justice or the norms of social life in society, then the act can be punished.

Theoretically, the term "illegal" can be interpreted in four different ways. There are four different kinds of lawlessness: general, special, formal, and material. In the construction of the definition of a criminal act, the nature of general law infractions is indicated as a general prerequisite for being subject to punishment. The phrasing of the crime also specifies the nature of the "unlawful" conduct at issue. That is to say, the law stipulates that violators of the natural order must be punished.

The materially unlawful nature involves violating or damaging the legal interests that legislators aim to safeguard, while the formally unlawful nature means that all the textual portions of the offence formulation have been met. The use of the word "Unlawful" in the preceding wording of Article 2 paragraph (1) of the corruption law indicates that the scope of the law extends beyond mere violations of the letter of the law to encompass violations of the spirit of the law as well.

When weighing the potential benefits and costs of a corrupt conduct, it is important to evaluate the "maatschappelijk onbetamelijk" nature of the crime and its "materiele wederechtheid" component. Santoso and Zulfa (2007) It can be established that it is highly challenging to implement court decisions in corruption instances involving the application of material unlawful elements. Therefore, the theoretical nature of material offences is included in the proof of the realisation of the offence formulation as set forth in Article 2 paragraph (1) of the legislation.

With the nature of material lawlessness in corruption laws, the return to the interactionist paradigm and pluralist perspective allows judges to make legal discoveries through the application of sociological interpretations of actions that can be categorised as corruption despite not being explicitly stated in the law. act. This sociological perspective is achieved by investigating the ever-changing social standards on the dishonourable character of an action.

Furthermore, towards the last paradigm, namely the socialist paradigm and the pluralist perspective on the heterogeneity of society, corruption is seen as a disagreement and to resolve it requires coercion by the holders of power through law. From this paradigm and perspective what is really needed is law enforcement from law enforcement officials including the readiness of facilities and infrastructure.

Based on the description above, it is increasingly clear to us that various corruption cases are not thoroughly disclosed not only due to our incomplete legal construction, but rather

law enforcement by law enforcement officials. It is said so, because in essence the law is a whole structure (system) which consists of sub-systems. If there is a shortage in a sub-system, it will be complemented by other sub-systems.

Legal construction in the form of statutory rules is only a sub-system which is an inanimate object. Whereas law enforcement is more focused on law enforcement officials, they are living things that are always dynamic in keeping up with the times, including the development of norms in society and their demands. Regarding the last thing mentioned, both lawyers, police, prosecutors and judges as an integrated criminal justice system in criminal justice must be more sensitive, so that every corruption case that occurs in this country can be resolved to its roots, if you want to put forward the law as commander in chief. .

### **Various Types of Corruption in Criminology**

Apart from hindering economic growth, corruption also hinders the development of a democratic government system. Corruption Fostering a tradition of actions that benefit oneself or a group, which overrides the public interest. In this way, corruption tightly closes opportunities for weak people to enjoy economic development and a better quality of life.

Experts in the field of criminology always place discussions on corruption crimes in relation to the activities of government agencies, as a factor in the political process that determines the development of criminal behavior. This opinion was quoted by Bambang Purnomo from EMLemert, E. Kefauver, and Sutherland (Achmad & Firganefi, 2016).

Still according to Bambang Purnomo, various allegations that allow corruption crimes to occur are related to the following activities:

1. Weaknesses in law enforcement activities.
2. legislative council activity mechanism.
3. The contract system for contract work between executors and employers.
4. Connection system that is individual or group in the banking sector.
5. Holding general elections.

Meanwhile, Benson's opinion quoted by Pierce Beirne and James messerschmidt, two criminology experts from Southern University, explains more clearly as follows(Sultyarta & Maya, 2016):

*"State corruption exists at city, state and national levels and consists of a wide range of states – directed activities – such as purchasing goods and services, regulation of commercial activity, zoning and land use, law enforcement which is soon"*In other words, if it is handled more wisely, it is stated "state corruption is illegal or unethical use of state authority for personal or political gain)".

Still according to Pierce Beirne and James Messerschmidt, broadly dividing corruption into two major parts, namely corruption in the political (formal) field and corruption in the economic (material) field. Corruption in the political field, such as the use of state facilities for individuals, groups or relatives, fraud in general elections, intimidation and criminalization of voices in the legislature and various manipulations concerning the livelihoods of many people.

While corruption in the economic field, as cited by the Encyclopedia Americana, page 22, is the activity of giving gifts, bribery, manipulation of businesses related to the economy and finances with consequences detrimental to the public interest or the State.

Based on the qualifications of various activities that can lead to corruption crimes, it is increasingly clear to us that corruption has always and will continue to have a relationship with government institutions and political conditions. In fact, it is an integral part of power. From the various activities mentioned above, corruption is then divided into four types. The four types are political bribery, political kickbacks, election fraud and corrupt campaign practices.

Political bribery includes activities in the legislative field as a law-forming body. Politically, the agency is controlled by an interest because the funds released during election times are often related to the activities of certain companies. The businessmen hope that the members sitting in parliament can make rules that work in their favor.

As an example is the case of the former Indonesian Minister of Manpower, Drs. Abdul Latief regarding the drafting of a labor law that used Jamsostek funds to "bribe" members of



the DPR. The law seemed to favor businessmen as compensation for campaign funds given to certain parties in the 1997 general election.

However, political bribery also concerns the activities of other government employees (state officials) as stated by Coleman: "State officials, other than politicians, are also in positions to accept bribes. The police, for example, have a long history of involvement in corruption at least the 1980s, a legion of investigative committees has consistently unearthed substantial and wide range forms of police bribery".

Likewise, what was stated by the Boston Herald by quoting Shenon's opinion "In the 1980s bribery in law enforcement once again came to attention. In 1988, for example seven Boston police detectives were convicted on 57 counts of bribery totaling \$18,000 over an eight – year period. More over, according to The New York Times, over law enforcement of drugs related to bribery cases before state and federal courts each year".

Political kickbacks, namely activities related to the contract work contract system between implementing officials and employers which provide opportunities to bring in a lot of money for the parties concerned. Included in this type of corruption is extending credit to employers, collecting taxes and so on.

Election fraud is a type of corruption that is directly related to frauds in general elections. These frauds include falsifying the administration of legislative candidates, fraud during vote counting, giving something to influence the exercise of voting rights, all of which are related to money or something in return, including promising or luring something. An example of a case that is included in this type of "corruption" is the issue of receiving 1.8 billion Rupiah by the Minister of Law and Legislation, Prof. Fr. Yusril Ihza Mahendra who is also the chairman of the Crescent Star party. The money was given by Habibie, who at that time served as president, of course with the hope that in the general session of the MPR later, the party led by Yusril could nominate Habibie again as President.

*Corrupt campaign practices* are campaign practices using state facilities and state funds. In this type, it is usually directly related to the legislative member candidate so that he can be elected through his constituency. Not infrequently the candidate entered into collusion with local companies to finance campaigning with a reward when he was elected.

Of the four types of corruption, in the view of ordinary people, electoral fraud and corrupt campaign practices are usually known as "money politics". Whereas money politics is actually in political terms, while money politics in a legal perspective is essentially corruption. The essence of these four types of corruption is all activities carried out by politicians, state officials and businessmen to receive or give something to other parties using money that is not legal procedurally or according to applicable laws and regulations.

## **Corruption Eradication in Indonesia**

### **1. Corruption and Power**

Corruption in Indonesia is inseparable from power. Since Indonesia's independence, management has become something of value and prestige. This is unsurprising because, during colonial rule for 350 years, the Indonesian people lived under pressure (powerless).

Independence opens new horizons so that almost all elements of the nation enter into the joy of being free people. The freedom available with a low educational background is a big obstacle for someone to join the circle of power. One of the possible paths is through a military career. The army is a necessity as an instrument of the state. Becoming a soldier does not require a high academic level. Requirements for soldiers are more prioritized on the physical. Undeniably, even though Indonesia had become independent in 1945, there were still local wars driven by the NICA (Allies) and splinters in the regions. This condition demands that the new nation needs sons and daughters to become soldiers and state defenders.

In its journey, the army has become an element of society that it is proud of because it has proven loyal to defending the country. This made the military the central class citizen until the new government order.

In the New Order era, power belonged relatively to the army, so civilians felt they could not become rulers. This view is only partially accurate because many civilians enter the circle of influence. However, they are sons and daughters of the nation who have brilliant academic achievements, especially alumni from foreign schools. This fact makes people have one view (public opinion) that to become a Lurah, one has to go through the military route.

Reformation rolled on and managed to overthrow the ruler of the new order. Hope is born for anyone through the flag of democracy. Democracy promoted by reform tends to be free to do what they want. The most desired thing in the reform era is none other than the previous era, power. Unfortunately, the reform era did not change the root of the problem since the independence era and the New Order era, namely that power can be obtained through special channels. In the reform era, the path used was no longer the army but the people's representatives. Anyone can become a representative of the people. This was also supported by the birth of regional autonomy in 1999. Power became a struggle, so many parties were born.

The new party requires significant funds. Whoever has the funds can join the party. Back to the old and new orders, the people always chose the shortcut available to enter the circle of power, this time through the party route. Becoming a party member became a trend. Who is the party's most significant contributor will be guaranteed to become a candidate to become the people's representative both at the central and regional levels. As a result, the people's representatives consist of people who need more national and state knowledge. But because they have power (superpower), they hide behind coats and symbols of the country; they forget that they are in a different place (wrong).

The reform era gave birth to a new elite group and even replaced the old elite. The old elite took cover under army uniforms; now they take shelter under the "honor councilor." Undeniably, some of those in power in the previous era became representatives of the people.

The most fundamental failure of the reform era is the need for more reliable requirements to occupy government power, especially the Executive and Legislature. It all depends on the party. Since Indonesia's independence until now, power can be bought with money. The money used to purchase power is the main factor for people to commit corruption.

Corruption was carried out again to seize power. Next, to maintain control. Once in power, corruption results in our need to buy security from the new management (succession). This causes corruption eradication through institutions related to the ability to be relatively dull.

Why do ambitious people seize power? Economically this can be seen from the cake rations provided in this country. Indonesia is rich in natural resources which constitutionally belong to the state. Since Indonesia's independence, the government has automatically had abundant natural wealth. The State Revenue and Expenditure Budget (APBN) displays the country's wealth. The APBN, in the form of development programs and regular budgets, is the primary source for filling personal pockets through halal and non-halal channels.

Who has the power? They have the most authority and authority to determine where the budget is to be spent. Of course, someone who has spent money to gain control wants his money back in multiples.

The purchased power certainly needs a state vision and mission. To make up for this weakness, the authorities cover it by buying academic titles. It is not uncommon for officials, especially local governments, to have undergraduate and even postgraduate academic degrees. This symptom causes new problems because the world of education falls into the hands of people willing to buy degrees. Again, this happened because there were no strict requirements for public officials. Everything is done with the money.

The issue of this title is a classic because since independence, Indonesia has built a culture that having a degree is more critical and has more weight than having

competence. So even though many titles are awarded yearly, the competencies expected in the global competition still need to catch up.

According to the experience of law enforcers who handle corruption, eradicating corruption is a crime that needs to be prioritized for its eradication. This is based on the notion that corruption is a crime that harms many people and consequently dramatically affects the structure of society, as contained in the concept of corruption formulated. However, the community does not always feel this loss because the perpetrators usually use various methods to cover up this loss. It is giving gifts, offering opportunities, and involving third parties who can intimidate the perpetrator into covering up his actions. Methods of tackling corruption must be holistic, including preventive, repressive, and pre-emptive measures. More than rule creation is required.

## 2. Recruitment of State Apparatus Resources

The most classic problem in the Indonesian state is the recruitment process for state apparatus resources. Reliable state apparatus is a guarantee for the implementation of good governance.

Under the auspices of the Republic of Indonesia Civil Servant Corps (KORPRI), the state apparatus still needs to be a circle of power during recruitment. Their career path will determine whether they are considered capable of entering administration. But unfortunately, since the recruitment process, transactions or extortion have occurred. After entering the apparatus, placement in departments or divisions and even regions has also been contaminated with transactions (illegal levies). To tread a career path is also inseparable from transactions (illegal fees). Surprisingly, almost everyone would be okay with doing those things if it fulfills and guarantees their wishes. This condition causes the term "every seat in the government has a price." The impact of all administrative matters will be different in price from the rate set (regulation). We see from a superficial point that ID cards, passports, driver's licenses, and letters of introduction from the RT, Kelurahan, and Kecamatan all have to incur extra costs.

Overcoming the corruption problem needs the national leadership's commitment, as the Singapore government did. In addition to upholding the law in eradicating corruption, it is also necessary to improve quality through a clear and measurable recruitment process for the Legislature, Executive, and Judiciary. Each state position is given an international standard award. Singapore, when enacting the Anti-Corruption Program, the government raised the salaries of public officials equivalent to twice that of officials in the United States. Salary increases are given to professionals, not to positions (ex-officio).

To prevent the spread of corruption, it must be started with simple things at the lower level, such as the sub-district. There must be a guarantee that public services have no extra costs beyond the specified rate. The inclusion of rates is also done with a healthy calculation.

The most robust approach to fighting corruption in Indonesia starts with increasing governance standards by constructing national integrity. Modern governance puts forward a system of accountability in an order where there must be a free press within the boundaries of the law, which must also support the creation of governance and a society free from corruption.

Likewise, with the court. The court is part of governance; the judiciary is no longer a servant of the ruler. However, having the freedom to uphold the sovereignty of laws and regulations will thus form a circle of improvement, allowing all parties to supervise and others to be supervised. However, this concept is much easier to write down or say than to do. At least it takes quite a long time to build the pillars.

Building national integrity that performs effective and successful tasks makes acts of corruption a very high-risk behavior with little heart. Second, the most challenging thing and the mental backbone of the fight against corruption is building political will (political will). The political will is more than just the will of politicians and people involved in the political sphere. However, there is something more important than that. Namely, politics will be manifested in the form of courage supported by the social intelligence of civil society

or citizens from various elements of colonial literature. So political positions are no longer used easily to enrich themselves but as the responsibility to manage and be responsible for formulating the movement to achieve a good life as a nation and state. In a democratic government order, politicians and state officials depend on the voice of civil society. This means that civil society's social and political intelligence forces politicians and state officials to refrain from corrupt practices.

A civil society that is socially and politically intelligent will choose (political) leaders and state officials who have self-integrity and can refrain from corruption and design policies towards better economic development. Through a civil society that is socially and politically intelligent, the pillars of the judiciary and the mass media can be monitored to form a national integrity that is allergic to corruption. When the construction of national integrity stands firmly under civil society's socio-political intelligence, economic development can be stimulated effectively. Civil society will push the government to create potential economic development space.

Anti-corruption education also needs to be programmed. Almost all students knew the Guidelines for Understanding Pancasila Practice (P4) during the New Order period. This program is a social approach that works. However, it becomes ineffective when the reality is that illegal levies and buying seats are suitable for entering the world of work in the government. An anti-corruption education program concerning the P4 program can be considered. However, the priority is not the flight hours following the upgrading but how many groups are built in society to commit not to commit corruption. Forming groups in society is relatively easy and inexpensive. They were made in one group and carried out learning. After they understand and become role models in the program, they are asked to form new groups. Building this network is easy because almost everyone is familiar with multilevel marketing or member-get-member. To encourage these activities, the government can collaborate with the business world in building groups and networks, primarily to support educational facilities and infrastructure.

## **CONCLUSION**

Transparency in all aspects of State life is, according to the author's reasoning above, a necessary condition for dealing with all kinds of corruption offences. This openness is essential for the public to monitor the State's administration as it carries out its duties. Corruption refers to any crime or deviation from the norm that is performed in order to maximise personal advantage at the expense of the State and society at large.

Corruption can affect any part of society at any time. Corruption does not appear for no reason. Corruption occurs when a business owner wants or needs more money than he can acquire by operating legitimately. Corruption is an act that is intrinsically linked to the influence of those in positions of power and authority, and it can be committed either by a single person (a professional) or by a group of people (a corporation) working together for financial gain by creating a system of mutual protection and mutual concealment.

Corruption is a sign of the low accountability of the public administration and a symptom of the policy problem. We can learn from the United States' approach to eradicating corruption in their country, which incorporates all elements of the State, including the people and the government, in the process. In order to eradicate corruption, the government here must include not only legal officials but also other state officials and, of course, a public knowledgeable of the law.

## **SUGGESTION**

Corruption crimes are committed when those in positions of authority fail to recognise the gravity of their moral responsibilities. Thus, raising one's own level of consciousness and reestablishing one's sense of moral duty, while seemingly utopian, is one of the most effective strategies to avoid and eradicate corruption in this country. To attract people with good morals and a desire to contribute to society's well-being, religious instruction and other faith-building activities need to be strengthened.

## BIBLIOGRAPHY

- Achmad, D., & Firganefi. (2016). *Pengantar Kriminologi dan Viktimologi*. Justice Publisher .
- Alam, A. S., & Ilyas, A. (2010). *Kriminologi Suatu Pengantar: Edisi Pertama*. Pustaka Refleksi.
- Eddy, H. (2014). *Prinsip-Prinsip Hukum Pidana*. Cahaya Atma Pustaka.
- Gobel, R. T. S., Muhtar, M. H., & Putri, V. S. (2023). Regulation And Institutional Arrangement Of Village-Owned Enterprises After The Work Creation Era Applied. *Jurnal Pamator: Jurnal Ilmiah Universitas Trunojoyo*, 16(1), 15–33.  
<https://doi.org/10.21107/pamator.v16i1.19135>
- Gottschalk, P. (2010). Categories of financial crime. *Journal of Financial Crime*, 17(4), 441–458. <https://doi.org/10.1108/13590791011082797/FULL/XML>
- Hidayat Muhtar, M., Pedrason, R., & Gusti Kade Budhi Harryarsana, I. (2023). Human Rights Constitution On Health Protection Of Indonesian Citizens. *Russianlawjournal.Org*, XI(2).  
<https://doi.org/10.1186/s12939-022-01742-0>
- Ishaq, I. (2017). *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, serta Disertasi*. In 2017. ALFABETA.
- Lamintang, P. A. F. (2014). *Dasar-Dasar Hukum Pidana di Indonesia*. Sinar Grafika.
- Mahmud Marzuki, Peter. (2011). *Penelitian Hukum*. Kencana Prenada Media Group.
- Mohamad Hidayat Muhtar. (2023). Sistem Pemerintahan Indonesia. In *Hukum Tata Negara: Konsep dan Teori*. Global Eksekutif Teknologi.
- Muhtar, M. (2019). Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum. *Ejurnal.Ung.Ac.Id*.  
<https://ejurnal.ung.ac.id/index.php/jalrev/article/view/1988>
- Prasetyo, T. (2014). *Hukum Pidana*. Raja Grafindo Persada.
- Raghib, F., & Ariman, R. (2015). *Hukum Pidana Fahmi*. Setara Press.
- Santoso, T., & Zulfa, E. A. (2007). *Kriminologi*. Raja Grafindo Perkasa.
- Soeroso, R. (2009). *Pengantar Ilmu Hukum*. Sinar Grafika.
- Sulstyarta, & Maya, H. (2016). *Kriminologi dalam Teori dan Solusi Penanggulangan Kejahatan*. Absolute Media.
- Syamsuddin, A. (2019). *Tindak pidana khusus*. Sinar Grafika.  
<https://repo.iainbatangkar.ac.id/xmlui/handle/123456789/11592>