

CHAPTER II

CORRUPTION AND STATE

A. Definition of Corruption

Corruption has been widely recognized by society, but its definition has not been completely recorded. Definition of corruption evolves in every age, civilization, and territorial. The formulation can be different depending on the pressure point and approach; it can be from the perspective of politics, sociology, economy and law. Corruption as a phenomena distortion in social life, and statehood already studied and examined critically by lot of scientists and philosophers. Aristoteles, for example, followed by Machiavelli, has formulated something that he calls the moral corruption.¹ The root of corruption comes from Latin; *corruptio* from *corruptus*² as verb—the meaning is rotten, corrupt, dishonest, immoral, can be bribed.³

¹Albert Hasibuan, *Titik Pandang Untuk Orde Baru*, Pustaka Sinar Harapan, Jakarta, 1997, p. 342-347. See also, Mansyur Semma, *Negara dan Korupsi*, Yayasan Obor Indonesia, Jakarta, 2008, p. 32

²J.S. Badudu, *Kamus Kata-kata Serapan Asing dalam Bahasa Indonesia*, Buku Kompas, Jakarta, 2003, p. 199.

³M. Nurul Irfan, *Korupsi dalam Hukum Pidana Islam*, Amzah, Jakarta, 2011, p. 33. See also Andi Hamzah, *Pemberantasan Korupsi Melalui Hukum Nasional dan Internasional*, Raja Grafindo Persada, Jakarta, 2005, p. 4

Al-Bisri dictionary defines corruption word into Arabic: *risywah*, *ihtilās*, and *fasad*.⁴ Meanwhile in *Al-Munawwir* dictionary, term of corruption can be defined include: *risywah*, *khiyānat*, *fasad*, *gulūl*, *suht*, and *bāṭil*.⁵ According to *Webster's Third New International Dictionary*, corruption was defined as an invitation (from a public official) with the undue considerations for doing duties.⁶ The meaning of corruption in *Oxford Learner's Pocket Dictionary* is: “physical damage, such as the phrase “a corrupt manuscript”, also as the damage behavior immoral, dishonest, computing, containing changes or faults”.⁷ While, *Kamus Besar Bahasa Indonesia* defines the word corruption literally are: bad, broken, like manipulate stuff (money) which was entrusted to him, can be bribed (through his authority for personal gain). As for meaning the terminology, corruption is misappropriation or embezzlement (the state money or company) for personal the benefit of or other.⁸ Furthermore, in the *Black's Law Dictionary*; “The word corruption indicates

⁴Adib Bisri dan Munawir AF, *Kamus Al-Bisri*, Pustaka Progresif, Surabaya, 1999, p. 161

⁵Ahmad Warson Munawir, *Kamus Al-Munawwir Arab-Indonesia*, Pon Pes Al-Munawwir Krapyak, Yogyakarta, 1984, p. 537, 407, 1134, 1089, 654, 100

⁶Syamsul Anwar, *Sejarah Korupsi dan Perlawanan Terhadapnya di Zaman Awal Islam: Perspektif Studi Hadis*, in Hermenia, Jurnal Kajian Islam Interdisipliner, PPS UIN Suka, Yogyakarta, 2005, vol. 4, no. 1, p. 108

⁷Victoria Bull, *Oxford Learner's Pocket Dictionary*, Oxford University Press, 4th edition, 2008, p. 98

⁸Departemen Pendidikan dan Kebudayaan RI, *Kamus Besar Bahasa Indonesia*, Balai Pustaka, Jakarta, 1995, p. 527

impurity or debasement and when found in the criminal law it means depravity or gross impropriety”.⁹

According to the studies of experts from various scientific disciplines formulated some terminology of corruption. Robert C. Brooks formulates the corruption means deliberately make a mistake or neglect the duty which known as an obligation or without right to use the authority with purpose of obtaining the benefits a bit or more on personal.¹⁰ Nye defines the corruption as deviate behavior from formal duties as a public employee, to obtain the financial benefits or increase the position.¹¹ In line, Syed Hussein Alatas also concludes that the essence of corruption is theft through deception in situations that betray of the trust.¹² Jeremy Pope also defines the corruption as the abuse of authority or trust for personal benefit.¹³

⁹Bryan A. Garner, ed., *Black's Law Dictionary*, Thomson West, USA, 2004, p. 371. See also Marwan Effendy, *Korupsi & Strategi Nasional (Pencegahan Serta Pemberantasannya)*, GP Press Group, Jakarta, 2013, p. 13-4

¹⁰Robert C. Brook, *Corruption in American Politics and Life*, Dood, Mead, and Company, New York, 1910, p. 46. Lihat dalam Syed Hussein Alatas, *Korupsi, Sifat, Sebab, dan Fungsi*, LP3ES, Jakarta, 1987, p. vii

¹¹C. J. Nye, *Corruption and Political Development: A Cost-Benefit Analysis*, *American Political Science Review*, 61, 2, 1967, p. 419. See also Nadiatus Salama, *Fenomena Korupsi di Indonesia*, Puslit IAIN Walisongo, Semarang, 2010, p. 17

¹²Syed Hussein Alatas, *Sosiologi Korupsi, Sebuah Penjelajahan dengan Data Kontemporer*, LP3ES, Jakarta, 1975, p. 13-14.

¹³Jeremy Pope, *Strategi Memberantas Korupsi*, Yayasan Obor Indonesia, Jakarta, 2003, p. 6

In Indonesia, the initially term of corruption is a common, then become a legal term since the formulation of Regulation Military Authorities *No. PRT/PM/06/1957* about corruption. According to the regulation, corruption have two elements; First, action that resulted in loss of economic's country. Second, action in the form of abuse of authority to obtaining particular advantage.¹⁴ Then according to *UU. No. 31 Tahun 1999 jo. UU. No. 20 Tahun 2001* on Eradication of Corruption in *Pasal 2* and *Pasal 3* defines the corruption as follows:

- 1) Everyone who intentionally against the law, do something to enrich themselves or someone else or a corporation that can be detrimental to the financial or economic state of the country.
- 2) Everyone who by intention of enriching himself or another person or a corporation, abusing the authority, opportunity or facilities that belongs to him because of the position or the financial position that could or detrimental harm the economy of the state or country.

Meanwhile, Andi Hamzah, in his legal dictionary, defines corruption as an act of bad, rotten, corrupt, be bribed

¹⁴Munawar Fuad Noeh, *Kiai di Replubik Maling*, Penerbit Republika, Jakarta, 2005, p. 7

love, contemptuous or defame, deviate from the holiness and immoral.¹⁵ Then, Baharuddin Lopa describes that corruption is the offering and accepting of bribes, where the moral of corruptor had rotted.¹⁶

According to Alatas, there are seven typologies of corruption, namely:¹⁷

- 1) Transactive Corruption, corruption that occurred over an agreement between a donor with the recipient for a profit both of them;
- 2) Extortive Corruption, corruption which involves the emphasis and coercion to avoid the danger for those who engage or those are close to corruption;
- 3) Investive Corruption, corruption which comes from an offer investment to anticipate the existence profits in the future;
- 4) Nepotistic Corruption, corruption that occurs because of special treatment in appointing the public office as well as giving projects to the close family;
- 5) Autogenic Corruption, corruption that happens when an official got the advantage because having knowledge as

¹⁵Andi Hamzah, *Kamus Hukum*, Ghalia Indonesia, Jakarta, 1986, p. 339

¹⁶Baharuddin Lopa, *Masalah Korupsi dan Pemecahannya*, PT. Kipas Putih Aksara, Jakarta, 1997, p. 1

¹⁷Syed Hussein Alatas, *Korupsi, Sifat, Sebab, dan Fungsi*, LP3ES, Jakarta, 1987, p. ix-x

insiders about various of public policies that should be concealed;

- 6) Supportive Corruption, protection or strengthening of corruption became the intrigue of authority and even violence;
- 7) Defensive Corruption, corruption is done in order to maintain themselves from extortion.

Different with Alatas, Benveniste defines the corruption divided in four types, among others:¹⁸

- 1) Discretionary Corruption, corruption that committed due to the freedom in determining a policy, even though it seems legitimate, but not the practices are acceptable to the members of organization;
- 2) Illegal Corruption, a type of corruption that is meant to destabilize the language or particular legal purposes, rules and regulations;
- 3) Mercenary Corruption, kind of corruption that is meant for getting personal gain through abuse of authority and power;
- 4) Ideological Corruption, a type of illegal or discursive corruption that is intended to pursue the goals of the group.

¹⁸Suyatno, *Korupsi, Kolusi, dan Nepotisme*, Pustaka Sinar Harapan, Jakarta, 2005, p. 17-18

Meanwhile, World Bank defines corruption as; an abuse of public power for private gains, with the forms as follows:¹⁹

- 1) Political Corruption (Grand Corruption), is corruption that occurred at high levels (the ruler, politician, decision maker) where they have an authority to formulate, form, and implement the legislation on behalf of the people, by the manipulation of political institutions, procedural rules and distortion government institutions, with the aim of increasing riches and power;
- 2) Bureaucratic Corruption (Petty Corruption), is a common corruption in public administration in areas such as public service;
- 3) Electoral Corruption (Vote Buying), namely corruption with the aim to win the competition such as in the elections, local elections, the court decision, public office and so on;
- 4) Private or Individual Corruption, the corruption is limited, occur due to collusion and conspiracy between individuals or a close friend;
- 5) Collective or Aggregated Corruption, in which corruption enjoyed by some people in a group, such as the organization or agency;

¹⁹World Bank, *World Development Report—The State in Changing World*, Wasington DC., World Bank, 1997

- 6) Active and Passive Corruption, the type of corruption in the form of giving and receiving a bribe (bribery) for doing or do not anything on the basis of the duties and obligations;
- 7) Corporate Corruption in the form of corporate criminal which was formed to accommodate the results of corruption for corporation where the persons who have an important position in the company doing corrupt to seek the profit for the company.

Criminalization corruption based on the statement of United Nations Convention Against Corruption (UNCAC) in 2003, among others:²⁰

- 1) Bribery of national public officials;
- 2) Bribery of foreigner's public officials and officials of Public International Organizations;
- 3) Embezzlement, misappropriation or other diversion of wealth by a public officials;
- 4) Trading in influence;
- 5) Abusing the functions of the office or authority;
- 6) Illicit enrichment (enriched themselves illegitimately);
- 7) Bribery in the private sector;

²⁰Muhammad Yusuf, *Merampas Aset Koruptor: Solusi Pemberantasan Korupsi di Indonesia*, Penerbit Buku Kompas, Jakarta, 2013, p. 21-24

8) Embezzlement of property in the private sector.

The definition of corruption that become theoretical framework in this research is; everyone who intentionally against the law, do something to enrich themselves or someone else or a corporation that can be detrimental to the financial or economic state of the country. Everyone who by intention of enriching himself or another person or a corporation, abusing the authority, opportunity or facilities that belongs to him because of the position or the financial position that could or detrimental harm the economy of the state or country. By seeing some of the definitions above, it can be concluded if the corruption consists of several elements. *First*, act of taking, hiding, and embezzling country property or public, and company also. *Second*, the action against the norms of legitimate and applicable law. *Third*, the abuse of power or authority or mandate that is being carried. *Fourth*, it harm others, either community or country, have a big damages.

B. Power and Corruption

From various definitions there are attachment between corruption and power. A country as a symbol of the power, the implementation is obliged to manage the economy (production, distribution, and consumption) and assets (natural and human

resources). The role of government, as the state administrators, being very strategic in running the economy and distributes the country wealth equitably to all the citizens. However, if the state fails to distribute wealth equitably, will be give raise a gap, especially for people which are far from the access information. Stiglitz (2002) defines it as 'economic asymmetry', which only give benefits the rulers. A crime corruption occurs in the injustice form and failure to reduce that gap.²¹

Usual when Lord Acton, in his letter to Ushup Mandell Creighton on April 3, 1887 connecting corruption with authority; *“Power tend to corrupt, and absolute power corrupts absolutely”*,²² This definition is also understood by international society, included Indonesian society. Thus, that touch up Pramoedya Ananta Toer writing a novel entitled *“Korupsi”* in 1952, as his initiative to criticize the greed of rulers. According to Mugiharjo, corruption occurs in Indonesia, due to abuse of power and authority, by distorting the meaning of democracy with a favorable interpretation of certain group. In the end,

²¹Etty Indriati, *Pola dan Akar Korupsi*, Gramedia Pustaka Utama, Jakarta, 2014, p. 8

²²Al Andang L. Binawan (ed), *Korupsi Kemanusiaan, Menafsirkan Korupsi (dalam) Masyarakat*, Buku Kompas, Jakarta, 2006, p. xiii

corruption will be occur as the road satiation of passion without limit; between the power and money.²³

Power factor is the most dominant aspect for flourishing the corruption actions. In political power, the bureaucracy as the instrument power of the state that can be changed, from institution which serving the public become is being serviced. Furthermore, for those who have proximity to ruler, such as entrepreneurs and business capital owner, could easily tempt the rulers accept their aim to promote the business. Usually through the bribes, entrepreneurs gets the regulation easily establish the company, business premises permission on the public ground.²⁴ Conspiracy between the rulers bureaucracy and entrepreneurs open the long road corruption.

Arbitrariness command from the rulers are often be likened to white collar crime. The person is called vampire without fangs, vicious and cruel, but it seems decisive and authoritative.²⁵ On one side, they are honorable people or people who have power and money, which usually manifest them like a good people, even a lot of them are known as generous. They

²³Marwan Effendy, *Korupsi & Strategi Nasional (Pencegahan Serta Pemberantasannya)*, GP Press Group, Jakarta, 2013, p. 19

²⁴M. Nur Kholis Setiawan, *Pribumisasi Al-Qur'an*, Kaukaba, Yogyakarta, 2012, p. 158-159

²⁵Munir Fuady, *Bisnis Kotor, Anatomi Kejahatan Kerah Putih*, Citra Aditya Bakti, Bandung, 2004, p. 22

have a high level of education and privileged position in the society, which consists of politicians, bureaucrats, businessmen, and law enforcement. But on the other hand, they are the criminals who greedy the power, greedy is beautiful. No wonder if Robert Klitgaard states the corruption into mathematical propositions, that is: '[C = M + D - A] Corruption = Monopoly Power + Discretion By Official – Accountability'.²⁶

Saldi Isra formulates the forerunner of corruption is present from the human animal side. Corruption born from the desire and will to power; on the process, presenting the seeds of evil to the pursuit of pleasure without limits.²⁷ In other words, the tendency controlling gives birth to corrupt ideologies, which are already planted in the instinctive human potential. Furthermore, abuse of power also lead to cannibalism democracy, where the stronger side dropped the weaker. This is fact also the irony which occurred in the arena of democracy in Indonesia, where politicians interpret political as the way to achieve the power, subsequently manipulated to accumulate the wealth and stock accumulation. Political decisions are not taken for the welfare of the people, but it is most profitable for decision makers.

²⁶Robert Klitgaard, et. al., *Penuntun Pemberantasan Korupsi dalam Pemerintahan Daerah*, Yayasan Obor Indonesia, Jakarta, 2005, p. 1

²⁷Saldi Isra, *Kekuasaan dan Perilaku Korupsi*, Penerbit Buku Kompas, Jakarta, 2009, p. 29-30

C. Corruption and Social Ethics

Corruption habit that has been happening is not just a regular crime. Moreover, corruption is an extraordinary crime that has ruined the resilience of nations and countries in all fields. Corruption is not only detrimental to society in terms of social and economic welfare, but also undermines the moral foundations of the nation. It is a sign of ethical bankruptcy, either in social, political, economic and cultural.

Franz Magnis Suseno questioning the symptoms of corruption in Indonesia have been fatal at this stage, because it has not become a problem, but rather becomes a way of life. From ethical point of view, corruption should be censured for two reasons; first, any money earned from corruption is stolen, corruptors are thieves. Second, high-level corruption is injustice, because it happens to utilize privileged position that no one else has. The foundation of social ethics serves to reduce to a minimum the existence of corruptor in the landscape of social communities. However, when the symptoms of corruption is so entrenched, the control function faded by himself.²⁸

²⁸Franz Magnis Suseno, *Catatan Tentang Korupsi dari Sudut Etika*, in Wijayanto, et. al, (editor), *Korupsi Mengorupsi Indonesia*, Gramedia Pustaka Utama, Jakarta, 2009, p. 788

Komaruddin Hidayat describes that corrupt behavior is actually born from every individual on the basis of justification rationality. Logic of corruption born from passion piled pleasure and emotional-material satisfaction that knows no boundaries. How can a rich, educated, religious, and has a high office, but he kept stealing public money. That is, corruption comes from the soul of the poor and low life orientation. Corruption becomes the violation, the impact of damage social and horizontal, so the completion and his conversion have to in social dimension, it is not finish with jump in completion vertically, for example by doing *zakat*, charity, or hajj. Due to sins of humanity should be redeemed by conversion humanity.²⁹

Furthermore, K. Bertens describes that the problem of corruption is regarded as an ethical problem. In the ethics always act at least two factors forming the crime of corruption. On one side there are the norms and moral values which by nature common; on the other side, there are special circumstances become backrest. Ethical behavior is incorporation from two components.³⁰ Similarly in the context of corruption; honesty, respect the belonged to someone else, not steal and the other are an important value in this context. But corruptors will defend

²⁹Komaruddin Hidayat, *Psikologi Korupsi, Ibid.*, p. 801-802

³⁰K Bertens, *Etika*, Gramedia Pustaka Utama, Jakarta, 2011, p. 11-12

themselves by pointing to their specific situation, for example they say that government salaries did not enough to support a family. Or they will just refer to the “culture” are nearby, he confirms: “everyone do it”. They are looking for an pretext in certain situations.

In the end, the problem of corruption that is present from the souls who are sick able to knock down the foundation of in social health ethic. As a result, the person or institution that corrupt could no longer differentiate between rights from wrong. Wall of separation between social ethics and corruption have become blurred. So that people become accustomed to cheat, steal, bribe, cheat and irresponsible. Thus, corruption paralyzes the resistance of moral nation, further, the nations who do not know what competence is, and just take the road to make a quick buck is a sick nation.

D. Cause of Corruption

Eventhough corruption is a modern term, but a form of corruption has existed since the beginning of human life. There is real corruption behavior coincided with the age of human beings themselves, that when humans began living in social systems. Control over of a territory and natural resources by a

few people encouraging the human instinct to fight each other, from here, comes injustice and forerunner of corruption.³¹

When the needs to survive uphill, but the opportunity to fulfill limited, then people will leave morality. Life orientation which initially grounded from ethos of justice, turned into a life master and exploit each other (*Homo Homini Lupus*). In history, we can find many records associated with that condition. Ancient records describe various of corrupt practices existing in the history of ancient civilizations; Egyptian, Babylonian, Hebrew, Indian, Chinese, Greek, Roman.³²

Due to the universal nature and widespread corruption in the world, corruption is referred to as a social disease endemic. According to Alatas the root causes of corruption include: the weakness of leadership, less enforcement tools in law who are fair and be cured, less religious education and ethics, consumerism and globalization, the low level of public education, poverty, and social conditions conducive to the growth of corruption.³³

p. 3 ³¹Wijayanto, *Memahami Korupsi*, in *Korupsi Mengorupsi Indonesia...*,

³²Syed Hussein Alatas, *Korupsi, Sifat, Sebab, dan Fungsi...*, p. 1

³³Syed Hussein Alatas, *Sosiologi Korupsi...*, p. 46-47

Meanwhile, Bologna formulates the theory of 'GONE' to unravel the causes that drive a person to do corruption;³⁴

- 1) Greeds, the instincts and potential vices that exists within every person;
- 2) Opportunities, relating to the state or public organizations or agencies, which opens an opportunity for someone to commit fraud;
- 3) Needs, related to factors that are needed by individuals to support the sustainability of a natural life;
- 4) Exposure, relating to actions and the consequences that will be faced by the fraud perpetrators, if it caught.

Beside variety of expert above, *Badan Pemeriksa Keuangan* (BPK) based on the results of research identify some aspects of the causes of corrupt acts, as follows:³⁵

- 1) Aspects of Individuals
 - a. Greedy nature of man;
 - b. Moral were less strength to face the temptations;
 - c. Less income sufficient for a reasonable living;
 - d. An urgent living life;

³⁴Marwan Effendy, *Korupsi & Strategi Nasional (Pencegahan Serta Pemberantasannya)*, GP Press Group, Jakarta, 2013, p. 26-27

³⁵Badan Pemeriksa Keuangan dan Pembangunan, *Strategi Pemberantasan Korupsi Nasional*, Jakarta, 1999, p. 83

- e. Consumptive lifestyles;
- f. Lazy or does not want work hard;
- g. Less religious teachings properly applied

2) Aspects of Organizations

- a. Lack of role models from leaders;
- b. The absence of culture in proper organizational;
- c. Accountability systems in government agencies inadequate;
- d. The weakness of management control system;
- e. Management tends to cover up corruption in their organization.

3) Aspects of Society

- a. Values that apply in society supports for corruption;
- b. Lack of awareness that most harmed by acts of corruption is society;
- c. Public is less aware that they are involved in every corruption practices;
- d. Public is less aware that preventive measures and combating corruption will work only if they participate actively do it;
- e. The young generations are exposed to corruption practices since they birth.

4) Aspects of Legislation

- a. The existence of legislation which ambiguity and monopolistic that only benefits the certain people;
- b. The quality of legislation is inadequate;
- c. Ineffectiveness of judicial review Supreme Court and the Constitutional Court
- d. Regulations are less socialized;
- e. Penalties are too mild;
- f. Inconsistent application and indiscriminate of penalties ;
- g. The weakness of evaluation and revision of laws.

E. Damage of Corruption

Issue corruption in Indonesia is like a ‘vicious circle’ that is unknown tip base and so complicated. Corruption is highly big impact for the existence of society of a country. The most obvious result is certainly an injustice in all sectors, whether economic, health, education, politics and culture. No wonder if eventually systemically corruption is able to destroy the existence of country.

Corruption is a universal phenomenon that occurs in many sectors. Schwenke explains that corruption has very bad effects which includes: environmental damage, economic is only controlled by elite company, democracy does not grow, the low

of legitimacy government, quality of life eroded, formal sector employment decreased, the breadth gap of economic, injustice and inequality in educational opportunity and health, bad facilities and infrastructure in public interest. Meanwhile, Syed Hussein Alatas, from a sociological's view, formulates some of consequences caused of corruption, namely:³⁶

1. Metastatic effect, the impact of systemic corruption can be so quickly spread to the entire nation and state components;
2. Clustering effect, corruption can create a network or complicity may encourage more parties that involved with corruption, seizing property of the people;
3. Delivery Differential effect, corruption in the form of bribes, has an impact on the injured parties. The impact can be transient effect delivery or consolidated delivery effect;
4. Potential elimination effect, the effect of administrative corruption, such as bubbles funds and removal of potential alternative;
5. Transmutation effect, flattering attitude or awards for corrupt rulers who success, by community in certain area;

³⁶Syed Hussein Alatas, *Korupsi, Sifat, Sebab dan Fungsi....*, p. 201-

6. Demonstration effect, demonstration effect seen from lifestyle exhibition of the corruptor was arrogant because of their wealth that they got;
7. The derivation cumulative effect, the danger of corrupt transactions that have no impact at a certain time, but rather effect of previous corruption hereditarily from the rulers holders;
8. The psycho centric effect, effects of corruption that have been smelt became a society's behavior. In which corruption psychologically is something be addictive.
9. Climactic effect, corruption that is so complex will make desperation of society in all things.
10. Economic effects of corruption, corruption became the source of impoverishment society.

Negative consequences caused by corruptor based on Robert Klitgaard, among others: inefficiency, unequal distribution, incentives toward unproductive, and cause alienation, cynicism from society, and instability in political country. In the research of GNPK Muhammadiyah states that corruption became an extraordinary crime that has provoked

many negative impacts on various aspects of life, which includes:³⁷

- 1) National economy effect;
 - a. Economic Concentration on power elite;
 - b. Discrimination policy;
 - c. Development transparent;
 - d. Inhibition of economic life;
 - e. High-cost economy.
- 2) Prosperity of employees and public;
- 3) Politic and safety effect;
 - a. The weakness of public services;
 - b. Discrimination policy;
 - c. Legalization products are corrupt policies.
- 4) Enforcement law effect;
- 5) Availability of natural resources;
- 6) Public morality effect;
 - a. Hypocrisy moral of society;
 - b. Enrich the lick culture;
 - c. Educate the public be cheater.

From there it can be concluded if corruption is an endemic disease is very damaging. Result in complex, high cost

³⁷Majelis Tarjih dan Tajdid PP Muhammadiyah, *Fikih Antikorupsi Perspektif Ulama Muhammadiyah*, Jakarta, p. 27-36.

in all things, produce wrong policies, damage healthy competition, hinders the development of an efficient market, and fosters a materialism culture, fatalism, and hedonism within public.

F. Prevention from Corruption

Corruption is a multidimensional problem. To peel and eradicate it needed strategies and solutions with a variety approaches. Efforts to eradicate corruption which getting complex and advanced requires depth understanding from various viewpoints. The corruption eradication in Indonesia is still half-hearted; it has not become an important agenda, either culturally or structurally, in the formation of an anti-corruption culture transformation. So that corruption will continues to be a chronic cancer disease.

Despite so far the eradicate of corruption conducted aggressively, but corruption is still much happened. Corruption is a crime that often difficult to detect because it involves two parties, government officials and businessmen, as holders of power. Certainly, they are not stay silent stay silent and try to collect breakthroughs formation and anti-corruption strong laws; it also affects the process of investigation and investigation of corruption cases. In addition, the corruptors, be organized or not,

collaborate against the efforts of 'corruption fight back', the impact of these attacks are often overthrew the central figure behind the agency of fighting corruption.³⁸

Anti-corruption efforts can be described as an iceberg phenomenon. Where is the case that succeed snared the penalty is the surface only , while the other larger cases have not been detected. Actually, there are two formulas for prevention of corruption, namely the prevention and eradication. So far, we are focus on prevention of corruption was still highlighting the aspects of eradication and enforcement of law only, but on the other hand corruption prevention efforts have a more strategic role. The pattern of prevention can be applied by implantation integrity value in the family, school, and community environments.³⁹

Basically, it has been a lot of theoretical and practical steps taken by the government to eradicate corruption. Unfortunately, the efforts are promoted since the Old Order, New Order, until Reformation seems not spurring. Many problems in efforts corruptor punishment. Saldi Isra describes that the difficulty of reveal the corruption case because many rule of law are not clear and the multi-interpretation, beside the

³⁸Wijayanto, *Korupsi Mengorupsi Indonesia....*, p. 23

³⁹Mansyur Semma, *Negara dan Korupsi....*, p. 205

law enforcement officers who do not have a high commitment. In conclusion, the efforts of revealing the corruption in Indonesia would open a new corruption in environment law enforcement officers.⁴⁰

The efforts eradicate corruption is not easy, but rather the problem which complicated and complex. Thus the process of preventing and eradicating corruption requires the cooperation of all parties, all sectors and all components of the policy makers in either the government or other state officials, not including members of the general public. This is because corruption is not the monopoly behavior of employees or government officials, but it is a collective behavior that involves almost all elements in society.

Nowadays many theories in eradicating corruption, but at least four of the most popular approaches is run on a global scale, namely:⁴¹

1. Lawyer Approach. This approach emphasizes the preparation of laws and regulations are detailed and clear are being equipped with actor and the system law enforcement strict and wary. Institutions such as the police,

⁴⁰Saldi Isra, *Kekuasaan dan Perilaku Korupsi.....*, p. 133.

⁴¹Wijayanto, *Korupsi Mengorupsi Indonesia.....*, p. 43-50

courts, and anti-corruption commissions are reliable and robust is the key to success approach;

2. **Businessmen Approach.** This approach refers to the principle of rational choice theory. Human beings are rational and make choices based on incentives he received. In this approach, honesty can be created, by providing intensive which appropriate for individuals who are clean, honest and anticorruption;
3. **Market Approach or the Economist.** This approach elaborates on the process of interaction between the first (bureaucrats, employees, agents) with second part (client or community) in order creates competition for oversee each other and compete work repair;
4. **Cultural Approach.** This approach advocates the necessity of created anticorruption culture climate in the lives of each individual (from home), also revived the function of morality in community environment. So they can create the psychological which integrity of human spirit, which is reflected in art, language, thought, philosophy, moral values, spiritual.

For acquiring optimal results, the approach taken, generally a combination from several approaches which carried out simultaneously with a different emphasis. As for parse the

fighting culture of corruption which plagued Indonesia is required the whole of approach optimally.

Meanwhile, Etty Indriati, through anthropological viewpoint, also elaborating a strategy to eradicate corruption in Indonesia into four strategies:⁴²

1. The collective point of view, eradicate the corruption can be done frontally, through changing the perspective that the corruption is extraordinary crime which afflicting the nation and country. This viewpoint is collective, each individual has the awareness to be honest, integrity, preserve the anticorruption attitude within organizations;
2. Assertive and integrity of leadership. So far, corruption continues exist and extends due to the omission, the leadership and the ranks of superiors does not impose sanctions in oversee organization, even leaders are also corruption. Therefore, improvement must be in overseeing organization corrupt, by choosing assertive leadership, honesty, integrity. Leadership is used as an example, in oversee given intensively to everyone who be honest, and punishment for the corruption;

⁴²Etty Indriati, *Pola dan Akar Korupsi*, p. 185-200

3. Accountability, transparency, inclusion, and law enforcement. Countries with good governance run four elements in a balanced way. So the function of democracy—from, by, and for the people—could materialize into the prosperous nation-state;
4. Establishing anticorruption culture through knowledge and habituation. Anticorruption culture is more effective begins with the planting of good education and understanding at home, school, neighborhood, also organizations and institutions continuously. Education was contains knowledge about the causes and effects of corruption, as well as education about morality, integrity and anticorruption attitudes.

The next, Anwary summarizes the strategies to prevent corruption in Indonesia into the 18 cases:

1. Recruitment of civil servants should avoid grease money;
2. Permissions management of natural resources must be in transparent on the internet (online) so that the public can access it;
3. Transaction of tax revenue and non-tax be accessible to everyone through internet media;
4. The tender export-import petroleum should be freely access through internet media;

5. The use of money laundering act in the court of corruption and use the report of Center for Financial Transaction Reports and Analysis in Indonesia (PPATK) to inverted authentication;
6. The use of inverted authentication for state officials that his property inspected by the Commission;
7. Holds of prosecutor in prosecution case by the General Prosecutor Team with his superiors to the accused corruptor in order to be improved;
8. Copies verdict judge: verdict by the Attorney General be transparent and can be access online;
9. Role of communities being involved in the prevention and eradication of corruption;
10. Amendment legislation in the articles of his nuances corrupt or potentially manipulated as Judicial Power Law and Law on the Supreme Court. So that taken into consideration in the jury in the court system;
11. Early retirement for law enforcement officers or judges are problematic, on the recommendation of the Supreme Court;
12. Confiscation of property by referring to *Pasal 18 UU No. 31 Tahun 1999* around supplementary punishment for confiscation of corruptor property and payment substitute money same as which amount of property from criminal offense of corruption;

13. Statements family wealth. Referring to *UU No. 20 Tahun 2002* that the Commission every year examines the wealth of state officials before and after taking office;
14. The review of the authority of Parliament the appointment of the Attorney General Chief of Police should have executive authority;
15. *Pasal 21 UU No. 31 Tahun 1999* shall be applied;
16. Public Enemy and social sanctions for corruptors;
17. Epicenter causes widespread of corruption: anticorruption community should not put on social grants fund or political parties in fighting criminal offense of corruption;
18. Acts expressly engineer corruption case by the law enforcement officers' elements.

From various strategies above, it can be formulated in few points from efforts to eradicate corruption. The main thing is the awareness of the actors in the behind of that business, they are the government and non-government (society, community organizations, private sector). The cooperation between two elements is very important build national integrity system scale, systemic, cultural, dynamic, and harmonious. There must be a joint commitment concretely on a national scale, which is manifested start from preventive measure, detective, until repressive, eradicating corruption.