



CORRUPTION IN INDONESIA (Factor Analysis and Efforts That Need To Be Done)

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Abstract: *Corruption is a crime that is categorized as an extraordinary crime because the impact of this crime will have an overall effect on people's lives in a country. The corruption crime needs to be handled seriously by optimizing the penal system, increasing the punishment for the perpetrators of corruption. This article will discuss what factors lead to the emergence of criminal acts of corruption, secondly, how the efforts need to be made by law enforcement officers to overcome these problems. The study results show that criminal acts of corruption arise and are widespread due to several factors such as legal, political, economic factors, and so on, for this matter. It is necessary to take action from law enforcement in overcoming the problem by coordinating and punishing the perpetrators of corruption with the maximum punishment.*

Keywords: *Corruption; Non-Penal; Corruption Eradication.*

Abstrak: *Tindak pidana korupsi merupakan suatu kejahatan yang dikategorikan sebagai ekstra ordinary crime karena dampak dari kejahatan tersebut akan berdampak luas bagi kehidupan masyarakat didalam suatu negara. Kejahatan korupsi perlu ditangani dengan serius dengan lebih mengoptimalkan jalur penal yang memperberat hukuman bagi pelaku tindak pidana korupsi. Artikel ini akan membahas tentang faktor apa yang mengakibatkan munculnya tindak pidana korupsi, yang kedua bagaimana upaya yang perlu dilakukan oleh aparat penegak hukum dalam mengatasi permasalahan tersebut. Hasil penelitian bahwa tindak pidana korupsi muncul dan marak disebabkan oleh beberapa faktor seperti faktor hukum, politik, ekonomi dan sebagainya, atas hal demikian maka perlu ada tindakan dari penegak hukum dalam mengatasi permasalahan dengan cara melakukan kordinasi hingga menghukum pelaku tindak pidana korupsi dengan hukuman seberat-beratnya*

Kata Kunci: *Korupsi; Non Penal; Pemberantasan Tindak Pidana Korupsi.*

A. Introduction

Talking about corruption in Indonesia seems to have no end, after other crimes that have attracted public attention. Jeremy Pompe points out that corruption is increasingly found in various fields of life. Firstly, because of the weakening of social values, personal interests become more important than public interests. Individual ownership of objects becomes a personal ethic that underlies most people's social behavior. Second, there is no transparency and accountability for the public integration system. Various circles of corruption seem to have entered all lines of life and seem to have integrated into the state administration system. According to Patrick Glynn, Stephen J.Korbin, and Moises Naim, the increasing corruption activity is felt in several

countries due to systematic political changes that weaken or destroy social and political institutions and the law. (Ifrani, 2017)

That corruption is a crime of power, power in the field of law, power in the bureaucracy, and power in the political field. As a crime of power, corruption certainly has a more widespread and dangerous impact on deconstruction than all other crimes. The destructive power of corruption is far more terrible than even a tectonic earthquake that hits an entire city. The corruption in the heart of power will destroy the human soul and destroy the spirit of development. Humans without souls, without morality, are much worse than animals. That's why corruption must be fought together. (Anggraeni, 2018)

In the context of tackling crime in society, various forms of social reactions or responses can be carried out, namely in the form of penal and non-penal means. Thus the enforcement of criminal law (using the means of penalization) is part of criminal politics. As part of the overall crime prevention policy, criminal law enforcement is not the only hope to completely resolve or overcome crime. This right is reasonable because, in essence, the crime is a "humanitarian and social problem" that cannot be solved solely by criminal law. (Abdullah, 2017)

Considering that corruption is an extraordinary crime and its handling needs particular attention, this paper will try to analyze what factors are very supportive of the massive corruption and how the contribution of law enforcement agencies (police, prosecutors, KPK/Corruption Eradication Commission, Courts) on the prevention and eradication of criminal acts of corruption.

B. Research Method

The research used by the author in this article is normative legal research and legal sociology research. The method used for normative legal analysis is by examining various legal sources in the form of legal books relevant to the topic of this journal as primary data. At the same time, the sociological research of law uses the method of examining the empirical facts that exist in society. This method is used as a complement or complement, or supporter of primary data, because of its position as secondary data. (Rideng, 2013)

C. Discussion

1. Factors that support the massive corruption crime

It must be viewed comprehensively regarding the factors that influence the failure to prevent and eradicate corruption to date. If it is only seen sporadically, it tends to discredit an institution for its inability to develop the task of the State especially eradicating corruption. Therefore, the author tries to identify several factors that influence the failure factor in preventing and eradicating corruption so that it occurs massively throughout the territory of the Republic of Indonesia, as follows:

1. Punishment Factor

The punishment factor is considered light so that it does not create a deterrent effect and fear for perpetrators and those who intend to commit corruption. The punishment factor contributes significantly to the failure of eradicating corruption. Therefore, severe punishments such as the death penalty must be made and implemented. The imposition of the death penalty for corruptors seems to need to be considered. Moreover, many

parties want it is time for corruptors to be sentenced to death because so far, imprisonment has not had a deterrent effect for perpetrators and potential perpetrators. (Rahantoknam, 2013)

In positive law, the death penalty in Indonesia has been accommodated by the Law of the Republic of Indonesia No. 20 of 2001 concerning Amendments to Law no. 31 of 1999 concerning the Eradication of Corruption Crimes. However, in reality, the government has not dared to apply the death penalty explicitly. Article 2, paragraph 2 of the law states, "If the criminal act of corruption as referred to in paragraph (1) is committed under certain circumstances, the death penalty may be imposed". What is meant by certain conditions is if the criminal act of corruption is committed when the state is in danger, a national natural disaster, repetition of a criminal act of corruption, or when the state is in a state of economic and monetary crisis. (Leasa, 2020)

China, Malaysia, and Singapore have firmly sentenced corrupt criminals to death. The countries mentioned above are pretty successful in reducing the number of corruption. Their leaders strongly support the implementation of the death penalty in these countries. In China, the country leader boldly said, "If he is involved and proven to be corrupt, then prepare a coffin for me." The leader in that country is willing to be sentenced to death if indeed he has committed a criminal act of corruption. The death penalty carried out in China is very good to follow. The country has been beating the war against corruption and calling, "China chases corruptors to the grave." As a result, approximately 4,000 corruptors have been sentenced to death. (Tampubolon, 2016)

2. Politic Factor

Politics is one of the causes of corruption. This can be seen when there is political instability and political interests of the power holders, even when gaining and maintaining power. Corrupt behavior such as bribery, money politics is a phenomenon that often occurs. In this regard, Terrence Gomes (2000) illustrates that money politics uses money and material benefits in pursuing political influence. According to Susanto, corruption at the government level involves receiving, extorting bribes, providing protection, theft of public goods for personal gain, including corruption caused by political constellations. Meanwhile, according to De Asis, political corruption includes fraudulent behavior (money politics) in the election of legislative members or executive officials, illegal funds for campaign financing, resolution of parliamentary conflicts through illegal means, and deviant lobbying techniques. (Abiansyah, 2019)

James Scott's research describes that in a society with an exclusive political institutionalization characteristic where political competition is limited to a thin layer of elites and differences between elites are based more on personal cliques and not on policy issues, what happens, in general, is the cultural and structural pressure for corruption manifested in the corruption of its officials. Robert Klitgaard explained that the process of corruption occurred with the $M+D-A=C$ formulation. The symbol M is a monopoly, D is discretionary (authority), A is accountability. The

explanation for the symbol can be said that corruption is the result of a monopoly (power) coupled with such great authority without transparency and accountability. (Widyaningrum et al., 2020)

3. Legal Factor

Legal factors can be seen from two sides, on the one hand from the aspect of legislation and on the other hand the weakness of law enforcement. The poor legal substance in discriminatory and unfair regulations; this formula is unclear (non *lex certa*). There are multiple interpretations, contradicting and overlapping with other rules (either equal or higher). Sanctions that are not equivalent to the prohibited actions so that they are not on target and are deemed too light or too heavy; the use of different concepts for the same thing, all of which allow regulation to be incompatible with the existing reality so that it is not functional or unproductive and experiences resistance.

The causes of this situation are very diverse. Still, the dominant ones are: First, bargaining and fighting interests between groups and groups in parliament, giving rise to biased and discriminatory regulations. Second, the practice of money politics in law-making in political bribery, especially concerning legislation in the economic and business fields. As a result, regulations arise that are elastic, have multiple interpretations, and overlap with other regulations to be easy to use to save the ordering parties. Often the threat of sanctions is formulated so lightly that it does not burden the interested parties.

In line with this, Susila said that acts of corruption quickly arise because there are weaknesses in the laws and regulations, which include: (a) the existence of laws and regulations that contain the interests of certain parties (b) the quality of laws and regulations is inadequate, (c) regulations are not socialized, (d) sanctions are too light, (e) the application of sanctions is inconsistent and indiscriminate, (f) the field of evaluation and revision of laws and regulations is weak. (Cahyana, 2020)

Of the several things conveyed, the most important is the culture of being aware of the rule of law. By being aware of the law, the public will understand the consequences of what he does. Meanwhile, Rahman Saleh detailed four dominant factors causing rampant corruption in Indonesia: law enforcement factors, mental apparatus, low public awareness, and low political will. The community only enjoys the remnants of development results with the ability to lobby interest groups and business people against public officials by using bribes, gifts, grants, and various forms of offerings with corrupt motives.

This fact shows that corruption is very likely due to weak legislation or only benefiting certain parties. The same thing was also stated by Basyaib et al., who noted that the weakness of the statutory system provided an opportunity for committing criminal acts of corruption. In addition to poor legal products that can cause corruption, law enforcement practices are still entangled with various problems that keep the law from its purpose. By naked eye, the public can see many cases that show

discrimination in law enforcement processes, including court decisions. (Basyaib et al., 2020)

4. Economic Factor

Economic factors are also one of the causes of corruption. This can be explained by the income or salary that is not sufficient. This opinion is not absolutely true because in Maslow's theory of needs, as quoted by Sulistyantoro, corruption should only be carried out by people to fulfill the two lowest needs. The straight logic is only carried out by barely surviving communities. However, currently, corruption is carried out by the rich and highly educated.

Another opinion stating that the lack of salaries and income of civil servants is indeed the most prominent factor in the sense of causing widespread and widespread corruption in Indonesia, which is also stated as follows: (Hidayah, 2018)

“Although corruption is widespread in Indonesia as means of supplementing excessively low governmental salaries, the resources of the nation are not being used primarily for the accumulation of vast private fortunes, but for economic development and some silent, for welfare.”

This opinion is reinforced by Schoorl, who stated that in Indonesia in the first half of the sixties, the situation was so deteriorating that a month's salary was only enough for two weeks of food for the largest group of employees. It is understandable that employees are forced to seek additional income under such circumstances and that many of them earn it by asking for extra money.

The KPK also states in the book *Supplementary Income for Regional Civil Servants* that the employee salary system is closely related to the performance of government officials. The level of salary that does not meet the minimum standard of living for employees is a complex problem that must be resolved. Government officials who feel that their income is not following their contribution in carrying out their main tasks will not optimally carry out their primary duties.

5. Organizational Factor

Organizations, in this case, are organizations in a broad sense, including the organization system of the community environment. Organizations that are victims of corruption or where corruption occurs usually contribute to corruption because it opens up opportunities or opportunities for corruption to occur. If the organization does not open the slightest opportunity for someone to commit corruption, corruption will not happen. Aspects that cause corruption from the point of view of this organization include (a) lack of role models from the leadership, (b) lack of proper organizational culture, (c) inadequate accountability system in government agencies, (d) management tends to cover up corruption within the organization. (Utari, 2011)

Because political control of power and bureaucracy is very limited, another reason is the powerful influence of integral in the philosophy of the nation's state, so that opposition tends to still taboo. Our country's

characteristics, a patrimonial bureaucracy, and a hegemonic state lead to a weak supervisory function so that the culture of corruption is spreading. In many cases, the supervisors are involved in corrupt practices, not to mention the external supervision carried out by the public and the media are also weak.

Meanwhile, the causes of rampant corruption are as follows: (Guntara, 2020)

1. Multiple Positions

The potential for corruption is also very open to officials with dual authority as authorisators, ordinators, and treasurers. A person holding the position can act like a god because he is the maker of the rules. He also has the power to apply the rules and the power over the flow of funds. You can imagine how wet his position is.

2. Seeing the public as a servant

One sector prone to corruption is the public service sector. No matter the top of the mountain in Papua or the middle of the stifling, metropolitan Jakarta, there can always be violations committed by public servants. Even though the name is a public servant, what happens is the opposite. The public is the servant of the apparatus.

3. Too fat bureaucracy

The number of government officials who are too large is a problem for this country. The effectiveness of the work of the apparatus is low because it is not uncommon for one position to have too many personnel. As a result, there are often difficulties in carrying out supervision. No wonder many government employees are often truant but not known by their superiors.

4. The amount of power held

Another factor that causes corruption is the amount of power a person holds. There is a saying that great power is often abused. In Indonesia, this is easy to find, one of which is in the legislative body. Money politics is increasingly happening in implementing the legislative, supervisory, and budget functions of the DPR RI (The House of Representatives of The Republic of Indonesia).

5. Regional autonomy

One of the fruits of the reform is the implementation of regional autonomy. Regional autonomy is a straightforward answer by the central government to the problem of inequality in development and welfare. One of the sources of corruption is implementing regional head elections (pilkada), especially since direct elections took place.

6. Imperfect justice system

The judiciary in Indonesia, including the judiciary for criminal acts of corruption, adopts the principle of presumption of innocence. The presumption of innocence focuses on someone who will be examined,

arrested, and tried going through a long and complicated process. A sufficient initial hill must precede the process, and the party searching for the initial evidence is the investigator. Even so, to go to court, one must complete the requirements and files, the number of which can reach hundreds. The process of completing files and data takes a long time. Files that have arrived in the prosecutor's hands can be returned many times to the police to complete the files and facts. Completing files and facts is often done because the prosecutor thinks that what is given is still incomplete. Such conditions are often used by people who claim to "help" to avoid the legal process. These people are called legal mafia or judicial mafia.

7. Goods and services procurement system

One sector that is prone to corruption is the procurement of goods and services in an agency or department. One example is the former governor of Aceh, Abdullah Puteh. At that time, he was caught in a corruption case in the procurement of helicopters for the Aceh regional government. In the end, Abdullah Puteh was sentenced to 10 years in prison.

8. Greed and opportunity

Like it or not, the consumptive culture of society is one of the causes of rampant corruption in this country. Currently, a person is judged and respected not from behavior and achievements but from what he wears and from his appearance.

2. Efforts by Law Enforcement Agencies to prevent and eradicate corruption

a. The Police

The police have the task of maintaining security and public order, law enforcement, protection, protection, and service to the community, which aims to realize security in the state which includes maintaining security and public order, orderly and upholding the law, implementation of protection, protection, and service to the community and the establishment of public peace by defending human rights. The police have the authority to conduct investigations and investigations into corruption crimes about the eradication of corruption. The law gives three institutions to conduct investigations of corruption cases: the police, prosecutors, and the corruption eradication commission (KPK). The involvement of three institutions in eradicating corruption is because corruption is an extraordinary crime or called an extraordinary crime, so it is necessary to prevent and eliminate it. (Hutahaean & Indarti, 2020)

b. The Prosecutor

The Prosecutor's Office is a State Institution that carries out state power, especially in prosecution. As an authorized body in law enforcement and justice. Referring to Law No. 16/2004, which replaced Law No. 5 of 1991 concerning the Indonesian Attorney General's Office, the Attorney General's Office as one of the law enforcement agencies is required to play a more significant role in upholding the rule of law, protecting public interests, upholding human rights, and eradicating corruption, collusion, and nepotism

(KKN). Concerning eradicating corruption, following Article 30 paragraph 1 of Law no. 16 of 2004, namely in the field of crime, the Prosecutor's Office has the duties and authorities: (Saragih, 2017)

1. Do prosecution.
2. Carry out judges' decisions and court decisions that have permanent legal force.
3. Supervise the implementation of conditional criminal decisions, criminal supervisory decisions, and parole decisions.
4. Conducting investigations into certain criminal acts based on the law, what is meant by certain criminal acts here is a criminal act of corruption, one of the certain acts.
5. Completing the case file and for that purpose can carry out additional examinations before being transferred to the court, which in its implementation is coordinated with investigators.

c. The Corruption Eradication Commission (KPK)

The establishment of the KPK has produced various achievements in efforts to uncover corruption cases. And the return of state losses from the performance of this institution is also not small. The accomplishments of the KPK cannot be separated from the enormous authority given by the law to institutions. With such a huge task, the KPK has relatively broad and strategic power to eradicate corruption. According to the provisions of Article 6 of Law No. 30 of 2002, the Corruption Eradication Commission (KPK) has the following duties: (Priambada, 2015)

1. Coordinate with agencies authorized to eradicate corruption.
2. Supervise the institutions authorized to eradicate corruption.
3. Conduct investigations and prosecutions of corruption crimes.
4. Take measures to prevent corruption.
5. Monitor the implementation of state government.

d. The Court

The court is an institution that has the authority to try and demand punishment based on its level. At the level of the Supreme Court, the obligations and powers of the Supreme Court according to the 1945 Constitution are: (Hertanto, 2014)

- a. Has the authority to adjudicate at the cassation level, examine the laws and regulations under the Act, and have other powers granted by the Act.
- b. Propose three members of the Constitutional Court.
- c. Consider the case of the president granting amnesty and rehabilitation.
- d. Application for review of court decisions that have obtained permanent legal force.
- e. All disputes arising from the seizure of foreign ships and their cargo by warships of the Republic of Indonesia are based on applicable regulations.

Meanwhile, at the general court level, there is also an authority given by law. As it is known that the public judiciary is a judicial environment under the supreme court that exercises judicial power for the people seeking justice in general. General courts include district courts domiciled in the

regency/city capital with jurisdiction covering regency/city areas and high courts located in provincial capitals with jurisdiction covering regional areas.

D. Closing

The author can formulate several essential points as conclusions are as follows:

1. That the behavior of law enforcement towards the eradication of corruption in this country has been very concerning, this can be seen when the handling of corruption perpetrators tends to provide privileges and even legal dispensations, such as: First, the eradication of corruption still conveys messages as if there are nuances of selective slashing, and still not touching political authorities at the highest level of power to resolve the problem of corruption unfinished. Second, the criminal charges filed by the prosecutors and the sentences handed down by the judges do not reflect that corruption is a serious crime and deserves general condemnation. Third, in carrying out a sentence in a correctional institution, it was later discovered that from a relatively light sentence, it turned out that the perpetrators still received a remission
2. Several factors, such as to cause the massive corruption
 - a. Punishment Factor, the punishments imposed on perpetrators of corruption tend to be light.
 - b. Political factors, political costs are very high, so they have to apply economic principles.
 - c. Legal factors, namely the weakness of law enforcement and the existence of multiple interpretations of the articles.
 - d. Economic factors are due to the heavy responsibilities carried out by state administrators, not commensurate with the salary received. And or the high lifestyle is not proportional to the economic capacity it has.

Contribution of Law Enforcement Agencies. The Police, the Prosecutor's Office, the Corruption Eradication Commission, and the Courts and even Correctional Institutions will significantly determine their contribution to the success or failure of eradicating corruption. To ensure the accuracy of the information in this paper, the authors use normative legal research and legal sociology empirically.

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