

Law Enforcement on Corruption: A Case Study in Indonesia

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Abstract--One of the violations of law that has been upsetting is the rise of corruption. Therefore, it is necessary to prevent and eradicate criminal acts in general as well as criminal acts of corruption in particular. This study aims to identify some issue to prevent and combat corruption. The method used in this study is descriptive by distributing a questionnaire to respondents consisting of some various components of society that have the potential to commit a criminal act of corruption. This study is expected to be an option in preventing the occurrence of corruption crime and also as an option in combating corruption. This study is subject to increase proper understanding for the citizens that impact on the creation of legal awareness, which creates a positive legal behavior for every citizen. This study found the high frequency of the corruption might increase in the future if not the right handling step. Factors occurrence that affects the corruption criminal in this study is the legal substance, legal structure, culture, legal awareness, facilities, and infrastructure. The judgment or verdict of judicial institutions at various levels against corrupt offenders has been considered unfair, and mild as well as incomparable to the acts committed by the suspects, so as not to give a deterrent effect. Steps of handling corruption to be overcome through the preventive (upstream) and repressive (downstream) steps taking into account the various issues. The steps should be taken to handle corruption through normative steps in the form of legislation and an empirical approach to local environmental conditions. Various concrete and constructive steps could overcome all factors that influence the occurrence of the corruption of a legal substance, legal structure, legal awareness, culture, and facilities and infrastructure.

Key words--Corruption Prevention, Corruption Eradication, Law Enforcement

I. INTRODUCTION

Legal development is as a consequence of the Article 1 paragraph 3 of the 1945 constitution which states that Indonesia is a state of law [1]. The state is compulsory to carry out the development of national law which is done in a planned, integrated, and sustainable in the national legal system which ensures the protection of the rights and obligations of all Indonesian people and legal awareness for all Indonesian citizens based on the constitution of the Republic of Indonesia [2]. National Development aims to realize the Indonesian people as a whole that is fair, prosperous, and orderly based on Pancasila and the 1945 Constitution. It is necessary to improve the efforts of law enforcement in various fields continue to realize the prosperous Indonesian society. One of the violations of law that has been worrying is the rise of corruption. Therefore it is necessary to prevent and eradicate criminal acts in general as well as criminal acts of corruption in particular.

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Corruption crime has so far been detrimental to state finance or state economy and hampered national development [3]. Thus, it is essential to eradicate it in order to create a just and prosperous society based on Pancasila and the 1945 constitution. Likewise, the consequences of corruption that occurred so far, also, to harm the state finance or state economy and inhibits the growth and continuity of national development that requires high efficiency. Various aspirations of society have so far arisen to eradicate corruption and other forms of irregularities that are increasingly manifold causing enormous state losses which in turn can have an impact on the emergence of crises in various fields. Therefore, efforts to prevent and eradicate corruption is required to uphold human rights and public interest. Thus, it is necessary to conduct a study towards seeking and designing various law enforcement programs in Indonesia, which in turn can create positive legal behavior. The law enforcement approach of corruption in Indonesia is through 2 (two) approaches namely preventive and repressive, as an effort to prevent and combat corruption in Indonesia. This study is expected to anticipate the increasing corruption crime from year to year. In this case, the law enforcement of corruption in Indonesia is through various approaches, among others warning (warning) through the circulation of brochures, stickers, pamphlet and the like. All the approaches contain warnings and consequences arising from corruption both for the perpetrators themselves and for the consequences that arise for the nation and the State.

II. LITERATURE REVIEW

The most prominent legal theories about this study are theories relating to the reality of law in society or the theories of effectiveness and law enforcement. There are various theories and views of experts in the field of law comprises a theory in this study. Soemardjan (2012) describes that there are 3 (three) factors that are strictly related to the legal effect. Firstly is the efforts to instill law within the society, namely the use of human labor, tools, organizations, and methods so that citizens know, respect, recognize and obey the law. Secondly, community reaction based on the prevailing system of values. That is, the public may refuse or oppose or may comply with the law because compliance, identification, internalization or their interests are guaranteed. Thirdly is the duration of legal cultivation is the long or short period in which the inculcating efforts are undertaken and are expected to produce results.

Ali (2009) asserted that about right behavior, the vital function of the rule of law is as guiding behavior. As a consequence one of the primary objectives of any legal, scientific study is to find the right impact on human behavior. Moreover, because human behavior is influenced and even shaped by social factors, culture, psychology, and other non-legal factors, it is inevitable to involve the social sciences in the study of jurisprudence. He further specifies that human behavior as a response to a legal provision can take the form of obedience, unconscious, conscious, disobedience, patient compliance which is usually in the form of passive behavior, and massive disobedience which is usually in the form of active behavior.

Good individual behavior that is disobedience to the law has an impact on the surrounding community where many disobedience. The rule of law is said to be useful if the behavior of the person moves to obey it. Normatively, in the legal system of a modern state, the principle used as mentioned in the positive law of Indonesia, Article 11 *Allgemeine Bepalingen* [6] is "all the residents in the territory of the Republic of Indonesia shall be deemed to know all applicable laws in Indonesia." The principle of law is clear in reality it is only a legal fictitious because it is impossible for anyone to know all the laws applicable in Indonesia, where we all understand how the plural law in Indonesia. There are rules, norms, and principles made by the nation, some are

born from their society, and some are on moral and religious values. Not to mention every region has local law respectively. Therefore, it is necessary to learn law to build or form the knowledge of the law of the community (knowledge of the law).

According to Rahardjo (2009), the factors that influence one's legal behavior are communication of the law and knowledge of the law. It is strange to obey or disobey rules, to use rules, or to avoid rules without knowing about the actual rules. In other words that rules should be communicated (legal learning), and we must acquire knowledge of the contents of that rule. How the rules are communicated is also essential. Some rules have become common knowledge; the rule is part of very general and fundamental knowledge (very general, very early learning). Most of the rules and of course all technical rules, detailed administrative rules, should be addressed explicitly to the audience, including the model of legal learning to the community or high school students.

Friedman and Hayden (2016) argue about Law Knowledge as an essential factor in legal behavior. For example, in the United States, a study that wants to know how far Americans know the legal system. A survey conducted in Michigan reported that the general public is less knowledgeable of the law, compared to law students, and better-educated people are increasingly aware of the law than those with low education. The term legal behavior (behavior is law) is a behavior that is influenced by rules, decrees, orders, or laws, issued by officials with legal authority. If I behave specially or change my conduct especially because it is ordered by law or by government action, or a mandate or order from the government or the legal system or its officials, then this is legal behavior. If I drive along a road and see speed limit signs (or see police) and slow down a vehicle, then this is legal behavior.

According to Soekanto (1982) revealed that there are four indicators determine the legal awareness of a person that is known of the rule of law (law awareness), understanding of the contents of the rule of law (law acquaintance), attitudes to the rule of law (legal attitude), and patterns of legal behavior (legal behavior). Furthermore, Lon L. Fuller asserted that values must be realized law called the principles of legality. The principle includes the rules as the priority element. The rules should be adequately declared (e.g. socialized through legal learning) and not be retroactive. The formulation of the rules should be clear and detailed and must not ask to run things that are not possible. The rules may not conflict with each other and must be fixed, which should not frequently be changed. Also, there shall be conformity between the actions of the officials of law and the regulations that have been made. The theories mentioned above will all become the theoretical basis for analyzing corruption in Indonesia in the form of; corruption behavior, causal factors, and various aspects that lead to increased corruption in Indonesia.

III. METHOD

The method used in this study is surveying using descriptive analysis with a frequency count [10]. This research was conducted in 5 (five) regencies/cities in South Sulawesi Province. The study was conducted from April to November 2016. The selection of a sample of the study was based on general relevant target population by Cohen, Manion, and Morrison (2007) due to the pluralistic characteristics of South Sulawesi Province, and the five locations were assessed as representative of South Sulawesi Province. The data in this study was collected through the distribution and return of questionnaires to obtain data from respondents on corruption

issues. Questionnaires distributed to obtain data to find out the legal understanding, proper behavior and legal awareness of citizens who potentially commit a corruption. Data obtained through questionnaires on respondents have been processed to find out how distant the proper understanding of the respondents about corruption.

IV. RESULTS AND DISCUSSIONS

Based on the primary data obtained through the distribution of questionnaires at five cities in South Sulawesi Province [12]. Figure 1 below shows the distribution frequency of results processed from primary data. This section presents the results of processed primary data with frequency distribution formula, which is divided into very likely, possibly, and unlikely.

Of the total of forty items in the questionnaire in this study, most items (about 27) items were possible categories. This shows that respondents can well understand most of the items in the study. Of the twenty-seven items, there were only two people chosen less than 50%. Table 1 below clearly illustrates the level of understanding of respondents to the item on Law Enforcement on Corruption in Indonesia.

Table 1. Frequency distribution dominance on very likely

| No. | Indicator | Item number | Very likely(%) | Possibly (%) | Unlikely (%) |
|-----|---|-------------|----------------|--------------|--------------|
| 1 | Understanding of acts that harm the State's finances by enriching themselves or others by violating the law is a criminal act of corruption | 7 | 78.88 | 21.12 | 0.00 |
| 2 | Understanding that any proven criminal act of corruption will get punishment according to the prevailing provisions | 8 | 92.24 | 6.90 | 0.86 |
| 3 | An understanding that an official or a civil servant may freely use the State's finances for his personal and family interests | 9 | 47.41 | 37.93 | 14.66 |
| 4 | The view of many of the perpetrators suspected of committing criminal acts of corruption that are not touched by the law | 10 | 75.00 | 9.48 | 15.52 |
| 5 | The view of increasing corruption cases from year to year | 11 | 74.14 | 20.69 | 5.17 |
| 6 | Perception of increasing corruption cases for the future | 13 | 59.48 | 38.79 | 1.73 |
| 7 | The influence of court decisions on corruption and other officials, so they | 18 | 45.69 | 37.93 | 16.38 |

| | | | | | |
|----|---|----|-------|-------|-------|
| | do not commit corruption anymore | | | | |
| 8 | The influence of the integrity factor of law enforcement officers (police, prosecutors, judiciary), to the occurrence of criminal acts of corruption | 19 | 76.73 | 18.10 | 5.17 |
| 9 | The influence of formal education factors of law enforcement officers (police, prosecutors, judiciary), against the occurrence of criminal acts of corruption | 20 | 57.76 | 31.90 | 10.34 |
| 10 | The influence of non-formal education factors of law enforcement officers (police, prosecutors, judiciary), against corruption | 21 | 56.04 | 34.48 | 9.48 |
| 11 | The influence of quality factors of law enforcement officers (police, prosecutors, judiciary), against the occurrence of criminal acts of corruption | 22 | 88.79 | 9.48 | 1.73 |
| 12 | The influence of factors of the quantity of law enforcement officers (police, prosecutors, judiciary), to the occurrence of criminal acts of corruption | 23 | 61.21 | 29.31 | 9.48 |
| 13 | The influence of moral factors of law enforcement officers (police, prosecutors, judiciary), on the occurrence of criminal acts of corruption | 24 | 91.38 | 7.76 | 0.86 |
| 14 | The influence of the legal substance factor (the content of the legal rules of corruption), against the occurrence of criminal acts of corruption | 25 | 65.52 | 25.86 | 8.62 |
| 15 | The influence of mild sanction factors (content of criminal law rules of corruption), against the occurrence of criminal acts of corruption | 26 | 89.66 | 9.48 | 0.86 |
| 16 | Influence factor of the number of remissions (deductions), against the | 27 | 67.24 | 27.59 | 5.17 |

| | | | | | |
|----|---|----|-------|-------|------|
| | occurrence of criminal acts of corruption | | | | |
| 17 | Respondent's views about whether or not the issue of legal substance regulating the criminal act of corruption | 28 | 56.04 | 42.24 | 1.72 |
| 18 | Respondent's perception of whether or not disharmonic between the various regulations governing the criminal act of corruption | 29 | 61.21 | 38.79 | 0.00 |
| 19 | The influence of culture on the corruption | 30 | 69.83 | 25.00 | 5.17 |
| 20 | The influence of community habit on the corruption | 31 | 81.04 | 17.24 | 1.72 |
| 21 | The influence of understanding factors on Indonesian society law, against the occurrence of criminal acts of corruption | 32 | 73.28 | 21.55 | 5.17 |
| 22 | The influence of the legal knowledge of Indonesian society on the corruption | 33 | 79.31 | 16.38 | 4.31 |
| 23 | The impact of ecological factors on the corruption | 34 | 93.97 | 6.03 | 0.00 |
| 24 | The influence of facilities and facilities supporting law enforcement, against the corruption | 35 | 64.66 | 31.03 | 4.31 |
| 25 | The opinion of respondents to agree or not with the existence of the current Corruption Eradication Commission (KPK) in Indonesia | 37 | 99.14 | 0.86 | 0.00 |
| 26 | Respondent's opinion on the steps taken by KPK in eradicating corruption crime in South Sulawesi | 38 | 61.21 | 38.79 | 0.00 |
| 27 | Respondent's opinion on favoritism or there is selective logging eradication of current corruption crime | 39 | 70.69 | 25.00 | 4.31 |

Table 1 above is the result of the respondents' expressions of law enforcement. There are four indicators in Table 1 above that show high respondents above 90% of law enforcement in handling Corruption. The four items are any criminal acts that are proven to achieve losses by applicable regulations, legal factors of

law enforcement law enforcement (police, prosecutors, and judiciary), corruption, and other factors. Currently (KPK) in Indonesia.

Meanwhile, Table 1 is also the number of respondents from respondents, namely 70% to 80% of law enforcement regarding corruption. The first indicator below is an act that uses the money for corruption. The next indicator is that many experts who commit crimes that are not touched by law and corruption increase from year to year. Legal factors for law enforcement officers (police, prosecutors, judiciary), against corruption and in high categories. Factors for the security of law enforcement (police, prosecutors, judiciary). Likewise, the opinion about the habits of the community towards corruption, minor sanctions, understanding of the law, knowledge of community law, and selective implementation of people who are very difficult to understand by respondents.

The highest percentage group in this ver likely is 50% to 60%. There are eleven items whose percentage very likely is in the range of 50% to 60%. Respondents believe that corruption cases are increasing for the future. This study also revealed that there were influences of formal and non-formal education factors of law enforcement officials (police, prosecutors, judiciaries) on the occurrence of criminal acts of corruption. This study also revealed that there was an influence of the quantity of law enforcement officers (police, prosecutors, judicative) on the occurrence of criminal acts of corruption. The legal substance factor (the contents of the law of corruption) is believed to affect the occurrence of criminal acts of corruption. This study also suggests the influence of the amount of remission (deduction) on the occurrence of criminal acts of corruption. Respondents very well understand disharmonic among various regulations that regulate criminal acts of corruption. The influence of culture, supporting law enforcement facilities, and the steps taken by the KPK in eradicating corrupt crimes are also very well understood by respondents.

The other two indicators are only in the percentage of very likely more than 45%. The first is the understanding that officials or civil servants can freely use state finances for their personal and family interests. The second is the influence of court decisions on corruption and other officials so that they no longer commit corruption. Next, this study also shows that twelve indicators entered the probability category as in table 2 below.

Table 2. Frequency distribution dominance on possibly

| No. | Indicator | Item number | Very likely(%) | Possibly (%) | Unlikely (%) |
|-----|---|-------------|----------------|--------------|--------------|
| 1 | Optimizing legal compliance by officials and citizens | 1 | 18.10 | 74.14 | 7.76 |
| 2 | Understanding of Criminal Law as the law regulating crime and violation of public interest | 2 | 23.28 | 51.72 | 25.00 |
| 3 | Understanding of the elements of criminal acts, i.e., the existence of acts, violating the penal law, threatened punishment and the | 3 | 34.48 | 60.35 | 5.17 |

| | | | | | |
|----|--|----|-------|-------|-------|
| | error | | | | |
| 4 | Understanding of the laws governing the criminal act of corruption | 4 | 6.03 | 50.86 | 43.10 |
| 5 | Understanding of the regulation of corruption based on Law Number 31 the Year 1999 | 5 | 29.31 | 59.48 | 11.21 |
| 6 | Understanding of Law no. 31 of 1999 on the criminal act of corruption, amended to Law No.20 of 2001 | 6 | 27.16 | 60.44 | 12.50 |
| 7 | Perception of the level of satisfaction with various court decisions against the perpetrators of criminal acts of corruption | 14 | 12.07 | 55.17 | 32.76 |
| 8 | Perception of the appropriateness of various court decisions against corrupt perpetrators so far | 15 | 25.00 | 60.34 | 14.66 |
| 9 | Perception of the court's decision on corruption perpetrators so far, whether it can make the relevant district | 16 | 14.66 | 63.79 | 21.55 |
| 10 | The perception of the severity of the court's ruling against the perpetrators of corruption over the years | 17 | 22.41 | 64.52 | 12.07 |
| 11 | The respondent's opinion on the steps taken by the Public Prosecution Service in eradicating corruption in South Sulawesi | 36 | 41.38 | 54.31 | 4.31 |
| 12 | Respondent's opinion on the eradication of corruption crime so far, whether it has fulfilled the sense of community justice | 40 | 31.03 | 64.66 | 4.31 |

Table above shows a doubtful indicator for respondents in the study. Respondents' doubts in these twelve indicators are indicated by the 12th percentage level of this indicator which is more than 50%. This research shows that people still doubt the effort to optimize legal compliance by officials and citizens. This study also shows respondents' doubts regarding understanding Criminal Law as a law that regulates crime and

violations of public interest. This research also expresses the public's doubt to understand the elements of criminal acts, namely, the existence of actions, violating criminal law, threatening penalties and errors. Understanding the laws governing corruption in this study also still makes the majority of respondents choose the possibility. Likewise, the indicator of understanding the rules of corruption based on Law No. 31 of 1999 and understanding the Law no. 31 of 1999 concerning corruption, was changed to Law No.20 of 2001, both of these indicators are classified as possible by respondents. This study also shows that the perception of the level of satisfaction with various court decisions against perpetrators of corruption is at the level of possibility. Another thing that makes people choose may also include the suitability of various court decisions against corrupt perpetrators so far, court decisions about the perpetrators of corruption and the severity of court decisions against the perpetrators of corruption. Finally, respondents also still doubt the steps taken by the Public Prosecutor in eradicating corruption and eradicating corruption against efforts to fulfill the sense of justice of the community.

Finally, this study also shows that there is only one item that respondents strongly disagree. More than 60% of respondents chose this item. For more details, please see Table 3 below.

Table 3. Frequency distribution dominance on unlikely

| No. | Indicator | Item number | Very likely(%) | Possibly (%) | Unlikely (%) |
|-----|--|-------------|----------------|--------------|--------------|
| 1 | The view of agreeing with the existence of a penalty (remission) for the convicted criminal acts of corruption | 12 | 6.03 | 32.76 | 61.21 |

Table 3 above shows that the item above is compelling that the public strongly disagrees about the idea of giving forgiveness to convicted criminal offenses. As many as 60% of respondents chose extraordinary items about forgiveness for perpetrators of corruption. Even so, not a few also still hesitate to forgive the perpetrators of corruption. Only 6% of respondents agreed with this idea.

Based on the substance and description of the results of this study, it is apparent that the level of legal understanding of the various components of the executive, legislative, judicial, judicial institutions, and the public has the potential to conduct criminal acts. It against the regulation of criminal acts of corruption. Besides, the extent of law enforcement to corruption (TPK) has not been optimal yet. In other words, there are still many cases of corruption that are not uncovered or undetected by the relevant authorities. The realization or law enforcement of corruption by law enforcement agencies has not been implemented optimally, or in other words, the law enforcement of corruption is still half-hearted.

This study found some factors that influence the occurrence of corruption crime, which is a legal substance, legal structure, legal culture, legal awareness, legal knowledge, and legal facilities. Whereas the extent of law enforcement to corruption (TPK) has not been optimal yet, in other words, there are still many cases of corruption that are not uncovered or undetected by the relevant authorities. Whereas the realization or law enforcement of corruption by law enforcement agencies has not been implemented optimally, or in other words, the law enforcement of corruption is still half-hearted.

V. CONCLUSION

The frequency of the current Corruption Crime (TPK) is still high and might increase in the future without correct policy. The factors that influence the current Corruption Crime (TPK) are the factors of legal substance, legal structure factor, legal awareness, facilities and infrastructure factors. The verdict or the judiciary at various levels against the perpetrators of corruption is considered unfair, in other words, the verdict is very light or not comparable with the criminal act of corruption committed by the suspect. The verdict of the judiciary at various levels against the perpetrators of corruption crime has not provided a deterrent effect on the perpetrators and the officials or the public. The occurrence of Catch Operations (OTT) cases against various legal structures and community members, it indicates that there are still many law enforcement officers who have not yet committed to law enforcement. The measures of handling corruption (TPK) can be overcome through the step of preventing (handling in the upstream) and repressive steps (downstream handling). It is necessary to take steps of handling corruption crime (TPK) through a normative step in the form of the approach of legislation and an empirical step based on local environmental condition, law substance, legal structure factor, law awareness factor, cultural factor, and facility and infrastructure factor, It is recommended to overcome the corruption by concrete and constructive steps. To be socialized or counseling law simultaneously and continuously to all elements or the public's report without exception on various regulations on Corruption Criminal Act (TPK) with all its aspects.

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