



CORRUPTION ERADICATION THROUGH DEMOCRACY

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INTRODUCTION

Reff: *"Today... owh... still corruption...
Or ask for gratuity
Don't make this nation miserable
Corruptors must be caught by the KPK..."*

The chorus of the song titled "ANTI KORUPSI" from the band MY STEREO ILL¹ illustrates the concern of the younger generation over acts of corruption that are increasingly eating away at the identity of the nation, which after the 1998 reformation has proclaimed itself as a democratic nation with the main objective of strengthening various sectors including eliminating Corruption, Collusion and Nepotism (KKN).

Corruption has existed since humans existed, when humans live in society that's where corruption begins to grow, in history we also find many important records about corruption. In India, corruption has been a serious problem since 2300 years ago, this is evidenced by the writing of a prime minister **Chandragupta** about 40 ways to steal state wealth. In other records in the kingdom of China, thousands of years ago it had implemented a policy called *Yang-Lian*, which is a reward for clean state officials as an incentive to suppress corruption².

The outbreak of corruption in the Old Order era was also transmitted to the New Order era, although at the beginning of his reign President Soeharto tried to eradicate corruption itself, although in the end President Soeharto was overthrown by corruption itself, and until now in Indonesia corruption has become enemy number one and seems very difficult to eradicate and eliminate, because corruption has become a lifestyle and may also have become the character of people in Indonesia due to the legacy of the past. This reminds us of an interesting joke from **Kiai Hasyim Muzadi**, who stated that, *"During the Old Order, corruption was done under the table. But, during the New Order,*

¹ My Stereo Ill is a rock & roll band from Jakarta, the winner of the Anti-Corruption Voice Song Festival organized by the Corruption Eradication Commission (KPK), held on September 10, 2016.

² Wijayanto et al, *Corruption Corrupting Indonesia Causes, Consequences, and Prospects for Eradication*, Jakarta, PT Gramedia Pustaka Utama, 2009, pp. 4.

corruption began to be openly done on the table. In fact, during the Reformation period today, it is not only the money that is corrupted, the table is also taken away."

The anecdote represents the general anxiety that has been growing lately, that the democracy borne out of the Reform regime is producing endless corruption. The public continues to be bombarded by corruption cases, so that over time the nation's generation has begun to become immune and accustomed to living and being raised in the midst of the corrupt behavior of its own representatives.

This paper wants to invite all of us to understand corruption and the meaning of democracy and what efforts can be taken to eradicate corruption through democracy.

ANALYSIS

Understanding Corruption, Interpreting Democracy

Understanding Corruption

In the early 16th century, an English *poet*, dramatist, and actor William Shakespeare (1564-1616) who earned the nickname *Englands National Poet*, had described concerns about corrupt behavior through his work entitled *Machbeth*³. While in the archipelago, corruption has occurred since the days of the Kingdom, even the bankruptcy of the VOC was caused by the crazy corruption in it. After the proclamation of independence, the Old Order was also infected with corruption, when vacant positions were left by the Dutch, these positions were filled by indigenous people and corruption began to run rampant, because these positions allowed for corruption against the background of political, social and economic uncertainty.

In general, corruption can be described as behavior that abuses public office, or sources of power for personal gain. But if we refer to the definition in the Big Indonesian Dictionary (KBBI) *corruption/corruptio* means misappropriation or misuse of state money (companies and so on) for personal or other people's benefit or the use of official time (work) for personal affairs. Literally, corruption is the behavior of public officials, both politicians/politicians and civil servants, who improperly and illegally enrich themselves or enrich those close to them, by abusing the public power entrusted to them.

Another widely referenced definition from the World Bank and UNDP states that "the abuse of public office for private gain". In a broader sense, it is the abuse of public power for private interests that are detrimental to the public in ways that are contrary to applicable legal provisions⁴. Although in general it can be seen that if these irregularities do not involve public officials, it does not mean that corruption has

³ *Machbet* is a tragedy play that was first performed in 1606. The story dramatizes the psychological effects of a person who has a great ambition to rule for his own personal gain. The play opens with three witches who decide to meet Machbeth, a Scoladic general, who is under the government of King Duncan I. The three witches predict that Machbeth will one day become King of Scotland. Meanwhile, Macbeth's friend Banquo is foretold to have descendants of kings, although he himself will not become King. Macbeth tells his wife, Lady Macbeth, about the prophecy. Lady Macbeth is tempted by the prophecy and asks Macbeth to kill King Duncan who is staying at their castle that night. Macbeth and his wife made King Duncan's two guards drunk, and in their sleep, the King was killed by Macbeth.

⁴ Wijayanto et al, *op. cit.* 6.

occurred because in this definition corruption occurs when the public is harmed by public officials who seek personal gain through irregularities that are contrary to applicable law.

According to Transparency International, corruption is the abuse of trust given by others, for personal gain⁵. In this definition, we can see that the abuse of authority or power that may harm others, especially the state, for personal and group interests is a form of corruption itself, although these actions must be elaborated and clarified what actions constitute abuse of power. In Indonesia, the legal perspective of corruption has been outlined in 13 articles of Law Number 31 of 1999 which has been amended by Law Number 20 of 2001 concerning the Eradication of Corruption. Based on these articles, corruption has been formulated into 30 forms and types of corruption. These articles explain in detail the acts categorized as corruption⁶.

At the other end of the spectrum, **Shah & Schacter** argue, corruption can encompass three broad categories, namely: First, *Grand Corruption*, in which a number of officials steal or misuse large amounts of public resources. Second, *State or Regulatory Capture*, which is collusion by a number of public institutions with the private sector to commit a number of frauds for private interests, and third, *Beauraucratic or Petty Corruption*, which is the involvement of a large number of public officials in abusing their positions to obtain small bribes or polish money⁷.

Grand Corruption and *State or Regulator Capture* are usually carried out by high-ranking officials, political elites or senior officials who hold authority and design policies or legislative arrangements to then be directed towards their own interests and/or certain groups that allow these officials or policy makers to obtain large profits through gratuities or bribes from national and transnational companies and obtain public facilities beyond their rights.

This type of corruption will cause the State to suffer huge financial and non-financial losses. There is a very strong influence in determining policies in several sectors, there are political forces that are very influential so that they can give birth to deviant policies. The policy products of this type of corruption are of course only beneficial to politicians or policy makers and their cronies.

While specifically for corrupt acts of *state capture* can occur in various forms, the **World Bank** in its book *Anticorruption in Transition 2* describes several forms of *State Capture*, namely⁸:

1. Bribes to DPR members to influence legislation;
2. Bribes to State Officials to influence public policy;
3. Bribes to the judiciary to influence decisions related to major cases;
4. Bribes to Central Bank Officials to influence monetary policy, and

⁵ <http://cpi.transparency.org/cpi2011/results/>, accessed on September 27, 2019.

⁶ M. Syamsa Ardisasmita, *Definition of Corruption from a Legal Perspective and E-Announcement for a More Open, Transparent and Accountable Governance* (National Seminar Paper on Efforts to Improve the System of Goods/Services Procurement), Jakarta, 2006, pp. 4.

⁷ A. Shah, et al, *Combating Corruption: Look Before You Leap*, Finance and Development 4 Vol. 41, December, pp. 40.

⁸ Wijayanto et al, *op. cit.* 18.

5. Illegal campaign donations to political parties.

The loss of the State and the people due to this type of corrupt behavior is not only caused by the loss of large amounts of money, but also the orientation of public policies and regulations that are very impartial to the interests of the people, legislative policies are more influenced by large amounts of money and again only benefit a handful of parties who are able to play with these policies, so that in the medium and long term Grand Corruption will damage the prevailing legal system and order, because the system has been damaged and the political structure is corrupt, State institutions that are the wheels of democracy and government will be corrupt, especially financial institutions, tax, banking and also legal institutions are trapped in corruption, bribery and so on.

Meanwhile, corrupt behavior known as *Bureaucratic or Petty Corruption* is usually carried out by the State Civil Apparatus as policy implementers. This kind of corruption usually occurs in the public service sectors, for example in immigration services, police, hospitals, taxes, schools and licensing⁹. The inability of the government to provide proper services/welfare results in these practices, small salaries, a system that is not strong, lack of supervision and many other reasons so that corruption by implementers or small employees is very damaging to the image of a clean serving bureaucracy because it is the implementers who directly intersect with the community.

Small corruption or big corruption is equally dangerous and equally damaging, small corruption although not so "explosive" but still has a bad effect on the State system, small corruption if it occurs in various sectors and involves many people will certainly cause systemic losses to the State and the people, because it involves the needs of many people who are not well served, such as making identity cards or family cards, making passports, making permits, driver's licenses and so on, because almost everyone needs these cards and permits, and the perpetrators of these abusive practices will certainly do this repeatedly and from the slightest corrupt act, there will be a gradual increase in the level of crime in a connotative sense.

That providing salary increases for employees is not the right solution, if it is not followed by strengthening the political and legal system, for example the policy of the Government of the Republic of Indonesia related to the increase in salaries of employees of the Ministry of Finance as a follow-up to efforts to eradicate corruption in the institution in question did not have positive implications. There are still many employees of the finance department, especially in the tax sector, who become perpetrators of corruption, pre-memory of the Gayus Tambunan case until the creation of "Kampung Korupsi" with a picture of Gayus Tambunan as ogoh-ogoh in order to welcome nyepi in Bali. It is intended that Gayus Tambunan, whose corruption behavior is not good, needs to be dissolved, destroyed or eliminated from the face of the earth¹⁰. For this reason, it is necessary to strengthen the political and legal system to take action against perpetrators of corruption, not just raising employee salaries, and of course it

⁹ *Ibid.*41.

¹⁰ Monang Siahaan, *KPK's Journey Full of Thorns*, Jakarta, Gramedia, 2014, p. 1. 1.

also needs goodwill from policy makers to really have the courage to eradicate corruption, not just a slogan and not just a political campaign tool, because strengthening the political and legal sectors will also have a positive impact on the economic climate in various sectors.

Interpreting Democracy

The 1998 reformation was a pivotal moment for Indonesia, which has since proclaimed itself as a democratic country whose main goal is to strengthen various sectors by eliminating corruption, collusion and nepotism (KKN). The word democracy itself was first coined by the Greek historian **Herodotus** in the 5th century BC, meaning the rule of the people (*demos*: people; *kratein*: rule). The system was early criticized by other Greek thinkers such as **Plato**, **Aristotle**, and even **Thucydides**, as they considered ordinary citizens incompetent to govern, unable to see beyond short-term self-interest. This was especially the opinion of **Plato**, a Greek elitist philosopher. However, the ancient Greeks generally believed that democracy was the best political order to create political stability¹¹. In fact, **Winston Churchill** said: "*Democracy is the worst possible form of government.....*" Democracy is the worst possible form of government.....¹²

The definition of democracy can be seen from the review of language (*epistemological*) and terms (*terminological*). *Epistemologically* "democracy" consists of two words derived from the Greek, namely "*demos*" which means people or inhabitants of a place and "*cratein*" or "*cratos*" which means power or sovereignty. So in language *demos-cratein* or *demos-cratos* is a state of the State where in the system of government sovereignty is in the hands of the people, the supreme power is in the collective decision of the people, the people rule, the government of the people and by the people¹³.

Democracy as a system has been used as an alternative in various arrangements of social and state activities in several countries. As recognized by **Moh. Mahfud MD**, there are two reasons for choosing democracy as a system of society and state. First, almost all countries in the world have made democracy a fundamental principle; Second, democracy as a principle of statehood has essentially provided direction for the role of society to organize the State as its highest organization. Therefore, it is necessary for citizens to have correct knowledge and understanding of democracy¹⁴.

As a concept, democracy has a broad meaning and contains many complex elements. Democracy is a political method, a mechanism for electing political leaders. Citizens are given the opportunity to choose between political leaders competing for votes¹⁵. The ability to choose between political leaders at election time is what democracy is all about. So in other words, it can be revealed that democracy is a method

¹¹ Waltzer, Herbert, *Political Democracy*, in Reo M Christenson, et.al, *Ideologies and Modern Politics*, Dodd, Mead & Company, 1975, pp. 1992-1993.

¹² Haris El Mahdi and Ratih Nur Pratiwi, *Implementation of Democracy and Corruption Problems in Indonesia*, Malang, Interactive Journal Vol. 11, June 2019, Page. 1

¹³ Dwi Sulisworo, et al, *Teaching Materials: DEMOCRACY*, Yogyakarta, Ahmad Dahlan University, 2012, pp. 2.

¹⁴ *Ibid.*

¹⁵ David, Lechman, *Democracy and Development in Latin America*, Cambridge, Polity Press, 1989.

of institutional arrangement to arrive at political decisions, where individuals gain the power to make decisions through competitive struggle for votes.¹⁶

In a democracy, the voting of citizens to elect representatives is structured by a political system. The party system in a democratic government is basically a two-party system or a multi-party system and it is clear that there is no effective democracy without political party competition¹⁷. The democratic process becomes more varied even though the political selection system becomes more complicated and tortuous because political recruitment and selection procedures often not only reduce the sovereignty of the people but politicians often act on behalf of the people for the benefit of a group of elites, so that democracy is not a government by the people, but a government on behalf of the people¹⁸. Although in many references that democracy is a government of the people, by the people and for the people, but its implementation is not possible for very many people to rule in a government, it requires representatives and also leaders elected by the people.

In modern democracies, the system used is representative democracy (*parliamentarism*), because it is not possible to implement direct democracy, to determine political representatives. Elections are part of democracy, in which political recruitment and selection occurs, resulting in a complicated and tortuous process. The hope of determining people's representatives who are truly able to aspire to the community, but the long process in this election is often used as a place for buying and selling, bribery, and actually opens wider opportunities for corrupt behavior, especially among the political elite.

For this reason, the focus of the election of people's representatives should be on their ability to lead and their experience in politics. To occupy strategic positions as a result of political party support, it is necessary to conduct a good selection, which is emphasized on the ability to lead the Indonesian nation, as well as reliable political experience to lead the State as president or vice president. Thus, occupying these positions is not because of money, but is emphasized on the ability in all matters to lead the State¹⁹.

Efforts to Eradicate Corruption Through Democracy

This paper agrees with the opinion of **Gunner Myrdal**²⁰, which states that the way to eradicate corruption in developing countries is²¹:

¹⁶ Heru Nugroho, *Democracy and Democratization: A Conceptual Framework for Understanding Socio-Political Dynamics in Indonesia*, Journal of Sociological Thought Vol. 1 No. 1, 2012, p. 2. 2.

¹⁷ Carlton Clymer Rodee et al, *Introduction to Political Science*, Jakarta, PT Raja Grafindo Persada, 2008, p. 219. 219.

¹⁸ Wijayanto et al, *Op.Cit*, Page. 499.

¹⁹ Monang Siahaan, *Corruption is a Deadly Social Disease*, Jakarta, PT Gramedia, 2014, p. 301. 301.

²⁰ Gunnar Myrdal, was a Swedish economist and politician. Gunnar was a Social Democratic MP and served as Sweden's Minister of Trade between 1945-1947. Gunnar was professor of popular economics at the Stockholm School of Economics between 1933-1947, professor of international economics at Stockholm University between 1960-1967.

²¹ Andi Hamzah, *Corruption Eradication Through National and International Criminal Law*, Jakarta, PT RajaGrafindo, 2012, p. 227. 227.

1. Raise the salaries of low (and middle) level employees;
2. Raise employee morale high;
3. Legalization of illegal levies into official or legal revenue.

To prevent massive corruption, employees in positions prone to corruption, such as public service revenue, law enforcement and policy makers, should have their wealth registered before taking up their positions so that they can be easily checked for increases in their wealth compared to their official income.

According to the author, the opinion of **Prof. Dr. Jur. Andi Hamzah** in his book *Corruption Eradication Through National and International Criminal Law* states that it is true, that "reversal of the burden of proof is limited to the civil field", as is the case with *Thailand's Counter Corruption Act*, can be applied in Indonesia. This means that Public Servants or Officials who cannot prove the origin of their wealth that is not balanced with their official income can be sued directly in civil by the Public Prosecutor based on Unlawful Acts (*onrechtmatige daad*) Article 1365 BW to the High Court to be declared confiscated to the State. Thus, there must be a system of registering the wealth of officials before and after taking office so that the increase in wealth can be calculated.²² . This is in accordance with Article 20 of the Convention on corruption (*illicit enrichment*).

There is a pameo that states, that *mercy to the criminal, cruelty to the people*, or forgiving the bad, *injuring the good*. Similarly, unequal punishment in the fight against corruption will hurt the people²³ . However, it should be realized that prosecution in corruption crimes only serves as a last resort. It is clear that corruption will not be eradicated only by imposing severe punishment without a more effective prevention. Even the death penalty has not eradicated corruption, for example the application of the death penalty for corruption offenders in the PRC. One thing that is often overlooked is the lack of attention to increasing people's legal awareness.

It is always law enforcers who are often threatened with harsh measures, but if the community itself has tolerated corruption and every time it needs services it always provides an envelope and every time it faces a case it immediately looks for investigators, prosecutors and judges who handle it to be bribed, then the vicious circle of corruption will not be eradicated. I would like to emphasize here that from a sociological optic, these negative things are done together by the wider community and cannot only be done by the perpetrators within the legal institutions themselves²⁴ .

South African countries have formulated a pyramid-shaped corruption eradication strategy, at the top of which is prevention (enlightenment), while on both sides are *public education*, which is parallel to *punishment*. Personally, the author agrees with this strategy, namely that in eradicating corruption, the cause must first be sought, then the cause is eliminated by means of prevention, followed by education (increasing legal

²² *Ibid*, Page 228.

²³ Ronny Rahman Nitibaskara, *Enforce the Law Using Punishment*, Jakarta, Kompas, 2006, p. 23. 23.

²⁴ Satjipto Rahardjo, *The Other Side of Law in Indonesia*, Jakarta, Kompas, 2006, p. 242. 242.

awareness) of the community accompanied by repressive measures in the form of punishment for perpetrators/corruptors.

How important it is to increase legal awareness for the community, one of the important principles related to this is the awareness and confidence of community members to uphold rights, such as the right to information. A society that is apathetic to its rights provides a great opportunity for corruption. To this end, there is a need for constant campaigns to raise awareness among citizens, especially awareness of the costs of corruption. The mass media is a powerful tool for exposing corruption cases, as well as stimulating the growth of awareness among citizens.

There are many ways for citizens to voice their opinions, including for the government to voice its interests. To improve the new way of holding government accountable, it must be done through a citizens' agreement. This can be used as part of an overall strategy to improve public services, or as a tool to address local issues in a particular sector. It should contain, among other things, a grievance procedure, promote freedom of information, and set out in detail the government's obligations to the public. These citizen's agreements do not have the force of law, but are merely a tool to increase public participation in setting service standards and press for the dissemination of information about services.

When people realize that their rights are being violated, and the community agreement mechanism is not working, they need other help. One way to get this help is to set up a Citizen Advisory Office. This is an organization where citizens can get advice on a one-to-one basis from a trained staff of volunteers, usually young lawyers. In some countries these offices are funded by governments or donor agencies. An important principle is that the advisory office must maintain its independence.

Citizens can also channel their information about corruption cases through a special telephone line. This has been developed in Ukraine. Based on some experience, citizens trust special phone lines run by NGOs more than the government.

An important thing that advisory institutions should be aware of when receiving complaints is to carefully record who is providing the information. It should also be noted that the dedicated phone line should be capable of handling complaints, and that there should be a campaign about the phone line and its managers. Trust in the dedicated phone line service should be respected. There are clear guidelines on when anonymous information is acceptable, and when it is not. Experienced officers should be able to explain to callers their rights and recommend ways to resolve the problem.²⁵

The internet can also be used by citizens to voice their opinions. Some NGOs have developed ways to capture and raise people's voices, so that they are willing to exercise their rights. Whistleblowers are usually a problem in both the private and public sectors. Employees are usually reluctant to report their superiors who commit misconduct that could harm the public interest. Almost all government inspections have found that employees knew about the danger, but were too afraid to tell their superiors

²⁵ Jeremy Pope, *Strategies to Fight Corruption*, Jakarta, Transparency International Indonesia, 2008, pp. 55.

or others. Workers who discover danger early are faced with four options: keeping quiet, reporting concerns through internal procedures, reporting to an outside agency, or exposing it to the media.

The *Public Disclosure Act* in the UK aims to promote accountability and good governance. Employees are assured that they will be safe and acceptable if they speak their minds about actual misconduct. The Act also specifies under what circumstances employees can disclose internal organizational matters to certain bodies designated by the government under the Act and be protected²⁶.

Usually, people who complain about something want their complaints to be heard, understood and respected, to receive an explanation, an apology, and to have their case resolved as quickly as possible. In these circumstances, government agencies should organize regular campaigns to inform citizens of their rights, so that they can easily obtain legal *advice/understanding*, and the government should equip its agencies with grievance channels, so that these channels can be used effectively and to achieve maximum results.

CONCLUSIONS

1. In understanding corruption in general, it can be described as behavior that abuses public office, or sources of power for personal and/or group interests, related to the typology of acts of corruption, there are 3 major classifications, namely first, *Grand Corruption*, where a number of officials commit theft or misuse of public resources. Second, *State or Regulatory Capture*, which is collusion by a number of public institutions with the private sector to commit fraud for personal gain, and third, *Beauraucratic or Petty Corruption*, which is a corrupt act by low-level public officials at the executive stage in abusing their positions to get small bribes or polish money. Interpreting democracy in general, means understanding the sovereignty of the people in running the wheels of government, where democracy is known as a government of the people, by the people and for the people, through the implementation stage in the form of the implementation of General Elections, where the people elect their representatives to sit as a representative council that is expected to be able to voice the will of the people.
2. The efforts that may be taken to eradicate corruption through democracy are through increasing legal awareness for the community by building awareness and confidence in citizens to uphold rights, such as the right to information, so that people are no longer apathetic about their rights which can open up great opportunities for corruption.

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