






Journal of Sumatera Sociological Indicators  
Journal homepage: <https://talenta.usu.ac.id/jssi>



## Corruption Traps in State Apparatus

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### ARTICLE INFO

#### Article history:

Received 13 Mei 2023

Revised 25 Mei 2023

Accepted 25 Mei 2023

Available online 31 Mei 2023

E-ISSN: 2830-5388

P-ISSN:

#### How to cite:

Sjafei, M., S., R. Siahaan, B., & Simanihuruk, M. (2023). Corruption Traps in State Apparatus. *Journal of Sumatera Sociological Indicators*, 2(1),

### ABSTRACT

*Corruption is a classic problem that exists in various countries in the world, including Indonesia. Acts of corruption in Indonesia are often carried out by state officials. This is evidenced by MaTA's analysis that in as many as 157 out of 293 corruption cases in the Banda Aceh region, state officials were involved. Corruption is carried out to enrich oneself even though there is no justification for such criminal acts. This research was conducted using a descriptive qualitative approach. Data collection was done through observation, interviews, literature study, and analysis. In this paper, it can be concluded that corruption is an act of abuse of power by officials for the purpose of enriching themselves. Corruption in Indonesia is mostly committed by state officials/corruption in any form such as extortion, fraud, trade, embezzlement, and so on, all of which are actions that cannot be tolerated. Fraud and corruption are not only undesirable, illegal, or abusive. All of these are violations of moral values that have earned fraud and corrupt practices the nicknames: "immoral" or "unethical". Corruption in Indonesia is mostly committed by state officials/corruption in any form such as extortion, fraud, trade, embezzlement, and so on, all of which are actions that cannot be tolerated. Fraud and corruption are not only undesirable, illegal, or abusive. All of these are violations of moral values that have earned fraud and corrupt practices the nicknames: "immoral" or "unethical".*

*Keywords: corruption and state officials.*

### ABSTRAK

Korupsi adalah masalah klasik yang terjadi di berbagai negara di dunia, termasuk Indonesia. Tindakan korupsi di Indonesia sering dilakukan oleh aparat negara. Hal ini dibuktikan dari analisis MaTA bahwa sebanyak 157 dari 293 kasus korupsi yang terjadi, aparat negara terlibat dalam kasus-kasus tersebut di wilayah Banda Aceh. Korupsi dilakukan untuk memperkaya diri sendiri meskipun tidak ada alasan apa pun yang dapat membenarkan tindakan pidana korupsi. Penelitian ini dilakukan dengan menggunakan metode penelitian yang menggunakan pendekatan deskriptif kualitatif. Pengumpulan data dilakukan dengan observasi, wawancara, studi literatur dan analisis. Dalam tulisan ini dapat disimpulkan bahwa korupsi adalah tindakan penyalahgunaan kekuasaan oleh pejabat untuk tujuan memperkaya diri sendiri. Korupsi di Indonesia sebagian besar dilakukan oleh aparat negara/korupsi dalam bentuk apa pun seperti pemerasan, penipuan, perdagangan, penyelewengan dan sebagainya, semuanya merupakan tindakan yang tidak dapat ditoleransi. Penipuan dan korupsi tidak hanya tidak diinginkan, ilegal atau kasar. Semua ini merupakan pelanggaran terhadap nilai-nilai moral yang telah membuat tindakan penipuan dan korupsi diberi julukan: "tidak moral" atau "tidak etis". Korupsi di Indonesia sebagian besar dilakukan oleh aparat negara/korupsi dalam bentuk apa pun seperti pemerasan, penipuan, perdagangan, penyelewengan dan sebagainya, semuanya merupakan tindakan yang tidak dapat ditoleransi. Penipuan dan korupsi tidak hanya tidak diinginkan, ilegal atau kasar. Semua ini merupakan pelanggaran terhadap nilai-nilai moral yang telah membuat tindakan penipuan dan korupsi diberi julukan: "tidak moral" atau "tidak etis".

Kata kunci: korupsi dan aparat negara



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<http://doi.org/10.32734/jssi.v2i1.11979>

## 1. Introduction

It was discussed by civil society organizations in one province, for example, through judicial monitoring by the Aceh Transparency Society (Masyarakat Transparency of Aceh or MaTA) which showed that state apparatuses were often trapped in corruption cases, among others, in recent years. The results of MaTA's analysis of court decisions as many as 157 of the 293 defendants of state apparatus were involved in corruption cases at the trial at the Banda Aceh Corruption Court from 2013-2017. In 2017 there were 39 apparatuses who had obtained a permanent decision from the court, and that illustrates that the large number of apparatus involved in corruption, for 4 years an average of 39 people, and shows that there are serious problems in governance in Aceh. The government's commitment to bureaucratic reform and prevention of corruption, which has been alleged by the government, does not seem to meet these expectations if one looks at the trend in the range of decisions in 2013-2017. To what extent does the formal-judicial corruption case describe the sociological imagination of the Acehnese people and their cultural intricacies as part of the Indonesian nation, which is shaping its political and economic identity, both privately and publicly. Corruption occurs because of the greed of state apparatus so that they take other people's rights with heart. Corruption is carried out to enrich themselves even though there is no reason whatsoever to justify criminal acts of corruption. Corruption also occurs due to the lack of firmness of law enforcers in carrying out their duties. We can see that corruption is still being committed by the corruption eradication agency itself, namely the KPK. Corruption is a problem that is difficult to minimize, let alone eliminate, because various things are used as loopholes in committing the crime of corruption. the civil servants of the state, as bureaucratized workers who are mandated by law to carry out state duties, actually become the perpetrators of this corruption so that corruption is difficult to eradicate.

## 2. Method

This research was conducted using a qualitative descriptive approach. The descriptive method is used to describe and analyze research findings in a factual, systematic, and accurate manner. Qualitative research emphasizes the understanding of social problems based on holistic, complex, and detailed reality or natural settings. Data collection techniques were done through observation and interviews as primary data sources, and analysis and literature study as secondary data sources. Literature study was conducted by collecting data from journals, books, or other writings that support the data in this paper.

## 3. Result and Discussion

### Corruption

Etymologically, corruption comes from the Latin word *corruption* or *corruptus*, which means corrupting, dishonest, and can be bribed. In general, corruption is the result of a lack of transparency and accountability, both prerequisites for good governance. Corruption is also defined as *al-suht*, which means mediating by receiving compensation for the interests of a person and the authorities (Umar, 2011). Corruption is a classic problem that has always been a challenge in almost all countries in the world. Corruption becomes an act that deviates from the purpose of social life. According to Transparency International, Corruption is the abuse of authority given for personal gain. The corruption depends on the amount of money lost and the field they are in. Corruption can be categorized into three, namely petty corruption, major corruption, and political corruption.

1. Petty corruption is small-scale corruption by public officials who interact with the community. Forms of corruption such as gratification, illegal collection, bribery and so on. Petty corruption usually occurs in public service processes that are supposed to be cheap or even free, but to make matters easier, small corruption loopholes occur.
2. Grand corruption is corruption with a fantastic value of state losses, billions to trillions of rupiah. Biggest corruption benefits a few people and sacrifices society at large. Grand corruption sometimes arises due to collusion between businessmen and decision makers or policy makers to carry out state capture. State capture is the systemic corruption that occurs when private interests influence policy making for their own benefit
3. Political corruption is a type of corruption that occurs when political decision makers abuse their authority by manipulating policies, procedures or rules for the benefit of themselves or their group. Political corruption is carried out because of the interests of individuals who want to be defended. involving people at high levels of state administration who flirt with businessmen in state capture

efforts. Even though these officials were supposed to represent the people to create welfare for them, this was not implemented

While the act of corruption itself has levels as stated by Zyglidopoulos (2015), based on a possible interpretation of "abuse of power," he said there are levels of corruption, namely first-level corruption and second-level corruption. Both levels of corruption can be defined. The first level of corruption is the abuse of power by individuals or groups for personal gain given a set of existing rules or norms, while the second level of corruption is the abuse of power by individuals or groups where they change existing rules or norms to gain unfair advantage.

Indonesia has legal bases for eradicating criminal acts of corruption which serve as guidelines and basis for prevention and prosecution. One of them became the basis for the formation of the Corruption Eradication Commission or KPK to become the overseer of eradicating corruption in the country. The rules regarding the prohibition of criminal acts of corruption are clearly stated in Law No. 28 of 1999 concerning the Administration of a Clean and KKN-free State. It explains the definitions of corruption, collusion and nepotism, all of which are disgraceful acts for state administrators.

The following are the legal bases for eradicating corruption in Indonesia.

#### 1. Law no. 3 of 1971 concerning the Eradication of Corruption Crimes

This law was issued during the New Order era under the leadership of President Suharto. UU no. 3 of 1971 stipulates a maximum life imprisonment and a maximum fine of IDR 30 million for all offenses categorized as corruption. UU no. 3 of 1971 was declared no longer valid after being replaced by Law Number 31 of 1999 concerning the Eradication of Corruption

#### 2. MPR Decree No. XI/MPR/1998 concerning Clean and KKN-free State Administrators

After the New Order regime collapsed and was replaced by the Reformation period, MPR Decree No. XI/MPR/1998 appeared concerning Clean and KKN-free State Administrators. In line with the TAP MPR, President Abdurrahman Wahid's government formed state agencies to support efforts to eradicate corruption, including: the Joint Team for Combating Corruption Crimes, the National Ombudsman Commission, the Commission for Examining the Wealth of State Officials and several others. The TAP MPR emphasizes the demands of the people's conscience so that development reforms can be successful, one of which is by carrying out the functions and duties of administering the state properly and responsibly, without corruption. The TAP MPR also ordered an examination of the assets of state administrators, to create public trust.

#### 3. Law No. 28 of 1999 concerning the Administration of a Clean and KKN-free State

This law was formed in the era of President BJ Habibie in 1999 as a commitment to eradicate corruption after the overthrow of the New Order regime. In Law No. 28 of 1999 concerning the Administration of a Clean and KKN-free State, the definitions of corruption, collusion and nepotism are explained, all of which are disgraceful acts for state administrators. The law also stipulates the establishment of an Examining Commission, an independent institution tasked with examining the wealth of state administrators and former state administrators to prevent corrupt practices. At the same time, the Commission for the Supervision of Business Competition (KPPU) and the Ombudsman were formed.

#### 4. Law Number 20 of 2001 in conjunction with Law no. 31/1999 concerning the Eradication of Corruption Crimes

The law above has become the legal basis for eradicating corruption in the country. This law explains that corruption is an unlawful act with the intention of enriching oneself, others, or causing harm to the country or the country's economy. The definition of corruption is explained in 13 articles in this law. Based on these articles, corruption is mapped into 30 forms, which are further grouped into 7 types, namely embezzlement in office, extortion, gratuities, bribery, conflicts of interest in procurement, fraudulent acts, and losses to state finances.

#### 5. Government Regulation No. 71 of 2000 concerning Procedures for Implementing Community Participation and Giving Awards in the Prevention and Eradication of Criminal Acts of Corruption

Through this regulation, the government wants to invite the public to help eradicate corruption. Public participation regulated in this regulation is to seek, obtain, provide data or information about criminal acts of corruption. The public is also encouraged to submit suggestions and opinions to prevent and eradicate corruption. These community rights are protected and followed up in case investigations by law enforcement. For their participation, the community will also receive an award from the government which is also regulated in this PP.

#### 6. Law No. 30 of 2002 concerning the Corruption Eradication Commission

Law No. 30 of 2002 concerning the Corruption Eradication Commission became the trigger for the birth of the KPK during the Presidency of Megawati Soekarno Putri. At that time, the Attorney General's Office and the Police were considered ineffective in eradicating corruption, so it was deemed necessary to have a special institution to do so. In accordance with the mandate of the Law, the KPK was formed with the aim of increasing the usability and effectiveness of efforts to eradicate corruption. The KPK in carrying out its duties and authorities is independent and free from the influence of any power. This law was then perfected with the revision of the KPK Law in 2019 with the issuance of Law No. 19 of 2019. The 2019 Law regulates the matter of increasing synergy between the KPK, the police and the prosecutor's office in handling corruption cases.

#### 7. Law No. 15 of 2002 concerning the Crime of Money Laundering

Money laundering is one of the ways corruptors hide or eliminate evidence of corruption. This law regulates the handling of cases and reporting of money laundering and suspicious financial transactions as a form of efforts to eradicate corruption. This law also introduced the Center for Financial Transaction Reports and Analysis (PPATK) for the first time, which coordinates the implementation of efforts to prevent and eradicate money laundering in Indonesia.

#### 8. Presidential Regulation Number 54 of 2018 concerning the National Strategy for Prevention of Corruption (Stranas PK)

This presidential regulation is a replacement for Presidential Decree No. 55 of 2012 concerning the National Strategy for the Prevention and Eradication of Corruption for the Long Term 2012-2025 and the Medium Term for 2012-2014 which were considered to be no longer appropriate with developments in the need for corruption prevention. The Stranas PK listed in this Perpres is a national policy direction that contains the focus and targets for preventing corruption which is used as a reference for ministries, agencies, local governments and other stakeholders in carrying out actions to prevent corruption in Indonesia. Meanwhile, the Corruption Prevention Action (Action PK) is the elaboration of the focus and objectives of the National Strategy for PK in the form of programs and activities.

#### 9. Presidential Regulation No.102/2020 concerning Supervision of the Eradication of Corruption Crimes.

Published by President Joko Widodo, this Perpres regulates the KPK's supervision of agencies authorized to eradicate corruption, namely the Indonesian National Police and the Republic of Indonesia's Attorney General's Office. This presidential regulation also stipulates the KPK's authority to take over corruption cases that are being handled by the National Police and the Attorney General's Office. This Presidential Decree is said to be part of efforts to strengthen the KPK's performance in eradicating corruption.

#### 10. Permenristekdikti Number 33 of 2019 concerning Obligations to Implement Anti-Corruption Education (PAK) in Higher Education

Eradicating corruption is not just prosecution, but also education and prevention. Therefore the Minister of Research, Technology and Higher Education issued regulations to organize anti-corruption education (PAK) in tertiary institutions. Through Permenristekdikti Number 33 of 2019 concerning Obligations to Implement Anti-Corruption Education (PAK) in Higher Education, public and private tertiary institutions must organize anti-corruption education courses at every level, both diploma and undergraduate. Apart from being in the

form of courses, PAK can also be realized in the form of student activities or studies, such as co-curricular, extracurricular, or in student units. As for Study Activities, it can be in the form of Study Centers and Study Centers.

### State Civil Apparatus

The State Civil Apparatus (ASN) is a government employee with a work agreement who is appointed by a government official or entrusted with other state duties and is paid based on statutory regulations. AW Widjaja is of the opinion that employees are physical and spiritual (mental and mind) human workers who are always needed and therefore become one of the main assets in cooperative efforts to achieve certain goals (organization).

The positions in ASN are:

1. Administrative Position, namely a group of positions that contain functions and duties related to public services as well as government administration and development. Administrative positions consist of administrator positions, supervisory positions, and executive positions.—Officials in the administrator position as referred to in Article 14 letter a are responsible for leading the implementation of all public service activities as well as government administration and development.—Officials in the supervisory position are officials who are responsible for controlling the implementation of activities carried out by implementing officials.—Officials in the executive position are officials who are responsible for carrying out public service activities as well as government administration and development.
2. Functional Position, namely a group of positions that contain functions and tasks related to functional services and based on certain expertise and skills. Functional Positions in ASN. Functional position is a position that shows the duties, responsibilities, authorities and rights of a Civil Servant in an organizational unit which in carrying out their duties is based on certain expertise and/or skills and is independent.
3. High Leadership Positions, namely a group of high positions in government agencies. High leadership positions consist of: 1) Main high leadership positions include heads of non-ministerial government institutions. 2) Middle high leadership positions include ministerial secretary general, ministry secretary, main secretary, secretary general of the secretariat of state institutions, secretary general of 23 non-structural institutions, director general, deputy, inspector general, main inspector, head of agency, ministerial expert staff, head of the presidential secretariat, Head of the Secretariat of the Vice President, Military Secretary of the President, Head of the Secretariat of the Presidential Advisory Council, provincial regional secretaries, and other equivalent positions. 3) Pratama high leadership positions include director, bureau head, assistant deputy, secretary of the directorate general, The High Leadership Position functions to lead and motivate every ASN Employee in Government Agencies through: a) Pioneering in the fields of: 1) professional expertise 2) analysis and policy recommendations, and 3) management leadership. b) Development of cooperation with other agencies c) Exemplary in practicing ASN's basic values and implementing ASN's code of ethics and code of conduct.

### 4. Conclusion

The Organization of Developing Economic Countries (OECD, 2002) has suggested a definition of 'corruption' as "the active or passive abuse of the power of a Public official (appointed or elected) for personal financial or other gain". This can be understood as an attempt to include everything from the payment of bribes to civil servants and the theft of public wealth, to the various dubious economic and political practices in which business people, politicians and bureaucrats enrich themselves. Basically, corruption appears in many guises. Bribery, extortion, fraud, trafficking, embezzlement, but also nepotism and cronyism (giving privileges to old friends) are all different manifestations of it. However, some of these practices may not always be intended to benefit the individual directly. For example, a person bribes someone on behalf of his employer in order for the company to receive favorable treatment. If we take the OECD definition literally that would not be seen as an act of corruption. But, on the other hand, who would do such a thing without seeking some sort of personal gain as a side effect? Literally (from Latin) corruption is related to the misinterpretation or distortion of the text. This brings the meaning of the term closer to the modern usage of the term 'fraud' as described in the Oxford English Dictionary (2008): "criminal fraud; the use of false representations to obtain an unjust advantage or to injure the rights or interests of another. Another definition is that the moral dimension is clear for the term corruption. Explicit and implicit references are often made to the needs of moral values such as:

truth, justice, rights and interests of others. These are all core values that are in various discussions of both corruption and fraud. The most important point is to show that fraud and corruption are not only unwanted, illegal or abusive. All of these are violations of moral values that have earned the practice of fraud and corruption the nickname: “immoral” or “unethical”. The International Standards on Auditing issued by the International Standards Body on Auditing and Assurance (IAASB, 2008) defines fraud in a way that specifically names management and those charged with governance as possible perpetrators, placing fraud in an organizational context as: intentional by one or more individuals among managers or public servants, parties responsible for governance, employees, or third parties, involving the use of fraud to obtain unfair or illegal advantages”.

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