

PREVENTIVE EFFORTS FOR CORRUPTION CRIMINAL MEASURES THROUGH THE ROLE OF HIGH EDUCATION

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Abstract

The purpose this study is to identify preventive measures for corruption through the role of higher education. This legal research used non-doctrinal. This type of study is a scientific study with the intention of only wanting to learn not to teach a doctrine, so the method is referred to as a non-doctrinal method. The result indicated that the problem of limiting corruption can not only be done by law enforcement officials, it is expected that the world of education can play a role in preventing corruption early on. Education as a forum to form the next generation of the nation becomes an effective forum for preventing corruption. Eradicating corruption is not enough to punish and give lectures or anti-corruption seminars. In order to avoid growing corruption in Indonesia, it is necessary to look for it from the root of the problem. Providing adequate anti-corruption education will provide protection to prospective future generations of the nation from the rampant acts of corruption. The subject of this study is to identify preventive measures for corruption through the role of higher education. To against the corruption is the responsibility of all components of the state and if only one of the parts is weak, it could be an obstacle to the effort to fight corruption. One of the preventive efforts of corruption starts from the important role in higher education as the land of integrity that will create individual characters. Evaluation Results from the policy of against corruption in higher education is effective because all indicators of effectiveness are in the policy.

Keywords: corruption, high education, preventive effort.

INTRODUCTION

Corruption in Indonesia has been very worrying and has a tremendous adverse impact on almost all aspects of life. Corruption has destroyed the economic system, the democratic system, the political system, the legal system, the government system, and the social order in this country. On the other hand, efforts to eradicate corruption that have

been carried out so far have not shown optimal results.¹

Indonesia in 2019 ranked 85 out of 180 countries together with one rank with Burkina Faso, Guyana, Kuwait, Lesotho, Trinidad and Tobago, while the 6 cleanest countries of corruption in the world are² (1) Denmark, (2) New Zealand, (3) Finland, (4)

¹ Nanang T Puspita,, 2011, *Pendidikan Anti Korupsi Pendidikan Anti Korupsi untuk Perguruan Tinggi/Anti Korupsi*, Jakarta: Kemendikbud, p. v

² International Transparency, 2019, *"Corruption Perception Indeks"*, Berlin, Germany. <https://www.transparency.org/cpi2019> access on 2 March 2019.

Singapore (5) Sweden (6) Switzerland
Indonesia is still not ranked well in eradicating corruption compared to other countries in the world.

Empirical facts from the results of research in many countries show that corruption has a negative effect on a sense of social justice and social equality. Corruption causes sharp differences between social groups and individuals in terms of income, prestige, power and others. There are several dangers as a result of corruption, namely the dangers to: society and individuals, young people, politics, national economy and bureaucracy. As mentioned in the World Bank report, which says that corruption weakens the ability of the country. Corruption is endemic in all activities in Indonesia.³

Corruption forces the majority of the poor and the majority to pay high taxes, create high macro-economic risks, endanger financial stability, endanger public safety and law and order, and above all, it undermines the country's legitimacy and credibility in the eyes of the people. Corruption, is a significant threat to a successful political and economic transition for Indonesia. By destroying the formal rules and key organizations assigned to protect them, and by destroying people's

³ Wicipto Setiadi, 2018, "Korupsi di Indonesia (Penyebab, Bahaya, Hambatan dan Upaya Pemberantasan, Serta Regulasi)". *Jurnal Legislasi*, Vol. 15, No. 3, p. 39.

trust in these institutions, which can result in the destruction of democracy.⁴

There are obstacles in eradicating corruption, among others in the form of obstacles: structural, cultural, instrumental, and management. Therefore, steps need to be taken to overcome them, including: designing and reorganizing public services, strengthening transparency, supervision and sanctions, increasing the empowerment of supporting tools in preventing corruption⁵.

Efforts in that direction continue to be carried out, among others by renewing the law of corruption, such as:

1. the enactment of Law Number 31 of 1999 concerning Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 In 1999 concerning Eradication of Criminal Acts of Corruption (furthermore UUTPK).
2. Law Number 30 of 2002 Concerning Corruption Eradication Commission (KPK) as amended by Act Number 19 of 2019 concerning the second Amendment to Law Law Number 30 Year 2002 concerning the Corruption Eradication Commission. In

⁴ World Bank, 2003. "Combating Corruption in Indonesia Enhancing Accountability for Development, East Asia Poverty Reduction and Economic Management Unit", siteresources.worldbank.org/INTINDONESIA/Resources/Publication Access on 1 March 2020.

⁵ Wicipto Setiadi, 2018, *Loc Cit.*

addition to substantive efforts in the form of preparing legal instruments for corruption, in general the efforts to tackle TPK in Indonesia actually still rely on penal policies which focus more on the repressive nature (repression/eradication/suppression).⁶

Corruption eradication efforts - which consist of two major parts, namely enforcement and prevention - will never succeed optimally if only carried out by the government alone without involving community participation. Therefore it is not excessive if students - as one of the important parts of society who are the heirs of the future - are expected to be actively involved in efforts to eradicate corruption in Indonesia.

The involvement of students in efforts to eradicate corruption is certainly not on enforcement efforts which are the authority of law enforcement institutions. The active role of students is expected to be more focused on efforts to prevent corruption by building a culture of anti-corruption in the community. Students are expected to act as agents of change and the driving force of the anti-corruption movement in the community. To be able to play an active role, students need to be equipped with sufficient knowledge

⁶ Barda Nawawi Arief, 2010, *Bunga Rampai Kebijakan Hukum Pidana, Perkembangan Penyusunan Konsep KUHP Baru*, Jakarta: Kencana Prenada Media Group, p. 42

about the ins and outs of corruption and its eradication. No less important, to be able to play an active role students must be able to understand and apply anti-corruption values in everyday life. The subject of this study is to identify preventive measures for corruption through the role of higher education.

RESEARCH METHODOLOGY

This legal research used non-doctrinal. This type of study is a scientific study with the intention of only wanting to learn not to teach a doctrine, so the method is referred to as a non-doctrinal method.⁷ This research used the primary data and secondary data. The primary data used is the result of an interview with the Prosecutor in charge of the Asset Recovery Center in Settling Confiscated Objects and Seized Goods resulting from Corruption Crimes. Secondary data used are, documents, writings, scientific books and supporting literature.⁸

While the secondary data in this study was obtained from:

1. Primary Legal Materials, namely binding and consisting of legal materials, The 1945 Constitution of the Republic of Indonesia;

⁷ Soerjono Soekanto, *Beberapa Permasalahan Hukum Dalam Kerangka Pembangunan Di Indonesia*, Jakarta: UI-Press, P. 45.

⁸ Soerjono Soekanto, 2012, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Jakarta: PT. Raja Grafindo Persada, P. 34.

2. Secondary legal material, which provides an explanation of the primary legal material, such as the draft law, research results, the work of the legal community and so on.
3. Tertiary Legal Materials, namely materials that provide instructions and explanations for primary and secondary legal materials; Examples are dictionaries, encyclopedias, cumulative indexes and so on.

While techniques Data analysis used in this study are interactive model data analysis techniques⁹ by organizing data, sorting it into manageable units, synthesizing it, searching and finding patterns, finding what's important and what's learned, and decide what can be told to others.¹⁰

DISCUSSION

Theory of Corruption.

Internationally, corruption is recognized as a very complex problem, systemic, and widespread. Center for Crime Prevention (CICP) as incorrect a UN organ broadly defines corruption as: "Missus of (public) power for private gain". Corruption has a broad dimension of conduct includes bribery, embezzlement, fraud (fraud), extortion related to position (exortion), abuse

power (abuse of power), the utilization of one's position in the activity business for personal interests that are illegal (exploiting a conflict) interest, insider trading), nepotism, illegal commissions received by officials public (illegal commission) and illegal contribution of money to the party political. As a global problem, corruption is a transnational crime (trans national border crime), and given the complexity and negative effects, then corruption is categorized as an extraordinary crime (extra ordinary crime) requires efforts to eradicate in external ways ordinary (extra ordinary measure)¹¹

The law has stated explicitly that the act of corruption is an extraordinary crime. Some basic theories that explain corruption are as follows:¹²

1. Klitgaard Theory.

According to Robert Klitgaard's theory, the monopoly of power by the leadership (monopoly of power) coupled with the amount of power held (discretion of official) and without adequate supervision (minus acountability), then it becomes a driver of corruption. Changing the government system from centralized

⁹ HB. Sutopo, 2006, *Metodologi Penelitian Kualitatif*, Surakarta: UNS Press, p. 84.

¹⁰ Lexy J. Moleong. 2013. *Metode Penelitian Kualitatif*, revision edition. Bandung: PT. Remaja Rosdakarya. p. 55.

¹¹ Nyoman Serikat Putra Jaya, 2008, *Criminal Justice System*, Program Magister Hukum, Universitas Diponegoro, Semarang, p. 23.

¹² Bambang Waluyo, 2015. *Pemberantasan Tindak Pidana Korupsi (Strategi Dan Optimalisasi*, Jakarta: Sinar Grafika, p. 21.

to regional autonomy has shifted corrupt practices that were previously only dominated by the central government (at that time the power was in the central government) is now rife in the region (because regional autonomy has given power to the leaders in the regions). This is in line with Klitgaard's theory that corruption follows power.

2. Ramirez Torres Theory.

Meanwhile, Ramirez Torres's theory states that corruption is a crime of calculation not just a desire (passion). Someone will commit corruption if the results obtained from corruption are higher and greater than the penalty obtained and the possibility of arrest is relatively small.

3. Theory of Jack Bologne (GONE)

According to the theory of Jack Bologne (GONE) there are 4 root causes of corruption, namely:

- a) Greedy (greed), associated with the existence of greedy behavior that potentially exists in every person;
- b) Opportunity (opportunity), relating to the state of the organization or agency or community in such a way that there is an opportunity for someone to commit corruption;

- c) Need (needs), relating to the factors needed by individuals to support their lives;
- d) Exposures (disclosure), relating to actions or penalties that do not give a deterrent effect for the perpetrators or the community at large.

Role of Students Combating Corruption.

Students are a unique element of society. The amount is not many, but history shows that the dynamics of this nation cannot be separated from student role. Even though the times keep moving and changing, they still exist that does not change from students, namely enthusiasm and idealism.

The blazing spirits are imprinted on students, the zeal underlying actions to make changes to the circumstances deemed unfair. Big dreams for the nation. Intuition and heart His small will always call for idealism. The student knows he has to do it something for society, nation and country. History records in gold ink, the struggle of students in combat injustice. History also notes that the struggle of the Indonesian people did not can be separated from students and from student movements will emerge characters and nation's leaders.

If we look back, to the history of the nation's struggle, the resurrection the Indonesian people in fighting the Dutch colonialism were driven by students STOVIA

medicine. Likewise with Soekarno, the Proclamator Republic Indonesia independence is a figure of the student movement. During government Bung Karno is unstable, because of the political situation which heats up in 1966, a student appearing forward provides encouragement for the eventual implementation of the Tritura gave birth to a new order. Likewise, along with the spread of deviations committed by the new order, students spearheaded change which then gave birth to the era of reform.

Thus the struggle of students in fighting for their ideals, for fighting injustice. However, the struggle of students is not yet end up. At present, students are faced with challenges that are not big compared to past conditions. Conditions that make The nation of Indonesia collapsed, namely the problem of corruption that spread throughout the nation this. Students must be of the view that corruption is the main enemy of the nation Indonesia and must be fought. To be able to play an optimal role in fighting corruption is revamping themselves and the campus. In other words, students must demonstrate that themselves and the campus must be clean and far from corruption.

To realize this, efforts to eradicate corruption began from the beginning go to college. At this time is the period of student admission, where students are expected to

criticize campus internal policies and at the same time apply pressure to the government so that the laws that regulate education does not provide opportunities for corruption. Besides that, students exercise control over the course of new student admissions and report to the relevant authorities for fraud.

In addition, students also make educational efforts towards their colleagues or prospective students to avoid practices that are not healthy in the process of student admission. Next is the lecture process. During this period, emphasis is needed on the morality of students in competing to get a grade as high as possible, without going through fraudulent methods. Preventive efforts are can be done is to fortify themselves from feeling lazy to learn.

Another crucial issue during this period is the issue of using existing funds the campus environment. For this reason, an investigative effort is needed in the form of conducting critical review of the reports on the realization of revenue and expenses. While the educative efforts to grow anti-corruption attitude can be done through the media in the form of seminars, discussions, dialogues. Apart from that the media in the form of competitions for the eradication of corruption or through language fine art of painting, drama, etc. can also be utilized as well.

Furthermore, at the final stage of lectures, during this time students obtain a degree as a sign of the end of the formal learning process. Students must understand that the degree they carry has the consequences are moral responsibility so efforts should be avoided through shortcuts.

The role of universities in fighting corruption.

Formal and non formal education eventually become the choice for became one of the forms of cultural corruption prevention approaches. Accordingly general, education is aimed at rebuilding that understanding right from the public regarding corruption, raising awareness (awareness) against all potential corruptive acts that occur, do not commit the slightest corruption, and dare to oppose acts of corruption that occur.

Like Malaysia which has started to form The Malaysian Institute of Integrity (IIM) in 1998. Programs from IIM are currently underway walking is a Student Integrity Partner, the purpose of the activities of students who are members of students integrity partners are for promote the integrity of students on each campus. There are 109 universities incorporated in the IIM program.¹³

¹³ Anis Yusal Yusoff, Sri Murniati, Jenny Greyzilius. 2012. *Combating Corruption: Understanding Anti-Corruption Initiatives in Malaysia*. IDEAS Preliminary Research Report, p. 88

Further research results from Laima, higher education has a greater ability to score individuals who have high integrity as a preventive or preventive measure Further research results from Laima Liukineviciene and Grita Krutinyte, higher education has a greater ability to score individuals who have high integrity as a preventive or preventive measure corruption. So from the results of this study suggested the importance of forming anti-corruption education in higher education.

Character building through moral education is an element the most important of education. The purpose of education corruption is strengthening public awareness and participation in political live, mobilizing the public to stand-up against corruption; strengthening individual capacity for ethical decision-making.¹⁴

Basically, corruption is a behavior that is raised by individuals consciously and intentionally termed intention.¹⁵ Potential behavioral intentions are attitudes that shape a particular behavior.¹⁶ Anti-corruption education in Indonesia is trying to internalize and improve individual integrity through character education and education anti

¹⁴ Barda Nawawi Arief, 2010. *Tindak Pidana Suap dan Mafia Peradilan di Tinjau dari Aspek Poltik nasional*, Papper on National Seminar, Semarang : FH. UNDIP, p. 9.

¹⁵ Wade C & Tavris, C, 2012. *Psikologi*, Jakarta: Penerbit Erlangga, p. 23.

¹⁶ Azwar S, 2006. *Sikap Manusia: Teori dan Pengukurannya*, Yogyakarta: Pustaka Pelajar, p. 7.

corruption in Higher Education. Internalization of integrity values in the system learning in higher education contains 4 things, namely:

1. understanding or understanding of the character of integrity,
2. feeling of integrity,
3. c.integrity actions,
4. internalization of values (values of faith, ethical values, values moral).¹⁷

The four components have included the cognitive, affective and psychomotor which is achieved through appropriate learning materials and methods. Thus anti-corruption behavior can be generated by each individual and integrity and good character can really function to strengthen potential anti-corruption behavior. Anti-corruption education in Higher Education functions to influence the three components (behavioral beliefs, normative beliefs, control beliefs) so strongly that they can contribute to formation of attitude toward behavior, subjective norm, perceived behavior the next dynamics control will determine the level of strength intentions of anti-corruption behavior in individuals corruption. So from the results of this study suggested the importance of forming anti-corruption education in higher education.

¹⁷ Budiningsih, C.A, 2004. *Pembelajaran Moral: Berpijak pada Karakteristik Siswa dan Budayanya*, Jakarta: Bhineka Cipta, p. 75.

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¹⁸ Barda Nawawi Arief, 2010. *Op Cit*, p. 11.

¹⁹ Azwar S, 2006. *Loc Cit*.

²⁰ Budiningsih, C.A, 2004. *Op Cit*, p. 76.

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CLOSING

Based on the explanation above, the effort to eradicate corruption is the most no, it covers two major parts, namely (1) enforcement, and (2) prevention. Efforts to prevent corruption in Indonesia will never be succeed optimally if only done by the government alone without involving the participation of the wider community and academics and students.

Therefore it is not excessive if educational institutions, students and students as an important part of society which is the future heir of the nation is expected to be actively involved in the effort fighting corruption in Indonesia. Involvement of students and students in an effort to eradicate corruption certainly not in the efforts of prosecution is the authority of law

enforcement institutions. Active role of students and students are expected to be more focused on efforts to prevent corruption by helping to build an anti-corruption culture in the community. Learners and students are expected to act as agents of change and motorcycles activator of the anti-corruption movement in society.

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