

The Efforts to Warn Corruption Through Education an Ideological Approach in Order Meet The Right to Country Rights

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ABSTRACT

Education is placed in a strategic position to ensure the sustainability of a nation and state, therefore every effort or act that damages the integrity of the state must be fought massively. Forms of actions that are destructive and can threaten the integrity of the nation such as Terrorism, Narcotics and Psychotropic, Corruption and Trafficking in Persons. The integrity of the nation and state can be threatened due to systematic and massive and systematic structured corruption that has taken place from high-ranking officials to the village officials, proven that many cabinet ministers in power become suspects / defendants (i.c. Idrus Marham) Minister of Social Affairs RI Working Cabinet, Governor, Regents and Mayors, Civil Servants, Village Heads and also Senate and Legislative members ranging from Central to District. In the effort to implement corruption prevention and eradication as mandated in Presidential Regulation Number 55 of 2012 concerning National Strategy for the Prevention and Eradication of Long-Term Corruption in 2012-2025 and the Medium-Term 2012-2014 (National Strategy for CPE), and as an implementation, the preparation of Prevention and Eradication actions is carried out. Corruption (PPK) every year which is subsequently issued by Presidential Instruction Number 2 of 2014 concerning Action to Prevent and Eradicate Corruption in 2014, where in the attachment of the Presidential Instruction to part V (five) is explained about education strategies and anti-corruption culture consisting of 22 action plan, and including involving public and private higher education institutions in their implementation.

Keyword : Corruption, Education, Country Rights.

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1. INTRODUCTION

The state is threatened by its unity due to latent danger of corruption, but in general corruption actors who are suspects/defendants/convicts today are citizens who have no anti-corruption education or citizens who are morally not educated in an ideological manner who are anti-corruption. Anti-corruption ideology and anti-corruption behavior need to be socialized as an early effort to combat corruption through the world of education.

The period of the United Indonesia Cabinet Volume 1, 2 (SBY) has laid the foundation for anti-corruption education, for example the Circular Letter of Director General of Higher Education Number 17 of 2011 concerning Action for the Prevention and Eradication of Corruption in 2012 is a new chapter to promote anti-corruption values for all layers of Indonesian society especially for students who are carrying out their duties and undergoing a study period. The Government through the Ministry of Education and Culture of the Directorate General of Higher Education on July 30, 2012 issued a circular letter number 1016 / E / T / 2012 to all State Universities and Private Universities (Kopertis Region I to XII region), with regard to Circular About the Implementation of Anti-Corruption Education in Universities. The basis for the issuance of this circular letter refers to the Presidential Instruction Number 17 of 2011 concerning Action to Prevent and Eradicate Corruption in 2012.

Looking back at the six demands for reform in 1998, one of them was the necessity to eradicate corruption, collusion and nepotism (KKN). Concrete steps to realize these demands were ratified through the MPR Decree Number XI / MPR / 1998 concerning Clean and KKN-Free State Organizers. Furthermore, the idea about the MPR's legal product idea was further elaborated on Law Number 28 of 1999. That was initially corruption to target state administrators, this began when fundamental changes were made to corruption which began by forming a new law, namely Law No. 31/1999 (later amended by Law No. 20/2001) concerning the Eradication of Corruption Crimes. In lieu of Law No. 3/1971, Law No. 31/1999 formulated a corruption act that was far more comprehensive, including the regulation of gratification matters that were very likely to be carried out by state officials. In fact, actions that have the potential to harm state finances also become elements of criminal acts of corruption. In addition to expanding the notion of actions that can be qualified as corruption, Law No. 31/1999 also regulates the return of losses to state finances not to abolish the treatment of perpetrators of corruption.

Corruption empirically has been known by the public as a crime that is detrimental to state finances as we see a lot of definitions of corruption, but building an understanding of anti-corruption amid corruption crimes that require special strategies, one of which is to create an Anti-Corruption Education curriculum in universities and become a compulsory subject or a minimum of elective courses.

To succeed in the national strategy for long-term corruption prevention and eradication in 2012-2025 and the Medium Term 2012-2014 Based on Presidential Regulation Number 55 of 2012 concerning the National Strategy on Prevention of Corruption in Indonesia, there are 13 Articles and have been referred to by various groups who have duties and functions vary from the structure of government and also in the world of education. National Education including Higher Education has an obligation to succeed in the national program of Corruption Prevention and Eradication, especially in the long term 2012-2025. PPK Actions are activities or programs outlined in the PPK National Strategy to be carried out by Ministries / Institutions and Local Governments. What if we see Circular of the Directorate General of Higher Education No. 17 of 2011, the birth of a circular not based on article 1 paragraph (2) Perpres No. 55 of 2012, because practically the first Circular Letter was issued and then Perpres No. 55 of 2012. However, Perpres No. 55 of 2012 in Article 1 paragraph (2) has regulated the actions of PPK carried out by Ministries / Institutions and Regional Governments.

2. Types of Corruption and Attempts to Attack them.

Starting a description of corruption, the author begins with the phrase *Lord Acton* in *Dani Krisnawati et al.*, as follows: *Power Tends to corrupt, and absolute power corrupt absolutely*", the power tends to corruption and absolute power tends to absolute corruption. Proving the expression from *Lord Acton*, the researcher intentionally did it, with the intention and purpose to remind that wherever in the earth this power is always very vulnerable to corruption. *Lord Acton's* expression is strengthened again by the existence of four types of corruption as stated by *Piers Beirne and James Messerschmids* in *Dani Krisnawati et al.*, in which the four types or types of corruption are closely related to power, namely: *Political Bribery, Political kickbacks, fraud election, and corrupt campaign practices*.

Understanding corruption according to Law Number. 31 of 1999 in conjunction with Law Number. 20 of 2001 concerning Eradication of Corruption Crimes is *"Anyone who is categorized as illegal, commits self-enrichment, benefits himself or another person or a corporation, misuses his authority or opportunity or facilities because of his position or position that can be financially detrimental state or economy of the State"*. There are nine categories of acts of corruption in the Law, namely: bribery, illegal profit, secret transactions, gifts, grants (granting), embezzlement, collusion, nepotism, and misuse of office and authority and State facilities.

Corruption According to Political Science, corruption is defined as abuse of office and administration, economics or politics, whether caused by oneself or others, aimed at obtaining personal gain, resulting in losses for the general public, companies, or other individuals, corruption. According to the Expert Economy, corruption is defined as a profitable exchange (between achievement and counterparty, material or nonmaterial rewards), which occurs secretly and voluntarily, in violation of the prevailing norms, and at least constitutes an abuse of position or authority possessed by one party involved in public and private fields. Understanding Corruption According to Haryatmoko, corruption is *"an attempt to intervene using the ability gained from its position to misuse information, decisions, influence, money or wealth in the interests of its own benefit"*.

Corruption in Latin is called *Coruptio*, *Coruptus*, in Indonesian is called *Coruptie*, in English is called *Corruption*, and in Sanskrit which is contained in the Ancient Manuscript of the State Kertagama meaning literally *Corrupt* shows deeds that are broken, rotten, *bejad*, dishonest which is related with finance. Corruption in *Black's Dictionary Law* is "An act committed in order to provide an advantage that is not in accordance with official obligations and the rights of other parties, incorrectly using his position or character to obtain an advantage for himself or someone else, along with its obligations and the rights of other parties".

Corruption threatens democratic growth of the massive practice of money politics and trading influences. In fact, this deviant behavior moves far to the point of breaking for law enforcement agencies. Continuing to expand the scope of corruption, anti-corruption images move on the necessity of eradicating extraordinarily. For this reason, Law No. 31/1999 mandates the establishment of an extraordinary body institution called the KPK in combating corruption. In that regulation, a limitation was made on the formation of the KPK with the task and authority to investigate, investigate and prosecute corruption, including cross-institutional duties to coordinate and supervise other law enforcement agencies. Exploring various arrangements at the beginning of the reform, the spirit of the legislators made the agenda of eradicating corruption as a collective agenda in a necessary position. As a necessity, this agenda is intertwined with the steps to form KPK as a special institution. The position of the KPK has become increasingly important because Law No. 30/2002 on the KPK recognizes that the police and prosecutors who previously handled corruption cases have not been effective and efficient in combating corruption. That is, the KPK is a collective image of the great design of the agenda to eradicate corruption. Therefore, within reasonable limits of reasoning, providing protection to the KPK from all kinds of shots or attacks that have the potential to cripple this institution is obligatory. However, as an image that is intertwined with the agenda of eradicating corruption, it is difficult to imagine the future of corruption eradication minus the presence of the KPK. Even if they persist, but leave the KPK in a "like growing greed" position, it is not too much to say that anti-corruption images of political leaders are moving towards the lowest point. Reflecting on the conditions that have occurred in the last few months, if Jon ST Quah in the book *Curbing Corruption in Asian Countries, An Impossible Dream* (2013) cites that the political leaders of a country do not have political will, eradicating corruption is difficult to achieve results. It could be, what we are facing in the past months even further than that: melting and waning anti-corruption images of political leaders. Because of this, it is not too much if the daily reaches the position that the KPK is threatened to end in the Jokowi-Kalla era (Kompas, 18/2). In fact, if traced a little back, the very concern over the fading of anti-corruption images was never imagined. The reason, in Jokowi-Kalla's Nawacita, the pair explicitly stated that they supported the strengthening of the KPK in the prevention and eradication of corruption. Strengthening this, they are committed to rejecting all forms into weakening of the KPK. After seeing the KPK's condition, an elementary question that is more than worthy of being asked: is the promise tree in Nawacita a genuine image? Pamper corrupters The waning image of the corruption eradication agenda cannot only be traced to the above conditions, but can also be traced to the government's plan to review the rules for remission and parole tightening. This plan, of course, repeated the debate 3-4 years ago when a remission sale occurred to corruption inmates. For this reason, it is necessary to note that the ratification of Government Regulation No. 99/2012 which is a revision of Government Regulation No. 32/1999 is an answer to the refusal of various groups concerned with the eradication of corruption when corrupters attempt to shorten the sentence through remission and parole facilities. If you want to put it on the concept of deterrence effect on the big design of corruption eradication, giving remission and parole without tightening can be said as a form of luxury for corrupters. In fact, from the beginning of the legal process, some of those who were involved in corruption received facilities. Perhaps luxury is slightly reduced if the process of handling corruption cases is carried out by the KPK. Several times, it has been stated, the luxury enjoyed by those involved in corruption cases not only occurs to the downstream part, that is, it is easy to get remission and parole, but also to the upstream level. At the very least, the Setyo Nopanto case is more than enough as an example.

3. The Elements of corruption

From a legal point of view, corruption acts outline meet the following elements:

- a. Act against the law
- b. abuse of authority, opportunity, or means
- c. enrich yourself, others, or corporations

- d. detrimental to the state's finances or the country's economy.

Types of corruption include:

- a. giving or receiving gifts or promises (bribery),
- b. embezzlement in office,
- c. extortion in office,
- d. participate in procurement (for civil servants / state administrators), and
- e. receive gratuities (for civil servants / state administrators).

In a broad sense, corruption or political corruption is the abuse of official office for personal gain. All forms of government governance are vulnerable to corruption in practice. The severity of corruption varies, from the lightest in the form of the use of influence and support to give and receive help, to severe corruption that is formalized, and so on. The point of corruption is kleptocracy, which means literally *the government of thieves*, where even pretending to be honest doesn't exist at all.

4. The Result of Corruption Against Various Aspects

According to the Financial and Development Supervisory Agency (BPKP) in 1997 as quoted by Rohim that corruption was caused due to several aspects, namely:

1. individual aspects of corruption perpetrators, such as greed, morality and weak faith, so that they cannot resist the temptations of lust and inadequate income for a reasonable life;
2. Organizational aspects, such as lack of exemplary leadership, lack of a correct organizational culture and management tend to cover corruption within the organization;

Aspects of society where individuals and organizations are like the values prevailing in society are conducive to corruption. The public is not aware that what is the most disadvantaged by any corruption practice is not only the State, but the wider community will also be affected by the corruption;

5. Rules of Anti-Corruption Law

The reforms launched in 1998 mandated the eradication of corruption, collusion and nepotism (KKN) which were considered to have plunged the Indonesian nation and State into a multidimensional crisis, especially economic downturns, the reformers' great hopes at that time were open after the collapse of the New Order and the emergence of the Reformation era which was expected to bring major changes in the life of the nation and state, including the agenda of eradicating corruption.

Basically Law Number. 20 of 2001 is a change or addition to several provisions in the Law Number. 31 of 1999 which is considered incomplete. There are two reasons why the Law Number. 31 of 1999 needs to be changed. *First*, corruption which has been widespread, has not only harmed the State's finances, but has also been a violation of the social and economic rights of the community at large, so that corruption acts need to be categorized as crimes that eradicate them must be done extraordinary. *Second*, the guarantee of legal certainty avoids avoiding the diversity of legal interpretations and providing legal protection for the social and economic rights of the community, as well as fair treatment in combating corruption is an important thing to be realized.

Some important and fundamental changes in the Law Number. 20 of 2001 were not stated in the Law Number. 31 of 1999 as follows. *First*, there is a change in the editorial explanation of Article 2 paragraph (2) so that it becomes: "*What is meant by*" certain circumstances "in this provision is a condition that can be used as an excuse for criminal eradication for perpetrators of corruption, that is, if the crime is committed against funds intended for the prevention of hazardous situations, national natural disasters mitigating due to social unrest widespread, countering economic and monetary crises, and countering corruption crimes".

Secondly, the formulation of Articles 5, 6, 7, 8, 9, 10, 11 and Article 12 directly stated the elements in the provisions of the relevant articles, no longer referred to the articles in the Criminal Hukum Law (KUHP). In addition, the insertion of several Articles in Article 12 into Article 12A, Article 12B, and Article 12C which basically concerning (a) imprisonment and criminal penalties in Articles 5, 6, 7, 8, 9, 10, 11 and 12 do not applies to criminal acts of corruption whose value is less than Rp. 5,000,000, (b) for criminal acts of corruption whose value is less than Rp. 5,000,000.

Model or Form and Types of corruption in various forms including extortion, bribery and gratification have basically taken place for a long time with perpetrators ranging from state officials to the lowest employees. Corruption essentially starts from a habit that is not realized by any apparatus,

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ranging from the habit of receiving tribute, gifts, bribes, giving certain facilities or others and in the end the habit will eventually become a real seed of corruption and can be detrimental state finances.

Some forms of corruption include the following:

1. *Bribery* includes the act of giving and receiving bribes, whether in the form of money or goods.
2. *Embezzlement*, is an act of fraud and theft of resources carried out by certain parties who manage these resources, whether in the form of public funds or certain natural resources.
3. *Fraud*, is a trickery or swindle economic crime. This includes the process of manipulating or distorting information and facts in order to take certain benefits.
4. *Extortion*, the act of asking for money or other resources by force or accompanied by certain intimidation by those who have power. Usually done by local and regional mafias.
5. *Favoriteism*, is a mechanism of abuse of power which has implications for the privatization of resources.
6. Violating the law and harming the country.
7. All secrecy, even if carried out collectively or corruption in congregation.

More operational types of corruption are also classified by the reform figure, M. Amien Rais who stated that there were at least four types of corruption, namely:

1. Extortion, namely in the form of bribes or bribes made by employers to the authorities.
2. Manipulative corruption, such as the request of someone who has an economic interest to the executive or legislative to make regulations or laws that are beneficial to his economic business.
3. Nepotistic corruption, namely the occurrence of corruption because there are family ties, friendships, and so on.
4. Subversive corruption, namely those who rob arbitrary wealth of the state to be transferred by foreign parties of a number of personal benefits.

6. Global Community Efforts in Combating Corruption.

Indonesia has carried out extradition agreements with several countries as an effort to eradicate corruption, including:

1. Malaysia
2. Australia
3. Philippines
4. Hongkong
5. Thailand
6. South Korea
7. Singapore (April 27, '07).

The drafting of the UN Convention began in 2000 when the UN general assembly in the 55th session through resolution 55/61 on 6 December 2000 saw the need to formally form anti-corruption international legal instruments. The main contents of the Convention are 8 Chapters, 71 Articles with the following systematics:

- a. Chapter I: General Provisions, contains statement of purpose; Use of terms; The scope of implementation; and Sovereignty Protection.
- b. Chapter II: Preventive Measures, contains Corruption Prevention Policies and Practices; Corruption prevention agencies or bodies; Public Sector; Behavioral Rules for Public Officials; Actions related to Justice and Prosecution services; Private Sector; Society participation; and Measures to prevent money laundering.
- c. Chapter III: Crimes and law enforcement, contains bribery of foreign public officials and Officials of Public International Organizations; Darkening, Abuse or other deviations of wealth by public officials; Trading influence; Misuse of functions; Unlawfully enriching yourself; Bribery in the private sector; Darkening of wealth in the private sector; Washing the proceeds of crime; Concealment; Barring the proceedings; Responsibilities of legal entities; Participation and Experiments; Knowledge, purpose and purpose as elements of crime; Restriction rules; Prosecutions and trials and witnesses; Freezing, confiscation and seizure; Protection of expert witnesses and victims; Corruption; Compensation for losses; Special authorized bodies; collaboration with law enforcement agencies; Cooperation between national authorities;

- Cooperation between national authorities and the swasts sector; Bank confidentiality; Crime record; and jurisdiction.
- d. Chapter IV: International cooperation, including extradition; Prisoner Transfers; Mutual legal assistance; Transfer of criminal processes; law enforcement cooperation; Joint investigation and special investigation techniques.
 - e. ChapterV: Returns assets, includes prevention and detection of transfers of proceeds of crime; Actions for direct return of wealth; Mechanisms for returning wealth through international cooperation in seizure; International cooperation for the purpose of seizure; Special cooperation; Return and delivery of assets; Financial intelligence unit; and bilateral and multilateral agreements and arrangements.
 - f. Chapter VI: Technical assistance and information exchange; Contains training and technical assistance; Collection; Exchange and analysis of information about corruption and other actions; Implementation of the Convention through economic development and technical assistance.
 - g. Chapter VII: Implementation mechanisms; contains conferences of States parties to the Convention; and secretariat.
 - h. Chapter VIII: Final provisions; contains the implementation of the Convention; Dispute resolution; Signing; Endorsement; Reception; Approval and accession; Enactment; Amendment; Withdrawal; Storage and languages.

By regulating provisions for mutual legal assistance within UNCAC, the effort to return assets can be carried out optimally. The easiest way to process assets that are outside the jurisdiction of the victim country is through mutual legal assistance. When assets resulting from corruption are placed abroad, the victim country represented by the searcher, investigator, or authority can request cooperation with the recipient country to carry out the asset recovery process. This is in accordance with what is stipulated in Article 46 of UNCAC, where the recipient countries of assets must provide assistance to the victim country in the framework of the asset recovery process.

7. Recommendation

Efforts to combat corruption in a constitutional obligation, anti-corruption education in schools is an appropriate and accurate step in disseminating anti-corruption values.

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