

# Social Institution Versus Corruption in Indonesia

Syamsul Haling

Faculty of Law  
University of Muhammadiyah  
Palu, Indonesia  
salimkito@yahoo.com

**Abstract**—The objective of this study is to describe the effectiveness of social institutions, covering religion, education and family (kinship) in overcoming and preventing in of corruption Indonesia. The method used in this study is conceptual and statute approach to legislation to examine the extent of social institution-based approach in the combating and preventing corruption by comparing between the existed regulations and the facts as obtained results. The results show that the three social institutions are not promising in ensuring a goodwill for not planning and doing crimes. It is suggested that the three social institutions should be reinforced in the law and regulations in Indonesia in order to reach a successful and effective results of the effort to create welfare for the nations through minimizing or erasing state loss in criminal act of corruption.

**Keywords**— *social institutions; corrupt behavior*

## I. INTRODUCTION

Corruption in Indonesia has entered into the level of chronic because it has disordered the social pattern of society and parse the social values and morality of the nation of Indonesia into the most corrupt nation. In the view of Sayyed Hussein, corrupt behavior has the nature of corruption which is mutual obligations to get mutual benefit [1]. The results of research and analysis of several non-governmental organizations show the development of corrupt behavior in Indonesia. Referring to Transparency International's report in 2002 based in Berlin-Germany positioned Indonesia as the 4th the most corrupt country in the world. One year later Indonesia's ranking increased to the sixth rank of 133 conscientious countries. Similar survey results were presented by PERC (political and Economic Risk Consultancy) to 1,000 expatriate businessmen working in 12 countries in Asia, who noted that Indonesia's score reached 9.92 and this shows the fact that Indonesia has also become a hotbed of corruptors [2].

Based on these data it can be ascertained that since the survey results of several institutions have pointed to the fact that corrupt behavior was so in Indonesia increasing that it required new effort and strategy for Indonesia to overcome it. This paper to find of the factors that can be solution in combating corruption in Indonesia by raising the issue of social institutions versus corruption in Indonesia. The term social institution has many titles, such as, social institutions and social institutions. In the view of Paul Horton and Chester L. Hunt Social institutions are systems of norms and relationships of unification of values and certain procedures to meet basic

human needs. Such social institutions are, family, religion, education and politics as well as economics. This issue is strengthened as intellectual anxiety and the morality of writers as the nation's children over the condition of Indonesia is getting worse due to corrupt behavior. The authors propose the issue because factually corrupt behavior is a fact which essentially opposes or contradicts to social institutions that have bound individuals, families and citizens and have institutionalized. Therefore, corrupt behavior is essential disobedience or resistance to the individual values, social, morality of the nation which has become an established social pattern. Hopefully, this writer's paper can be one of the discourse of conference participants in order to find a road map for Indonesia in combating corruption [3].

## II. METHOD

This study was conducted using a conceptual and a statute approach to legislation. Data were collected through documentation study conducted by collecting materials containing rules on the application of social institution approach that includes religion, education and family (kinship) in eradication and prevention of corruption in Indonesia. Data on the number of criminal acts of corruption after the application of social institutions approach was also collected to see its effectiveness. Data were analyzed and presented in qualitative descriptive. To dispersing the issue, the writer uses the deductive-inductive method as a way of analyzing and reconstructing the thought result gained from the discussion and summarized in conclusion.

## III. RESULT AND DISCUSSION

Beginning discussion of the issues proposed as topics in this paper, the authors propose some of the fundamental and theoretical assumptions by some previous writers about corruption and theoretical assumptions referred to by the authors the cause of corrupt behavior. The search called off for corrupt behavioral causes is necessary given due to the more increasing corrupt behavior in Indonesia to require the effort to overcome it. Durkheimist propose four hypothetical causes of corrupt behavior, first, the transformation of society becomes the cause of the decline of the morality of society from the farmers and fishermen to the industrial community so as to bring corrupt behavior: the old values in society change, the community becomes impatient, lazy, and finally cut corners [4]. Second, the corrupters build networks and methods through the economy to become a means of survival [2]. Third,

the norms and values of corruption are rooted in statistically achieving bureaucracies - teaching statistical targets and fourth, communist socialist states have embraced corrupt values and ideology [2]. In general, the illustration of the emergence of corrupt behavior as a manifestation versus the values and

norms of social institutions is a fact or a social phenomenon and as a marker of the process of shifting values and norms prevailing in society which is confirmed by Thomas S. Khun [5] theoretical assumptions as the following fig. 1:

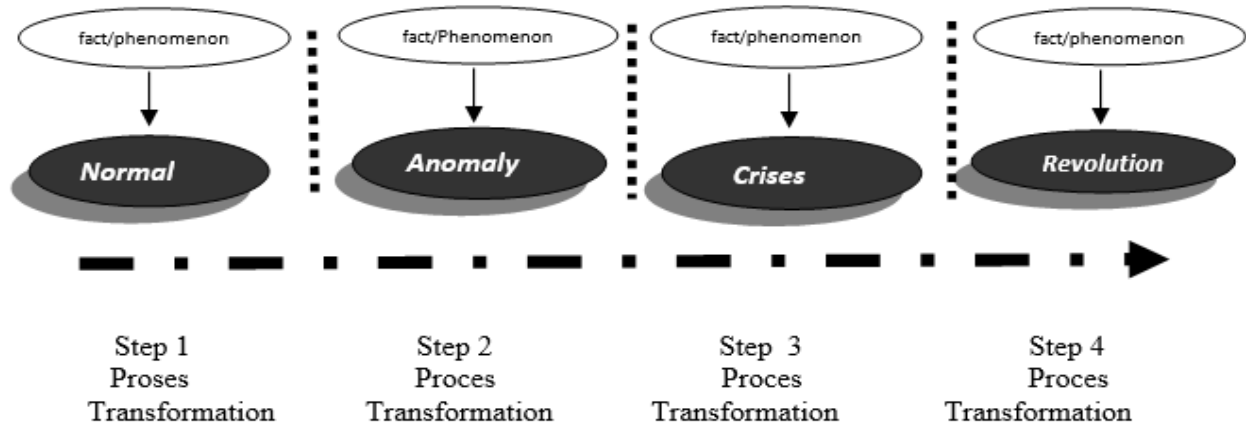


Fig. 1. Transformation Shifting Corrupt Behavior.

Based on this assumption, it can be designed to overcome corrupt behavior by correlating it with the role of social institutions in Indonesian society as described below.

#### A. Religious Norms

Religious norms are one of the social institutions that bind the people. Religious norm in question is the norm that comes from our holy in the implementation of binding based on belief and belief in Almighty God. With regard to corrupt behavior, in principle, religious norms forbid adherents to perform acts contrary to religious norms (corrupt behavior). Corrupt behavior is a behavior that is against (versus) religious norms and so far corruptors in Indonesia are all religious and even in every official appointment always begins with an oath that real using scripture.

Many corrupt criminals who convicted embraced belief in Almighty God. His correlation with corrupt behavior can be ascertained that, in principle, corrupt behavior defies the norms of his own. That is, corruptors are opposed to their own values or corruptors to the values they embrace. In this condition, corruptors have opposed (versus) social institutions (religions) in case religious norms that are believed and binding on everyone and society. From several articles on the handling of corruption, the writings of the Assembly Tarjih and religious PP religious emphasizes religious values as a means of preventing corruption. One religious the religious values that can be used is to affirm the attitude of *Amar Ma'ruf Nahi Mungkar* as the basic principle of eradicating corruption.

Similarly, Susan Rose-Ackerman in discussing about corruption and cultural issues do not place social institutions as one means of combating corruption [6]. He simply concluded that gift giving (bribery, gift) is a dynamic in society but culture is dynamic and constantly changing". In the view of the Assembly Tarjih and Tajdid PP Muhammadiyah these three basic principles (belief, just and amar ma'ruf) are mentioned repeatedly in the Qur'an showing the essence in human life.

Belief course, for example, by scholars of tafsir emphasize honesty, straight, something to be maintained, perform tasks well, (Al-Razi, Ibn Katsir, Rashid Ridha). However, in reality, these social institutions by citizens, prospective corruptors do not become a glue (control) tool to fortify my perverts corrupt.

Norms in this social institution (belief, fair and *amar ma'ruf nahi mungkar*) can sustain corrupt behavior, including cause. It is said so because, the values of religious norms have been embedded naturally (built in) the realm of human consciousness and even that value exists in man from birth to death. However, in essence, the norms of social institutions of religion should be empowered to sustain the behavior corruptors, corruptors, but to this extent, these values and norms are still ignored.

#### B. Family

The family is one of the institutionalized social institutions in society. The family, consist of mother, father and child as the nuclear family in the study of anthropology is referred to as a system of debate which, in the inscription is meant blood relations (kin) and marital relations (affinity) [7]. In that connection, each person must have a family in a functional sense of kinship. In fact, in certain areas, using the name of the relative as a family symbol and become an honor. The virtue of relatives in Indonesia to date is still inherently inherent in every person and even into the family personality and symbols in a particular society. Therefore, the symbol of kinship (respected) about means of preventing corruption. This is because when someone entangled in corruption is positively correlated to the family. That mean, a person's corrupt behavior shakes his or her own kinship symbol or corrupt behavior against (versus) the symbol of his family or his own kinship.

Supposedly, every member of a corrupt family has a moral responsibility to keep a family symbol or an early warning so that other families are not ensnared into corruption so that three members of a corrupt family from a social side have been

tarnished. The emergence of criminal behavior (corrupt behavior) in the family is caused by changes in values in the family and environment [8] and the change causes the loss of kinship value in society. Therefore, it is necessary to strengthen the values because, according to Soerjono Soekanto, the kinship system and the principle of descendant that exists therein have a strong influence on certain areas of customary law " [7].

A few writing on the handling of corruption, this aspect is not addressed, including IAN Mc Walters writing which generally emphasizes the aspects of international cooperation, investigative authority, anti-corruption institutions, granting amnesty to corruptors (Hong Kong); as a first step, reporting and verifying corruption, asset recovery and money laundering [3]. Other writings that point to the family aspect they refer community-based corruption appear in the writings of Fernando Castillo, Dorothy Bracey and Kwan Wing Wah. In their writing, they mention that the consequences of the development of civilization cause differences in society for that society is subject to the growing civilization so that corrupt behavior is difficult to avoid [9]. However, until now the influence of familial symbols (kinship values and morality) has not been able to sustain the rate of corrupt behavior in Indonesia despite having many kinship relationships that are formed and known and recognized by the people.

### *C. Educational Institutions*

Education as a social institution can be a means of preventing corruption in Indonesia, because institutions that teach social values in Indonesia in a sustainable way through primary, secondary and tertiary education. As an educational institution, this institution has enormous potential to produce outcomes capable of being a smart person and noble personality free from corrupt behavior. This is explicitly mentioned in Article 1 number 1 of Law Number 20 of 2003 on the National Education System: "Education is a conscious and planned effort to create an atmosphere of learning and learning process so that learners actively develop their potential, to have spiritual strength, self-control, personality, intelligence, noble attitude, as well as the skills needed him, society, nation and state".

Based on the educational objectives it is clear that every outcome of both formal and informal education institutions should have a personality that upholds religious values, able to control themselves, morals start as noble values of the nation that is certainly anti-corruption. It is also an elaboration of Pancasila Education as well as a state ideology and philosophy which in principle defies corrupt behavior. Nevertheless, until now the outcome of this educational institution has not been able to be a means of eradicating corrupt behavior (preventive). This is a fact that it difficult to dispute because all the criminals who are subject to their criminal sanctions are the outcome of the educational institution. In fact, there are corruptors the real higher education institutions, specialized educational institutions, such as, from universities/high schools, training-education, pre-service education, etc. Some educational institutions that qualify as certain officials are actually involved as agents supporting corrupt behavior. This is revealed from the writings of S. Anwary mentioned several corruption cases

that have been processed and sentenced in a corrupt, corrupt state court, such as, the initial SB case, the position of the Governor of Bank Indonesia for the loss of state 907 Billion, KH, BUN position, loss country 6.7 Trillion (free in PN), SH officials of Bank Aspac state losses 408 Billion (six month appeal rate), HR officials BHS losses 3.6 trillion state (lifetime in appeal rate, H Director of BI losses state 9.79 trillion (free appeal rate), HS director of BI losses country 6.36 Trillion (free on appeal) and PS director of the state losses of 2.02 trillion (free at appeal) [10].

In addition, the article by Russell Butarbutar, referring to the research result of the Anti-Corruption Study Center of Gajah Mada University (PUKAT), concluded that all political party cadres who have representatives in the DPR and officials as ministers in United Indonesia Cabinet 2004 - 2014 are involved in corruption cases [11]. Political party cadres processed and allegedly and corrupted, among others, the U.S. (Legislative members) corruption athletes development building and Multipurpose Building of South Sumatra, M.N. (Member of DPRRI period 2009-2014 case Bribe guesthouse Athletes Sea Games, AM Officials Ministry of Sports corruption Hambalang Project, alleged corruption GPN Governor of North Sumatera case of Social Assistance Bribery of North Sumatera Province, RAC Governor of Banten Bribe case former Chairman of the Court (AM) disputes Local Government Election of Lebak Banten, etc. [11]. Some of these cases have pointed to the fact that to date, although this is not the only corrupt behavior clause, it is an indicator that these social institutions (education) have not been able to act as agents of corrupt behavior change in Indonesia. Therefore, it is hoped that this social institution will be reinforced continuously and evaluate the process of education so that all its outcomes will not get caught up in corrupt behavior.

### **IV. CONCLUSION**

Based on some description it is concluded that social institutions such as religion, family (kinship) and education cannot be a means to overcome corrupt behavior in Indonesia. Some facts indicate that social institutions have very sharp contrasts and tensions (versus) with corrupt behavior. Both conflict and tension have shaped the order of individual values and morality (individual anomalies) and have become bad behaviors both as ordinary people (bribery, gratification) to state officials (more dominant legislative members and ministers of state, governors and regents). There is no strong correlation of religious values and morality, family dignity (kin) and educational status held and owned by corrupt perpetrators. Logical consequence is the loss of opportunity and a number of state assets intended for the development of the nation in order to achieve community welfare. It is recommended that existence and performances of these three social institutions are reinforced synergistically in the prevention of corruption in Indonesia.

### **ACKNOWLEDGEMENT**

The author would like to thank all the parties who have helped and contributed in the writing of this article, both those who contribute in the form of funding and critical ideas. Hopefully this paper can be useful theoretically and practically

for the addition and development of knowledge, especially in the field of legal science.

#### REFERENCES

- [1] S. H. Alatas, *Corruptions and the Destiny of Asia*, Prentice Hall (M) Sdn. Bhd. Simon & Schuster (Asia) Pte. Ltd, Printed in Malaysia, Bandar Sunway, Petaling Jaya, Selangor Darul Ehsan, Malaysia. 1999.
- [2] Pramono, *Membasmi Kanker Korupsi*, diterbitkan pusat Studi Agama dan Peradaban (PSAP) Muhammadiyah Bekerjasama dengan Partneship, Cet. Kedua, Jakarta Pusat. 2005.
- [3] IAN McWalters, *Memerangi Korupsi :Sebuah Peta Jalan Untuk Indonesia*, Cet. Pertama, PT. Temprina Media Grafika, Surabaya. 2006.
- [4] Kurkchiyan, M. The transformation of the second economy into the informal economy. *Economic crime in Russia*, 83-97. 2000.
- [5] L. Rasjidi dan I. B. W. Putra, *Hukum sebagai Suatu Sistem*, PT. Remaja Rosdakarya, Bandung. 1993.
- [6] S. Soekanto, *Hukum Adat Indonesia*, PT. Raja Grafindo Persada, Jakarta. 1983.
- [7] A. Ali, *Menjelajahi Kajian Empiris terhadap Hukum*, Penerbit PT.Yasrif Watampone, Jakarta. Gunung Agung Tbk. Jakarta. 1987.
- [8] M. Punck, *Coping with Corruption in a Borderless World*, Proceedings of the Fifth International Anti-Corruption Conference, Kluwer Law and Taxation Publishers, Deventer, Boston. 1993.
- [9] Anwary, S., *Quo Vadis Pemberantasan Korupsi di Indonesia*, Edisi III, AMRA, ISEPS, Jakarta. 2000.
- [10] R. Butarbutar: *Pertanggungjawaban Pidana Partai Politik dalam Tindak Pidana Korupsi dan Pencucian Uang*: <http://www.Hukumonline.com/berita/baca/it5329627/pukat-seluruh-parpol-terlibat-korupsi>, accessed, 22 October 2015.
- [11] S. R. Ackerman, *Corruption and Government: Causes, Consequency, and Reform*, First Published, Cambridge University Press, New York. 1999.