

Eliminating Corruption Through A Criminological Perspective On Corruption Crime Strategies

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Abstract- The objective of this research is to provide insights into eradication tactics rooted in the field of criminology. The present study constitutes normative legal research. The criminological examination of corruption encompasses an exploration of its criminal nature, as well as its juridical and sociological dimensions, along with the resulting ramifications. Corruption remains prevalent in contemporary society, encompassing both conventional and non-conventional forms. One such non-conventional manifestation is the "corruption of power," particularly observed within public services, where individuals fail to fulfil their duties or responsibilities adequately. The classification of this unorthodox kind of corruption as a criminal offence has not yet been established. The increase in corruption offences can be attributed to two primary factors. Firstly, the advent of modernism has led to abrupt changes in societal dynamics, which can contribute to the rise in corrupt practices. Secondly, an unfair social structure exists where the aspirations and objectives of society (goals) are not adequately supported by the government's legitimate means. Consequently, individuals are inclined to resort to illegitimate methods or strategies. To effectively address corruption, it is imperative to employ measures that involve exposing and penalising those responsible for engaging in corrupt practices. By publicly disclosing their actions and imposing financial consequences, the offenders are rendered powerless and experience a sense of disgrace. However, in such cases, the offender is also afforded the chance to reintegrate into society upon receiving a tangible indication of forgiveness from the community.

Keywords- Corruption; Criminology; Eradication

I. INTRODUCTION

The assumption positing that crime is exclusively prevalent among individuals of lower socioeconomic status has become obsolete. In the current period of globalisation, an increasing number of emerging crimes are observed, particularly inside the realms of bureaucracy and corporate entities, including banks. This newly emerging form of criminal activity is commonly referred to as white-collar crime.[1] Corruption represents a variant of white-collar crime. Corruption is sometimes categorised as an exceptional offence. The effects of corruption crimes are multifaceted and have a detrimental impact on all aspects of society, including the economic, political, and socio-cultural domains, as well as the moral and psychological well-being of the community. This is not solely attributed to the systematic mode and technique employed in such crimes.[2]

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From an economic standpoint, the detrimental effects of corruption are evident in society, manifesting in subpar economic progress and underwhelming outcomes in different national economic endeavours, such as tax revenues falling well short of their potential.[3] Corrupt practices within the realm of politics engender instances of discrimination in public services and encroach upon individuals' political rights. In the realm of socio-cultural and moral domains, the prevalence of corrupt practices has engendered a pervasive societal affliction, wherein these activities are increasingly perceived as permissible and commonplace.[4]

According to sociologist Raimon Aron, the presence of corruption can potentially lead to revolutionary upheavals and serve as a potent means to undermine the credibility of a government, particularly when the administration fails to address instances of corruption effectively. This occurrence took place in Indonesia during the leadership of President Soeharto. During that period, the government faced challenges in effectively addressing and resolving corruption issues, leading to the resignation of President Soeharto from his presidential role.[5] The eradication of corruption is a complex and challenging endeavour that necessitates exceptional levels of effort. According to Satjipto Rahardjo, the eradication of corruption necessitates a departure from conventional modes of action and thought, instead requiring an unusual approach. Hence, law enforcement officials must exhibit a disposition of bravery in order to undertake legal leaps while simultaneously fostering a well-informed public consciousness that is receptive to unconventional rulings.[6]

Andi Hamzah shares the perspective that combating corruption involves more than just legal reforms; additional actions are needed. The study undertaken by Thomas More revealed that during 25 years, a staggering number of 72,000 individuals involved in theft were sent to capital punishment in a region inhabited by a populace ranging from three to four million. However, despite these severe measures, the prevalence of criminal activities persisted unabated.[7] More contends that relying solely on violence as a means to curb crime is insufficient, necessitating a more comprehensive approach that involves identifying the root causes of crime and subsequently implementing measures to mitigate these underlying factors. Hence, addressing the issue of corruption necessitates the use of preventive measures in addition to repressive actions.[8]

Barda Arief Nawawi offers a critique of corruption eradication techniques that exclusively prioritise the revision of corruption legislation. This strategy exhibits a fragmented, incomplete, symptomatic, and oppressive approach since it appears to solely attribute the reason or vulnerability of corruption eradication attempts to a single conditioning factor. From a policy standpoint focused on crime, it is imperative to implement a fundamental strategy for crime prevention that aims to eradicate or address the causes and conditions that contribute to the emergence of criminogenic elements associated with corruption offences.[9] Hence, it is imperative to delineate the concept of corruption from the viewpoint of criminology, as well as explore potential strategies to combat corruption within the criminological framework. This paper aims to address these objectives.

II. METHOD

The assumption positing that crime is exclusively prevalent among individuals of lower socioeconomic status has become obsolete. In the current period of globalisation, an increasing number of emerging crimes are observed, particularly inside the realms of bureaucracy and corporate entities, including banks. This newly emerging form of criminal activity is commonly referred to as white-collar crime. Corruption represents a variant of white-collar crime. Corruption is sometimes categorised as an exceptional offence. The effects of corruption crimes are multifaceted and have a detrimental impact on all aspects of society, including the economic,

political, and socio-cultural domains, as well as the moral and psychological well-being of the community. This is not solely attributed to the systematic mode and technique employed in such crimes.

III. RESULT AND DISCUSSION

The field of criminology, which examines the phenomenon of crime, emerged concurrently with the recognition and exploration of crime as a societal issue. Crime has been a persistent issue throughout the history of human civilization. The field of criminology gained significant recognition during the 19th century, primarily due to the efforts of P. Topinard (1830-1911), a prominent French anthropologist. Bonger asserted the consolidation of criminology as a field of study by positing that prior to P. Topinard, there existed precursors who had examined the issue of crime, spanning from antiquity to the period of the French Revolution.[10]

In his inaugural address as a Professor at the Faculty of Law, Universitas Airlangga, J.E. Sahetapy asserted that while it may be straightforward to disregard the concept of crime, it is considerably more challenging to engage in behaviour that aligns with criminality. Nevertheless, the application of criminology to investigate the phenomenon commonly referred to as crime can be exceedingly challenging and, at times, even distressing.[11] This statement highlights the inherent challenges associated with the analysis and research of the phenomenon of crime. The task of defining crime poses a significant challenge for the field of criminology, as indicated by the frequent engagement of criminologists in contentious discussions regarding its conceptualization and interpretation. Controversy is an inherent element within discussions about scientific hazards, and its significance is further amplified when it intersects with criminal activities, specifically corruption.[12] Is corruption a typology of crime?

Soerjono Soekanto endeavours to categorise the perspectives of criminologists into three distinct groupings when elucidating the concept of crime. The categorisation can be divided into three distinct groups: the legal or juridical group, the non-juridical group, and the group that self-identifies as new criminology or critical criminology.[13] W. A. Bonger also articulated his perspective that crime is an antisocial behaviour that deliberately elicits a response from the state in the form of punitive measures, which in turn are influenced by legal constructs pertaining to criminal offences.[14]

According to Sutherland, *crime* can be defined as behaviour that is forbidden by the State due to its destructive nature towards the State, resulting in the State's reaction through punitive measures as a means of addressing the issue.[15] If the conceptualization of crime as defined by the legal community is associated with corruption, then corruption can be considered a criminal offence. This assertion is supported by the explicit regulation of corrupt practises in Law No. 31 of 1999, which pertains to the eradication of corruption. Within this legislation, one of the articles stipulates that any individual who engages in illicit activities aimed at personal or collective enrichment, thereby causing detriment to the financial or economic interests of the state, shall be subject to severe penalties. These penalties include life imprisonment or a minimum incarceration period of four years and a maximum of twenty years, in addition to a fine ranging from at least Rp 200,000,000.00 (two hundred million rupiah) to a maximum of Rp 1,000,000,000.00 (one billion rupiah).

Corruption refers to the engagement in activities that result in personal or collective gain, which detrimentally impacts the financial well-being of the state or its economy. The legal group

posits that corruption constitutes a type of crime within the realm of criminological studies. As per the non-juridical group's perspective, crime is not an action that has been formally codified in legislation, as delineated by the juridical group.[16] Crime can be conceptualised as a societal construct that designates some behaviour as deviant or unlawful, ascribed by individuals who possess authority and influence. From a sociological perspective, the observed phenomenon can be attributed to the dynamics of social interaction—individuals, whether consciously or unconsciously, engage in various activities and behavioural patterns within their everyday relationships. Crime, being perceived as behaviour that is detrimental to or challenges societal norms, leads society to stigmatise such behaviour as morally wrong.[17]

According to Austin Turk, crime can be seen as a social status rather than solely a behavioural or act-based phenomenon. Turk asserts that a significant proportion of individuals partake in activities that are legally classified as criminal, rendering crime data derived from arrests or convictions inadequate for elucidating the demographics of actual perpetrators. Instead, such data just reflects those individuals who have been stigmatised as criminals.[18] In his scholarly work, Howard Becker presents a comprehensive analysis of crime, offering a broader perspective on the subject matter. The classification of an act as a crime is not solely determined by the inherent qualities of the act itself but rather by the attribution of a specific label to certain behaviour. According to Richard Quinney, crime is a construct of human conduct that is constructed by the governing bodies inside a politically structured society. Crime is a manifestation of a behavioural pattern imparted onto certain individuals by external influences, hence indicating that crime is a socially constructed phenomenon.[19]

The non-juridical faction posits that crime should be understood not as a behaviour or action but rather as a social construct that assigns a certain status or label to individuals who engage in behaviours that are deemed disruptive to specific communities within society.[20] Corruption, when seen through a non-juridical lens, can be classified as a criminal act. This categorisation is based on the perspective of criminologists who conceptualise crime beyond the confines of legal frameworks. Corruption is a detrimental behaviour that has the potential to disrupt the established social structure of a society, warranting its classification as an exceptional criminal offence. Sadjipto Rahardjo views corruption as a parasitic phenomenon that drains resources and ultimately leads to the demise of the system it infects. Consequently, once the system collapses due to corruption, the individuals involved in corrupt practices will also suffer the consequences as their source of exploitation ceases to exist. In response to such actions, the community, through its social interactions, will assign a stamp or label to the act due to its potential to break societal harmony.[21]

The third faction, self-identified as the new criminology, posits that the phenomenon of crime necessitates an examination of the societal structural conditions, encompassing the examination of crime within the framework of disparate power dynamics, economic disparities, authoritative disparities, as well as the interplay between crime and the economic and political transformations occurring within society.[22] The determination of an act's criminality is not contingent upon the values and norms endorsed by individuals in positions of power or authority (juridical) but rather on the extent of the resulting loss or social harm caused by the act. This assessment is conducted within the framework of societal disparities in power and wealth.[23] The occurrence of deviant behaviour as a social process is believed to be a response to an individual's socioeconomic status.

Although not very clear about crime, this new criminology group has made a major contribution to the dialectic of criminology, its view is more about the causes of crime caused by structural factors, namely the inequality of power and welfare. This potential has become the cause of crime as a reaction to one's class life.[24] The act of criminality observed should not be regarded solely as a "crime," but rather as a response to the perceived inequities within the welfare system. From the standpoint of modern criminology, corruption can be classified as a criminal act due to its significant societal ramifications. The persistence of corruption as a criminal offence will inevitably result in a persistent structural deficit. Similar to a "vicious circle," instances of corruption tend to occur within a business context, involving a hierarchical exchange of illicit activities between individuals in positions of authority and those subject to them, or vice versa, when subordinates engage in corrupt practices towards their superiors.

According to Amin Rais, there is a pervasive and institutionalised culture of corruption that has permeated several sectors of society. The process of institutionalisation has resulted in a pervasive presence of corruption within nearly all state or government institutions. This assertion is substantiated by a foreign scholarly publication, which posits that "corruption has become ingrained as a societal norm in Indonesia".[25] The criminological examination of corruption leads to the conclusion that corruption can be classified as a criminal offence. This conclusion is derived from the analysis of various criminologists' conceptualizations of crime. These conceptualizations encompass perspectives that view crime as an action prohibited by legal statutes, resulting in criminal sanctions for offenders. Additionally, crime is also understood as a social construct, where certain acts are labelled as criminal by society due to their detrimental impact on the community. Furthermore, some criminologists approach crime from a structural standpoint, focusing on the consequences brought about by systemic factors.[26]

Satjipto Rahardjo provides an illustrative instance of non-conventional corruption referred to as "corruption of power." This form of corruption entails the misuse of public authority at many levels, characterised by malevolence, deceitfulness, absence of empathy, deficiency in quality, and the erosion of public confidence. The phenomenon under consideration encompasses the discretionary use of authority, negligence, the execution of subpar tasks or projects, the engagement in work with a lack of diligence, and a disregard for the emotional well-being of others, among other related behaviours.[27] The assessment of service quality serves as a metric for evaluating the presence of power corruption. An instance of a public official causing delays in attending to individuals can be regarded as a manifestation of substandard service conduct, similar to the case of inadequate progress on physical undertakings. The parameter that defines the corruption of power can be described as the act of carrying out one's obligations or responsibilities in an insufficient or inappropriate manner. This measure has the potential to be implemented across several positions within the public domain, encompassing project leaders, accountants, educators, lecturers, rectors, hospital administrators, village leaders, regents, prosecutors, judges, lawmakers, ministers, and other relevant roles.[5]

The occurrence of this atypical form of corruption is anticipated to be a frequent phenomenon, coexisting with traditional corruption, however evading detection and legal scrutiny. The notion of unconventional corruption infiltrating the very foundations of conventional corruption is a deeply disconcerting prospect. The consequences become increasingly severe when society fails to classify corruption as a criminal offence, as this fosters a mutually beneficial connection between corrupt individuals and society at large. Unconventional corruption, as it is not explicitly criminalised in corruption legislation, does not fall under the legal definition of a crime. Its acceptance within the community suggests that it is not perceived as causing harm or disruption, leading to the conclusion that unconventional corruption is not considered a criminal act.

One of the challenges in addressing corruption lies in the limited scope of existing countermeasures, which primarily target conventional forms of corruption. Insufficient attention has been given to the juridical and sociological aspects of unconventional corruption and the resulting impacts. Neglecting unconventional corruption is akin to disregarding the early stages of corruption, which may eventually evolve into conventional corruption if left unaddressed. According to Syed Hussein Alatas, the deleterious consequences of corruption are exemplified by its propensity to gradually erode and undermine the very fabric of society, ultimately leading to its self-destruction. Corruption can be likened to a parasitic organism that drains the vitality of a tree, ultimately leading to its demise. Consequently, when the tree perishes, the individuals engaged in corrupt practises will also suffer the consequences, as their source of sustenance ceases to exist. It is imperative to raise awareness within Indonesian culture regarding the concept of living law, emphasising that engaging in unorthodox forms of corruption constitutes a criminal offence that should be actively avoided. It is imperative to ensure that Indonesian society is shielded against the infiltration of adverse external values. By implementing this approach, unconventional forms of corruption will be subject to criminalization, even inside the realm of society. Consequently, this measure will serve as a significant impediment to establishing order and deterring the perpetration of corrupt practises.

In the book Crime, Shame and Reintegration, John Braithwaite raises the issue of the state of The community's response might potentially have two contrasting effects on crime rates, according to labelling theorists and punishment proponents. The former argue that community reaction may lead to an escalation in criminal behaviour, while the latter contend that it can result in a reduction of criminal activity. Offences elicit formal endeavours by the state and informal endeavours by members of the community or society to regulate misconduct. One key element of social control, as identified by Braithwaite, is the concept of "shaming". This term refers to any form of criticism expressed with the intention of inducing guilt in the one who is being subjected to the act of shaming or condemnation by those who become aware of the shaming incident.

Shaming can be categorised into two distinct types: reintegrative shaming and disintegrative shaming, each of which exerts a distinct influence on the likelihood of recidivism. According to Braithwaite's perspective on labelling theory, disintegrative shame serves to stigmatise and marginalise individuals, resulting in their social exclusion and the formation of a group of individuals sometimes referred to as "outcasts." Offenders are subjected to not only punitive measures for their transgressions, but also stigmatised as irredeemable wrongdoers who are deemed unworthy of reintegration into the community. According to the tenets of labelling theory, the consequence entails a heightened propensity for individuals to become increasingly detached from law-abiding behaviour and engage in criminal activities. Individuals who have committed offences are often faced with the rejection of job applications and exclusion from other legitimate options within mainstream society. Consequently, they are compelled to associate themselves with marginalised groups, leading to their involvement in the formation and engagement of criminal subcultures.

Nevertheless, it is worth noting that shame can also possess reintegrative qualities. In this particular scenario, the commission of an unlawful act catalyzes community disapproval, which

subsequently prompts endeavours aimed at reintegrating the transgressor into the community of law-abiding individuals through verbal or non-verbal acts of forgiveness, as well as ceremonial practises designed to reinstate the offender's reputation. In this particular scenario, humiliation manifests itself in two distinct forms. The process mentioned above guarantees the acknowledgement of wrong conduct by both the perpetrator and those observing the incident. Additionally, it offers a chance to reintegrate the offender into the collective. In the endeavour to combat corruption, an effective approach involves the public exposure and financial consequences imposed upon those responsible for engaging in corrupt practices. This strategy aims to render the perpetrators powerless and instil a sense of shame inside them. However, in such cases, the offender is also afforded the chance to reintegrate into society upon receiving a tangible indication of forgiveness from the community.

IV. CONCLUSION

In alignment with Hayan Ul Haq's discourse on "corruption and legal culture," the central argument posits that the fundamental obstacle to effectively combatting corruption lies in the presence of a deficient legal culture. The crux of this argument emphasises the necessity for all societal elements, having received appropriate training in ethical conduct, to consistently uphold truthfulness within the context of moral rectitude and virtue. It is crucial to acknowledge that corruption yields an exceptionally detrimental impact, transcending the boundaries of ordinary criminality. The countermeasure involves the integration of penal (criminal legislation) and nonpenal approaches aimed at addressing the underlying elements contributing to the issue. However, further research is necessary within the field of criminology, as it plays a crucial role in understanding the contributing causes of corruption offences. The criminological examination of corruption encompasses its criminal nature, as well as its examination from juridical and sociological perspectives and the resulting ramifications it engenders. Corruption remains prevalent in contemporary society, encompassing both conventional and non-conventional manifestations. One such non-conventional manifestation is the "corruption of power," particularly observed within public services, where individuals engage in improper or inadequate execution of their assigned tasks or responsibilities. This unorthodox kind of corruption has yet to be classified as a criminal offence. The increase in corruption offences can be attributed to several factors. Firstly, there is the influence of rapid societal changes brought about by modernism. Secondly, an unfair social structure exists where the goals and ideals of society are not adequately supported by legitimate means from the government. Consequently, individuals are inclined to resort to illegitimate means. To effectively address corruption, it is crucial to employ measures that hold the perpetrators accountable. One such approach involves exposing and publicly shaming those involved in corrupt practices, therefore diminishing their social standing and causing them to experience feelings of shame and helplessness. Additionally, imposing financial penalties on the perpetrators can further contribute to their impoverishment, reinforcing the consequences of their actions. However, in such cases, the offender is also afforded the chance to reintegrate into society upon receiving a tangible indication of forgiveness from the community.

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