



Cultural Constraints in the Eradication of Corruption in Indonesia

Erdianto Effendi¹, Heni Susanti²

¹Universitas Riau, Indonesia, erdianto.effendi@lecturer.unri.ac.id

²Universitas Islam Riau, Indonesia, heni@law.uir.ac.id

Submitted: February 13, 2024; Reviewed: March 25, 2024; Accepted: May 13, 2024

Article's Information

Keywords:

Cultural, Eradication, Corruption.

DOI :

<https://doi.org/10.25041/corruptio.v5i1.3350>

Abstract

Corruption is the enemy of mankind around the world. The eradication of corruption in Indonesia today is increasing if you look at the quantity. However, the massive efforts to eradicate corruption in Indonesia seem to have not been successful because corruption continues to occur. The problem can be formulated in this article, namely: Is culture an obstacle to efforts to eradicate corruption in Indonesia. Using a normative juridical research approach, it was found that one of the obstacles to the eradication of corruption is a cultural obstacle where corruption actors who are political figures and community leaders are often regarded as good people who must be defended. The main problem is that the culture that was originally considered noble by the community is misused in practice as a means of facilitating corruption.

A. Introduction

Corruption in Indonesia is increasing, not diminishing. It could be that this data is actually not entirely correct. Corrupt practices have actually occurred a long time ago, but they are left unattended and regarded as commonplace. Culture plays a role in human life, which can influence what is considered important as well as can be a guide for human life behavior. Why today it seems that corruption has increased is because law enforcement of corruption cases is carried out massively by law enforcement.¹

¹ Seno Wibowo Gumbira, et. al., "Assessing The Assurance Of Legal Certainty and Equity Of The Indonesian Law Of Money Laundering," *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 9, no. 1 (2022): 1–23, <https://doi.org/10.22304/pjih.v9n1.a1>.



Corruption is not the culture of Indonesia, nor is it the culture of civilization in any country, but honestly it must be admitted that corruption has become entrenched. Corrupt behavior not only occurs among people who occupy government positions, but also among private workers and even among domestic workers. Gardeners or maids who embezzle their employers' property, untrustworthy members of security forces, public transport drivers who pick up passengers on the road illegally and even students who make reports of accountability for fictitious activities.²

Regardless, it is necessary to give a common awareness that corruption is our common enemy that must be eradicated. All levels of society must support the anti-corruption program.³ Unfortunately, corruption eradication programs by the police, prosecutors or the KPK (Corruption Eradication Commission) often face public opinion that does not support it, but instead seeks to oppose the eradication of corruption. Especially if the suspect is a public figure, especially a political figure. One of the cases that is currently being discussed is the corruption case of Lukas Enembe, the Governor of Papua. Papuans will defend the Governor by confronting the KPK if the KPK is to arrest Lukas Enembe.⁴

In Riau, former governors convicted in corruption cases, including Anas Mamun and Rusli Zainal, are still highly respected by the public. His words are still being heard, his arrival is still honorably welcomed. It is a phenomenon where law enforcement of corruption cases against public figures is often regarded as criminalization. On the other hand, not a few political figures who are being examined as corruption suspects have actually won the General Election for Regional Heads.⁵

Various studies show a causal relationship between election costs and corruption by regional heads. In 2022, for example, there are a number of regional heads involved in corruption cases, including:

Table 1, Corruption by Regional Heads during 2022 handled by the KPK

No.	Name	Position
1.	RE	Mayor of Bekasi City
2.	AGM	Regent of Penajem Passser Utara Regency
3.	TRP	Regent of Langkat Regency
4.	TS	Regent of Buru Selatan Regency
5.	AY	Regent of Bogor Regency
6.	RS	Mayor of Ambon City
7.	HS	Mayor of Yogyakarta City
8.	MAW	Regent of Pemalang Regency

Source : KPK (Corruption Eradication Commission) 2022

People feel apathetic to law enforcement of corruption cases as long as they enjoy the results of corruption. As long as the money from corruption flows to them, they don't care. Only a handful of people are concerned about eradicating corruption, academics, NGOs and law enforcement. The rest they don't care. This also happens in the electoral process where money politics is so rife. Society became pragmatic and opportunist, electing candidates who distributed money to it. Bribery and gifting are difficult to distinguish, because the practice of

² Fuzi Narindrani, "Penyelesaian Korupsi Dengan Menggunakan Restoratif Justice (Corruption Settlement Using Justice Restoratives)," *Jurnal Penelitian Hukum De Jure* 20, no. 4 (2020): 605.

³ Gerhard Anders, Fidelis E. Kanyongolo, and Brigitte Seim, "Corruption and the Impact of Law Enforcement: Insights from a Mixed-Methods Study in Malawi," *Journal of Modern African Studies* 58, no. 3 (2020): 315–360, <https://doi.org/10.1017/S0022278X2000021X>.

⁴ Moh Zali and A. C.H. Maulidi, "Fighting against Money Laundering," *BRICS Law Journal* 5, no. 3 (2018): 40–63, <https://doi.org/10.21684/2412-2343-2018-5-3-40-63>.

⁵ F. Hamdani, "Konsep Hadiah Dalam Surat Al-Naml Ayat 35-36 (Suatu Kajian Tafsir Tahlili)," 36 (2013) <http://repository.uin-alauddin.ac.id/3846/>.

illegal levies almost occurs in every agency. People feel like they are sinful when they don't give something to the officers they deal with in the office.⁶

The difference between cultural values in the community is an obstacle in the eradication of corruption in Indonesia. This is the main problem that needs to be studied. With this study, it is hoped that solutions will be found to overcome cultural obstacles in combating corruption.

This research was legal research. It used a conceptual approach. One of the concept's logical functions is to appear as things that demand attention from a practical perspective, from the perspective of mental understanding, and from the perspective of particular traits.⁷ The analysis is based on a deductive analysis that departs from the existing laws and regulations and is then analyzed by utilizing the facts that exist in the community.⁸ To support this research, quantitative data obtained from relevant government agencies were also used.

Based on the above facts, the problem can be formulated in this article, namely: Is culture an obstacle to efforts to eradicate corruption in Indonesia?

B. Discussion

When viewed from various cultural perspectives, all noble values in every tribe and nation oppose any form of corrupt behavior. All parties believe that corruption is not Indonesian culture. Sri Sulistyawaty and Nelvitia Purba's research on the Malays, for example, states that the Malays are characterized by, among others: 1. identical to the Muslim religion, 2. praying to Allah. 3. Obey the law and admonish parents. 4. Manners in the pattern of behavior to get along. 5. prioritizing Education and Religious Studies (Islam). 6. communicate not rudely, 7. always deliberate and 8. have a friendly attitude to guests.⁹ Likewise, David Eliezar's research on Javanese culture states that Javanese people are: honest, caring, independent, discipline, responsibility, hard work, simple, brave and fair.¹⁰

However, reality shows that practices that are considered criminal acts of corruption by law are actually common in society as a noble culture that must be maintained. This noble cultural practice is related to the attitude of mutual help to relatives and friends, especially by people who have a higher social status to the person they should help, as well as the practice of giving gifts to respected people.

The Malay proverb says, "golden bananas take sail, cook a seed in a crate, gold debts may be paid, debts of favor are brought to death". Or another saying goes, "*Pulau Pandan jauh di tengah, di balik pulau si Angsa Dua, biar mati dikandung tanah, budi baik dikenang jua*" (Pandan Island is deep in the middle, behind the island of the Goose Two, let the body die of the soil, the mind is remembered)". Another saying goes, "people give us feelings, virtuous people we speak". There are many more local values of the Malay community that illustrate the importance of the Malays to return the favor of others. One form of returning the favor or kindness of others is to give gifts to each other.

In the Javanese monarchical government system, the concept of giving is known to obtain safety protection and position. It is a common tradition to give tribute called a whisker

⁶ Amat Budiman, "Pendidikan Anti Korupsi Dalam Perspektif Budaya Melayu," *Jurnal Pigur* 01, no. 02 (2017): 16–26.

⁷ Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, ed. by Setiyono Wahyudi, Malang: Bayumedia Publishing, 2022, . 5.

⁸ Irwansyah, *Penelitian Hukum Pilihan Metode & Praktik Penulisan Artikel (Edisi Revisi)*, ed. by Ahsan Yunus, Edisi Revisi, Yogyakarta: Mirra Buana Media, 2021.

⁹ Sri Sulistyawaty and Nelvitia Purba, "Strategi Pencegahan Korupsi Dengan Budaya Malu (Studi Komparatif Masyarakat Melayu Indonesia Dengan Jepang)," *Jurnal Penelitian Pendidikan Sosial Humaniora* 4, no. 1 (2019): 439–470, <https://jurnal-lp2m.um naw.ac.id/index.php/JP2SH/article/view/264>.

¹⁰ Daud Eliezar, "Pendidikan Anti Korupsi Dalam Budaya Jawa," *Scholaria: Jurnal Pendidikan dan Kebudayaan* 10, no. 1 (2020): 66–72, <https://doi.org/10.24246/j.js.2020.v10.i1.66-72>.

spindle. A lower official gives a gift to the higher as a form of giving pleasure, a reager-arem. The gift is in the form of gold picis rojobrono or gold gems and treasures.¹¹

In Islam, a gift is a gift in the form of something to someone as a form of glorifying or giving appreciation, which aims to realize affection among fellow human beings. The giving of gifts was encouraged by the Prophet Muhammad Saw because such a thing can foster love and mutual respect between fellow human beings.¹²

This culture of giving and giving back is also found in Japanese foreign societies, for example. The Japanese have a princip ongaeshi. They feel indebted for all the good they receive. Therefore, the Japanese will reject wherever possible the kindness offered by others, because the kindness he receives requires him to always remember the kindness until he can repay the kindness he received. What is given must also be an object. Commonly given objects can be food, fruits, produce, seafood, hunting products, and souvenirs.¹³

This gift-giving culture is carried out annually in the summer and cold to honor superiors or maintain relationships between relatives. The history of this beri-giving culture comes from Chinese culture based on Confucian teachings. The culture of beriberi in China, called guanxi (关系), aims to strengthen relations between families, politicians, social institutions, and business affairs.¹⁴

In Chinese society, the giving of gifts called angpao is carried out on big days. In Chinese culture, the person who is obliged to give angpao is the parent to his child and the married person to the children. Those who are married are considered mature and economically established. In addition to giving angpao to children, they are also obliged to give angpao to the aged.¹⁵

Later, the tradition of giving angpau also occurred among Muslims with the provision of THR (holiday allowance). Holiday allowance, initially given by employers or employers to their subordinates or workers. But later the provision of THR became widespread into giving to anyone, especially children, by families who were adults and already working. The giving of the gift becomes prestige and is related to the social status of the giver.

In the Islamic Perspective the gift comes from the word hādī, taken from the root of the word consisting of the letters hā', dal and yā'. Its meaning conveys meekly so that the word hidāyah can be interpreted as conveying something meekly to show sympathy. Gifts are often also included in the grant class. Meanwhile, according to the Big Indonesian Dictionary, a gift is a gift (memento, appreciation, honor). A gift must be a gift that arises from a sincere and sincere conscience, merely expecting rida from God.

In form, gifts in Islam can be categorized into two forms. First, a gift in the form of a gift to a person because of his achievements or indeed purely out of respect. Second, a gift given to a person because he has a certain purpose either for his own benefit or the interests of others. The first group prize is legitimate and even recommended, while the second type of reward can lead to bribes.¹⁶

Furthermore, in Islam several forms of gifts can be distinguished, namely: First, the reward that has been awarded by his government or his agency. The gift is given to the employee/official and it is permitted by the leader (a higher person in his position) that the

¹¹ Yusuf Adam Hilman, "Praktik Upeti Dalam Tradisi Hegemoni Nusantara Tela'ah Kritis Terhadap Praktik Mengakar KKN Di Indonesia)," *Jurnal Historia* 6, no. 2 (2018).

¹² Sri Sulistyawaty and Nelvitia Purba, *Loc. Cit.*

¹³ Tigana Barkah Maradona, "Tindak Pidana Gratifikasi di Indonesia Ditinjau dari Aspek Budaya Hukum," *Jurnal Hukum dan Pembangunan Ekonomi* 9, 1 (2021): 26, <https://doi.org/10.20961/hpe.v9i1.52526>.

¹⁴ Roberto Masami Prabowo, "Fenomena Pergeseran Budaya Pemberian Hadiah Dalam Tradisi Masyarakat Jepang," *Humaniora* 5, no. 2 (2014): 1122–33.

¹⁵ Destyanisa Tazkiyah, "Adaptasi Tradisi Angpao Saat Hari Raya Lebaran di Purwokerto: Perspektif Teori Agil Talcott Parsons," *Jurnal Cakrawala Mandarin* 6, no. 1 (2022): 76, <https://doi.org/10.36279/apsmi.v6i1.156>.

¹⁶ Ilgafur Tanjung, "PEMBERIAN HADIAH KEPADA PEGAWAI: Tinjauan Hukum Islam dan Undang-Undang Republik Indonesia Nomor 20 Tahun 2001," *AT-TAFAHUM: Journal of Islamic Law* 1, no. 2 (2017): 72–85.

employee/official may receive the gift. Second, gifts given to employees/officials who have nothing to do with the employee's work (who is rewarded). If a person gives a gift to an employee who has nothing at all to do with his work, then the gift is believed to be aimed purely at the silaturrahim and to tighten the bonds of brotherhood among Muslims.¹⁷ Third, the superior's gift to his subordinates, which is a gift given by a person whose position is higher than the employee. The gift is solely due to the good performance and work done by employees both personally and collectively. This form of reward is also known as a bonus. Fourth, the gift of an unusual person gives a gift to an employee who does not apply, such as Qâdhi (the judge) testifying for his son, and the gift has nothing to do with his work and position.¹⁸ Fifth, the reward of a person who has nothing to do with work (position). Before the person takes office, he has often also given gifts, due to the relationship of relatives or something else. And the gift still did not add up, although the one he gave is now in office. Sixth, the reward after he leaves his post, be it being fired, resigned or retired. In this case, the official/employee is the same as any other person both in rights and obligations.¹⁹ Seventh, gifts are given to honor and glorify people who have knowledge, people who have noble personalities, mosque guards or teachers and that person works as an official / teacher. Then the gift may be received by the official because it is judged solely by his merits, kindness, sincerity, not because of his position in office. Eighth, a gift given by a person to an employee / official who at that time the official was outside his area. This means that the gift given has nothing to do with the work of the official. For example, an employee/official who goes to the city of Mecca to perform Umrah worship, then meets and gets acquainted with someone who was unknown before, then that person gives him a gift. Gifts in that form can be received and even destroyed.²⁰

Meanwhile, according to Syamsudin, corruption arises from habits that are considered commonplace and reasonable by the general public, such as giving gifts to officials / civil servants or their families as a return for a service. The habit is seen as commonplace and even considered as something that is indeed recommended.²¹ With the explanations above, it can be known the cause of the difference between the concept of giving gifts as a recommended thing and what is prohibited. In Islam, there is actually a real difference between giving gifts as bribes and giving gifts as a good. The giving of gifts related to the position is prohibited, and can be a *bioleh* if permitted by the superior. While gifts in other forms are legal and legal. The perspective of the Corruption Law is actually no different from the Islamic perspective, because what is meant by bribery or gratification is a gift that has something to do with his office.

The emergence of public defense of political figures who are made suspects may be due to the good attitude that has been shown by the political officials concerned.²² A gift made by a political official is considered a legitimate gift. So far, no public official has been named as a suspect who gave gifts or assistance to the public except for money politics at the time of the election. But what happens is that the source of the gift made by the official is very likely to be obtained through non-lawful or unlawful means. What is blamed as a corruption crime is not giving, but a way to get a source of money to give the gift. In Islam, even if the gift is *halal*, if the gift is obtained in a non-*halal* way, it can cause the gift to also no longer be *halal*.

Based on this, it can be seen that the problem of public support for public figures caught in corruption cases is not due to the habit and tradition of giving gifts to each other, but rather the ignorance and indifference of the public about the criminal act of corruption itself. As long

¹⁷ Sri Sulistyawaty and Helvitia Purba, *Loc.Cit.* 203.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ Muhammad Syamsudin, "Korupsi Dalam Perspektif Budaya Hukum," *Unisia* 30, no. 64 (2007): 183–94, <https://doi.org/10.20885/unisia.vol30.iss64.art7>.

²² Diyan Permata Yanda, "Kesantunan Berbahasa Anas Urbaninggrum Pasca Jadi Tersangka KPK Dalam Kasus Hambalang," *Gramatika STKIP PGRI Sumatera Barat* 3, no. 2 (2017): 119–30, <https://doi.org/10.22202/jg.2017.v3i2.1280>.

as they get a share of a public official's wealth even if the wealth is acquired by corrupt means, they will regard the figure as a good person to be defended.

On the other hand, it must also be admitted that law enforcement including judges often still misunderstand the difference between corruption in the form of bribes, gratuities and the giving of gifts. Whereas it is called a bribe if the gift is intended to move law enforcement to do or not do outside of its obligations. A gift made after a person has committed a lawful act should be understood as giving a gift, but in the current understanding of corruption it is understood as gratification. Whereas gratification is if there is a relationship between the gift and the previous act and it is difficult to prove. The public and public figures assume that all giving is a gift. Bribes or gratuities will still be labeled as gift-giving.

The research of Erdianto Effendi and Mahrus Ali found that most respondents answered that regarding bribery, although according to the legal system, it is considered a despicable act which is therefore categorized as a criminal act of corruption; In society it is considered a normal and reasonable act. This is in line with previous research that found bribery to be the most common practice in corruption.²³

Gifts are commonly regarded as a means of strengthening social relationships. Although everyone hates bribery, and considers it undesirable, harmful, and destructive, in practice everyone approves in The act of bribing and taking bribes. Bribery is intended as a means of influencing the outcome of political, bureaucratic, business, or professional decisions or relationships. The rampant money politics in every election shows that the public takes the opportunity of the election to receive a share of the election participants and as a result, the political choice in the election does not depend on the vision and mission of the candidate, but on how much money is given by the candidate.²⁴

In theory, bribes are different from gifts. Gifts are legal, while bribes are illegal. The reward always refers to the symbolic meaning associated with the social bond between the couple's self-identity and the giver and as a ritual, the gift shapes participants' current and future expectations and behaviors. The gift has an important communicative function that sends a symbolic message from the giver, which is interpreted by the recipient. Gifts can be used strategically as a signal of intent to build relationships and shorten social distancing.²⁵ In practice the two are difficult to distinguish. Sometimes bribery is a more instrumental transaction with the main function of obtaining immediate and one-time benefits for participants. The most common example of a non-reward corruption transaction is bribing traffic police, parking attendants, customs officers, or other road-level bureaucrats. They usually occur in places when the perpetrators do not know each other and it is unlikely that they will meet again in the future.²⁶

The following is data on corruption crimes that occur based on the types of corruption crimes

²³ Erdianto Effendi and Mahrus Ali, "Public Awareness Of Public Administration Governance And Anti-Corruption Measures," *Corporate Law & Governance Review* 5, no. 1 (2023): 8–16, <https://doi.org/10.22495/clgrv5i1p1>.

²⁴ Endri Sanopaka, "Mendefinisikan Kembali "Money Politics" Sebagai Transaksi Pemilu Dalam Pengawasan Pemilu Di Indonesia," *Jurnal Bawaslu Provinsi Kepulauan Riau* 1, no. 1 (2019): 59–75, <https://doi.org/10.55108/jbk.v1i1.225>.

²⁵ Supriyadi Ahmad, "From Mahar Politics to Mental Transactional Politics: Comparative Study on Corruption In the Era of Millenial Indonesia," *FAI Universitas Ibn Khaldun (UIKA) BOGOR* 5, no. 1 (2017): 1–22, <http://www.jurnalfai-uikabogor.org>.

²⁶ Luca Tacconi and David Aled Williams, 'Corruption and Anti-Corruption in Environmental and Resource Management', *Annual Review of Environment and Resources* 45 (2020): 305–29, <https://doi.org/10.1146/annurev-environ-012320-083949>.

Mode	Amount	State Loss	Bribes and Illegal Levy	Money Laundering
Budget Misuse	303	17.857.397.845.012	49.274.300.000	724.280.000.000
Fictitious Activities/Projects	91	543.896.258.643	-	-
Mark Up	59	879.376.625.833	-	224.700.000.000
Fictitious Report	51	108.212.755.788	-	-
Illegal Levy	24	1.758.710.325	17.544.207.750	7.000.000.000
Trading Influence	19	18.424.335.029.448	508.784.000.000	-
Cutting	18	22.270.600.000	2.582.500.000	7.000.000.000
Illegal Permit Issuance	12	4.910.300.000.000	127.097.912.284	-
Tricking Witnesses	2	-	-	-
Total	579	42.747.547.825.049	705.282.920.034	955.980.000.000

Source : KPK (2022)

The data above shows that bribery occupies a fairly large number of corruption crimes. It is believed that the rise of bribery is related to the cultural factors of giving gifts in Indonesia.

Based on the above phenomenon, the practice of bribery in Indonesia can actually be distinguished in two patterns, namely bribes by public officials to the public such as the case of money politics in elections and secondly bribes by the public to officials which are defined as giving gifts. Although it is always said to be a sincere gift, the gift actually has a certain intention and motive. With such a cultured habit, it is difficult to avoid good relations that are unlawful between public officials and the community. As long as the public accepts part of the corrupt practices of officials, all actions taken by the officials concerned will be considered good.²⁷ The same attitude occurs among law enforcement officials where bribery can make what is actually a criminal act become a non-criminal offense if there is a bribe transaction by the perpetrator to law enforcement officials.

With this condition, it is clear that the eradication of corruption in Indonesia is constrained by Indonesian culture in terms of gift giving and the politics of reciprocity which comes from the patron and client pattern. Law enforcement officers who have just started serving are approached by parties with an interest in dirty business to secure their dirty business interests. Voters in the election and the people who are their constituents are pleased with fast and cash programs such as Direct Cash Transfer or the provision of basic necessities. The public will remember the gift so that if the political official who gave it is accused of corruption, of course it will be defended at all costs by the public and will be elected in the general election if a general election occurs.²⁸

Most societies don't care how someone gets rich, because what matters to them is that the results of that wealth are shared. As long as they can enjoy, someone who is corrupt is not a problem. The community does not care about the process carried out. Far more important is the result of wealth or power. It is not important how to do it because what is much more important is that people feel part and enjoy.

C. Conclusion

Based on the discussion above, it was concluded that the public's defense of public figures who were caught in corruption cases was not due to differences in the meaning of giving

²⁷ Rahmiati, et. al., "Comparison of Anti-Corruption Institutions in Indonesia, Singapore and Hong Kong," *Journal of Economics, Business and Humanities*, 1, no. 1 (2021): 2502–3470, <https://eksishum.untara.ac.id/index.php/eksishum/article/view/18>.

²⁸ Hikmatu Syuraida, "The Development of Corruption Eradication in Indonesia from the Old Order Era to the Reformation Era," *E-Journal of History Education* 3, no. 2 (2015): 230–38, <https://jurnalmahasiswa.unesa.ac.id/index.php/avatara/article/view/12011/11203>.

gifts as something good or a criminal act of corruption. From a religious and cultural perspective, there is no difference in the definition of giving legitimate gifts with corruption as an evil act as referred to in the Corruption Law. Public support and defense against perpetrators of corruption is more due to public ignorance and indifference about how public figures get money to use as gift-giving. Giving gifts from public figures to the public is legitimate, but what is not legal is the way he or she gets the source of gift-giving. The strategy is to increase understanding is to expand the understanding of corruption by academics on campus, Law enforcement should interact more with the study of academics. Judges should be freed from public pressure to impose verdicts on corruption. Judges should be given complete freedom not to be held hostage to public pressure. So, The main problem is that the culture that was originally considered noble by the community is misused in practice as a means of facilitating corruption.

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