

December 9<sup>th</sup> 2016



# The 2nd Proceeding "Indonesia Clean of Corruption in 2020"



"Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe"



**IMAM AS SYAFEI BUILDING**  
Faculty of Law, Sultan Agung Islamic University  
Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

**UNISSULA PRESS**

ISBN. 978-602-1145-41-8

## TABLE OF CONTENTS

---

Front Page .....	i
Information of the International Seminar .....	ii
Committee Composition .....	iii
Preface.....	iv
Greeting From The Dean Faculty of Law .....	vi
<b>INDONESIA’S KPK AND NSW’S ICAC: COMPARISONS AND CONTRASTS</b>	
Prof. Simon Butt .....	1
<b>CAN INDONESIA FREE ITSELF FROM CORRUPTION IN 2020?</b>	
Prof. Dr. Hikmahanto.,S.H.,LLM .....	4
<b>AN ACT TO ESTABLISH THE ANTI-CORRUPTION AGENCY, TO VEST POWERS ON OFFICERS OF THE AGENCY AND TO MAKE PROVISIONS CONNECTED THEREWITH.</b>	
Rohimi Shapiee.....	7
<b>STRATEGY TO CREATE INDONESIA FREE CORRUPTION IN 2020</b>	
Dr. Jawade Hafidz, S.H., M.H .....	11
<b>THE NETHERLANDS INGLOBAL CORRUPTION</b>	
Siti Malikh Marlou Feer, M.A. ....	28
<b>ROBUST YET FRAGILE: EFFORTS IN COMBATING CORRUPTION IN INDONESIA</b>	
Laras Susanti.,S.H., LLM.....	33
<b>LEGAL STATUS OF AKTOR’S FOR CORRUPTION (In the Perspective of Islamic Law)</b>	
Sumarwoto Umar .....	37
<b>THE ROLE OF LAW IN THE POVERTY REDUCTION STRATEGY</b>	
Lantik Kusuma Aji .....	46
<b>THE INDEPENDENCY OF THE INSTITUTION FOR THE PROTECTION AND THE ESTABLISHMENT OF HUMAN RIGHTS TOWARDS THE GLOBALIZATION ERA 2020</b>	
Khalid .....	55
<b>THE URGENCY OF ANTI CORRUPTION EDUCATION FOR COLLEGES IN INDONESIA</b>	
Siska Diana Sari.....	62
<b>THE PROBLEMS OF DIVORCE IN CUMULATION AT THE RELIGIOUS COURTS BASED ON THE PRINCIPLES OF SIMPLE, FAST AND LOW COST</b>	
Elis Rahmahwati.....	78
<b>DISPARITIES DECISION RELATED TO INTERPRETATION OF ARTICLE 2 AND 3 CORRUPTION ERADICATION ACT</b>	
Agung Widodo.....	87
<b>DIVERSITY ADULT AGE LIMITS POSITIVE LAW IN INDONESIA (Studies in Multidisciplinary Perspective)</b>	
Muhammad Andri .....	102

<b>THE APPLICATION OF BALANCE IDEA IN SETTLEMENT OF DOCTOR MALPRACTICE CASE THROUGH PENAL MEDIATION</b> Yati Nurhayati.....	111
<b>MODERNIZATION LAW AS A CRIME CORRUPTION VERY EXCEPTIONAL THROUGH ENFORCEMENT OF ETHICS</b> Dr. Sukresno, SH, M.Hum .....	118
<b>CORRUPTION POTENCIES IN LAND USE POLICY (A Case Study in Kuningan Regency)</b> Haris Budiman .....	126
<b>CORRUPTION PREVENTION AND CONTROLS</b> INP Budiarta .....	133
<b>ISLAMIC LAW VALUES TRANSFORMATION IN THE RECONSTRUCTION OF THE LEGALITY PRINCIPLE OF INDONESIAN CRIMINAL CODE</b> Sri EndahWahyuningsih .....	145
<b>JUSTICE AND CHARITY IN JAKARTA’S NORTH COAST RECLAMATION PROCESS THAT WILL LEAD TO INDONESIA CLEAN OF CORRUPTION</b> Untoro .....	155
<b>CORRUPTION CRIMINAL SANCTIONS WITH VALUES OF JUSTICE-BASED</b> Zulfiani.....	162
<b>THE REFLECTION OF ISLAMIC BANKING IN THEORY AND PRACTICE</b> Anis Mashdurohatun .....	171
<b>THE IMPLEMENTATION OF LOCAL WISDOM SIRI’NA PACCE AS AN EFFORT OF CORRUPTION ERADICATION IN INDONESIA</b> Muh. Afif Mahfud.....	181
<b>DISCOURSE POLITICAL LAW IN INDONESIA ON A COMPLETION OF PLATO PHILOSOPHY</b> Adrianus M. Nggoro,SH.,M.Pd.....	189
<b>STUDY OF INDONESIA’S PARTICIPATION IN ICSID</b> Agus Saiful Abib.....	202
<b>NOTARY ROLE IN THE IMPLEMENTATION OF EXECUTION PROCUREMENT OF GOODS AND SERVICES ARE FREE OF CORRUPTION BASED ON THE PRINCIPLE OF GOOD GOVERNANCE</b> Aris Yulia .....	211
<b>ANALYSIS WIRETAPPING AUTHORITY UPPER KPK LAW ENFORCEMENT IN THE PERSPECTIVE OF HUMAN RIGHTS</b> Ariyanto,SH.,MH.....	221
<b>SOCIAL WORKING PENALTY AS SOLUTION IN ERADICATING CORRUPTION IN INDONESIA</b> Desy Maryani.....	232
<b>LEGAL POLITICSOF EMPLOYMENT IN TERM OF PART OF TASK HANDOVER TO OTHER COMPANIES IN INDONESIA</b> Endah Pujiastuti.....	244

<b>RESOLUTION OF DISPUTES OF OUTSOURCING WORK FORCE IN THE COMPANY EMPLOYING OUTSOURCING SERVICE</b> Pupu Sriwulan Sumaya .....	256
<b>THE APPLICATION OF CORRUPTION LAW TO WARD CRIMINAL ACT IN THE FIELD OF FORESTRY</b> Ifrani .....	267
<b>THE EFFORTS OF ERADICATION OF CORRUPTION THROUGH INSTRUMENTS OF MONEY LAUNDERING LAW AND RETURN ACTORS' ASSETS</b> Yasmirah Mandasari Saragih.....	276
<b>AFFIRM ROLE OF EXISTENCE <i>RECHTSVERWERKING</i> TO ACHIEVING LEGAL CERTAINTY IN LAND REGISTRATION</b> Rofiq laksamana, Setiono, I Gusti Ayu Ketut Rachmi Handayani, Oloan Sitorus.....	287
<b>ANTI-CORRUPTION EDUCATION AT AN EARLY AGE AS A STRATEGIC MOVE TO PREVENT CORRUPTION IN INDONESIA</b> Ida Musofiana.....	304
<b>FREED INDONESIA'S CORRUPTION BETWEEN HOPE AND REALITY</b> Dr. Tongat, SH., MHum., Said Noor Prasetyo, SH., MH.....	313
<b>UTILIZATION OF INDONESIA MARINE RESOURCES IN AN EFFORT TO REALIZE INDONESIA TOWARDS THE SHAFT OF THE MARITIME WORLD</b> Dr.Lathifah Hanim, SH.M.Hum., M.Kn. and Letkol (mar) MS.Noorman, S. Sos., M.Opsla.....	319
<b>POTENTIAL CORRUPTION IN THE VALIDATION POLICIES ON ACQUISITION TAX OF LAND AND OR BUILDING</b> Lilik Warsito.....	325
<b>THE EFFORT OF LAW ENFORCEMENT IN COMBATING CORRUPTION IN SOUTH SUMATERA</b> Sri Suatmiati.....	334
<b>ETHICAL PERSPECTIVE AND THE MAPPING OF NORM IN CORRUPTION ACT</b> Siti Zulaekhah.....	344
<b>AN EXPANSION OF CONCEPT THE STATE ECONOMIC LOSS IN CORRUPTION IN INDONESIA</b> Supriyanto, Hartiwiningsih, Supanto.....	354
<b>JURIDICAL STUDIES ON SUBSTANCE AND PROCEDURE OF THE DISMISSAL OF THE PRESIDENT AND/OR VICE-PRESIDENT AFTER THE REFORMATION</b> Siti Rodhiyah Dwi Istinah.....	364
<b>THE ROLE OF THE SHARIA SUPERVISORY BOARD IN THE FRAMEWORK ENFORCING SHARIA PRINCIPLES AT THE INSTITUTE OF ISLAMIC BANKING IN SEMARANG</b> Aryani Witasari.....	376
<b>SEMARANG CITY GOVERNMENT ROLE IN CONSERVATION AND ENVIRONMENTAL PROTECTION TO THE CAPITAL OF THE NATIONAL HERITAGE IN INDONESIA</b> Achmad J Pamungkas ( <i>Indonesia</i> ), Carlito Da Costa ( <i>Timor Leste</i> ) .....	390

<b>STUDYING THE WISDOM OF ZAKAT</b> Moch. Gatot Koco (Indonesia), Basuki R Suratno (Australia) .....	398
<b>HOMOLOGATION RECONSTRUCTION IN BANKRUPTCY THAT IS BASED ON DIGNIFIED JUSTICE</b> Agus Winoto .....	410
<b>RECONSTRUCTION OF EXECUTIVE AND LEGISLATIVE AUTHORITY IN MAKING GOOD GOVERNANCE (GOOD GOVERNANCE) VALUES BASED ON WELFARE</b> Mohamad Khamim .....	420
<b>THE TASK RECONSTRUCTION AND BPKP'S AUTHORITY IN THE CASE OF JUSTICE VAUE BASED CORRUPTION</b> Sarbudin Panjaitan .....	429
<b>THE RECONSTRUCTION OF MADLIYAH AND IDDAH MAINTENANCE AND MUT'AH IN DIVORCE CASE FOR JUSTICE AND WELFARE</b> Mustar .....	438
<b>JURIDICAL ANALYSIS OF THE ALLEGED CRIMINAL OFFENSE TO MANUFACTURE A NOTARY DEED</b> Subiyanto .....	446
<b>REVITALIZATION DEAL IN AKAD HYBRIDS IN SHARIA BANKING VALUE BASED ISLAMIC JUSTICE</b> Masduqi .....	452
<b>RECONSTRUCTION OF LEGAL PROTECTION DISTRICT HEAD IN THE ELECTION IMPLEMENTATION OF VALUE-BASED JUSTICE</b> Kukuh Sudarmanto Alugoro .....	462
<b>ABUSE OF AUTHORITY OFFENSE THEOLOGICAL RECONSTRUCTION LAW ERADICATION OF CORRUPTION (LAW NUMBER 31 OF 1999 JO. LAW NUMBER 20 OF 2001) BASED ON VALUE OF JUSTICE</b> As'adi M. Al-ma'ruf .....	472
<b>RECONSTRUCTION OF THE DAILY PAID WORK AGREEMENT IN THE EMPLOYMENT LAW BASED ON JUSTICE</b> Christina N M Tobing .....	479
<b>THE LAW AND THE IMPACT OF MARRIAGE SIRRI</b> Sahal Afhami .....	489
<b>CRIMES AGAINST CHILDREN AS ACTORS</b> Muhammad Cholil .....	503
<b>RECONSTRUCTION OF CRIMINAL PROCEDURAL LAW (KUHAP) ABOUT THE DETENTION</b> Muhammad Khambali .....	512

<b>BASED ON JUSTICE PROBLEMS OF DISPUTE RESOLUTION REGIONAL CHIEF ELECTION (GOVERNOR, REGENTS AND MAYOR)</b>	
Esti Ningrum .....	520
<b>RECONSTRUCTION REGIONAL MINIMUM WAGE (UMR) IN RENEWAL OF EMPLOYMENT LEGAL REMEDIES BASED INDONESIA THE VALUE JUSTICE PANCASILA</b>	
Urip Giyono .....	531
<b>IMPLEMENTATION OF LAW AS TO MAINTAIN SECURITY IN THE CONTEXT OF PROFESSIONAL POLICE POLMAS (CASE STUDY IN LAMPUNG POLICE)</b>	
Muhammad Yaman .....	539
<b>RECONSTRUCTION OF CRIMINAL SANCTIONS PENAL CODE ACTORS ON ABORTION CRIME BASED ON THE VALUE OF JUSTICE</b>	
Hanuring Ayu Ardhani Putri .....	549
<b>REGISTRATION FIDUCIARY GUARANTEE REALIZE LEGAL PROTECTION OF CREDITORS AND DEBTOR</b>	
Ansharullah Ida .....	556
<b>RECONSTRUCTION OF LEGAL DISPUTES MEDIATION IN HEALTH CARE FOR PATIENTS HOSPITAL BASED ON THE VALUE OF JUSTICE</b>	
Teguh Anindito .....	569
<b>RECONSTRUCTION OF CRIMINAL SANCTIONS AGAINST CRIME OF ACTORS AND MURDER MURDER IN PLAN BASED ON VALUE OF JUSTICE CRIMINAL CODE</b>	
Maria Marghareta Titiek Pudji Angesti Rahayu Teguh Anindito .....	579
<b>IMPLEMENTATION OF PENAL MEDIATION IN CRIMINAL LAW</b>	
Aji Sudarmaji .....	587
<b>FAIR SETTLEMENT RECONSTRUCTION OF PROBLEMATIC CREDIT DISPUTE AT BANK RAKYAT INDONESIA (STUDY CASE AT MEDAN-SINGAMANGARAJA BRI BRANCH OFFICE)</b>	
Bachtiar Simatupang .....	594
<b>RECONSTRUCTION OF THE WASTE MANAGEMENT LAW BASED ON WELFARE VALUE</b>	
M. Hasyim Muallim .....	616
<b>RECONSTRUCTION LAW OF PUNISHMENT AGAINST CHILDREN NARCOTICS ABUSE-BASED PROGRESSIVE LAW</b>	
Salomo Ginting .....	625
<b>LEGAL PROTECTION PROBLEM OF WIFE AND CHILDREN OF POLYGAMY SIRRI IN INDONESIA</b>	
Muhlas .....	639

<b>IDEAL RECONSTRUCTION OF REHABILITATION PUNISHMENT FOR NARCOTICS ADDICTS AND ABUSER'S VICTIMS JUSTIFIED BASED ON THE LAW OF THE REPUBLIC OF INDONESIA NO. 35 YEAR 2009 (CASE STUDY IN SUMATERA UTARA PROVINCE)</b>	
Ahmad Zaini .....	648
<b>IMPLEMENTATION OF ACCELERATION SYSTEMATIC LAND REGISTRATION FULL IN HUMBANG HASUNDUTAN DISTRICT</b>	
Ruslan .....	658
<b>RECONSTRUCTION OF STATUS AND AUTHORITY OF THE SHARIA COURT IN THE NATIONAL JUDICIAL SYSTEM BASED ON JUSTICE</b>	
Jufri Ghalib .....	667
<b>RECONSTRUCTION OF LIABILITY NOTARY PUBLIC OFFICERS TO ACT AS A VALUE-BASED JUSTICE</b>	
Elpina .....	679
<b>RECONSTRUCTION OF CONSUMER PROTECTION LAW IN MAKING THE BALANCE BUSINESS BASED BUSINESS AND CONSUMER VALUE OF JUSTICE</b>	
Ramon Nofrial .....	693
<b>RECONSTRUCTION OF LAND USED RIGHT EIGENDOM VALUES BASED ON JUSTICE AND LEGAL CERTAINTY</b>	
Hakim Tua Harahap .....	706
<b>RECONSTRUCTION OF DIVERSION CONCEPT IN CHILD PROTECTION OF CONFLICT WITH THE LAWS BASED ON THE VALUE OF JUSTICE</b>	
Ulina Marbun .....	726
<b>RECONSTRUCTION OF PARATE EXECUTION MORTGAGE RIGHTS TO LAND BASED ON THE VALUE OF JUSTICE</b>	
Zaenal Arifin .....	740
<b>THE RECONSTRUCTION OF DIVORCE DUE TO MARITAL STATUS UNDER THE UNAUTHORIZED GUARDIAN AS VALUE OF JUSTICE</b>	
Abdul Kholiq .....	751
<b>THE RECONSTRUCTION OF LEGAL AID LAW FOR CHILDREN WHO GET CONFLICT WITH LAW IN PROCESS OF JUSTIFICATION FOR CHILDREN BASED ON THE VALUE OF PANCASILA</b>	
Adi Mansar .....	767
<b>MEDIATION RECONSTRUCTION AS ONE OF THE ALTERNATIVE SETTLEMENT OF DECLINE IN THE COURTS BASED ON THE VALUE OF JUSTICE (Study at the Simalungun District Court)</b>	
Mariah S.M. Purba .....	778
<b>POLYGAMIC POLICY IN INDONESIA (Analysis of Polygamic Arrangements and Practices 1959-2015)</b>	
Warman .....	790

<b>LAW ENFORCEMENT AGAINST CORRUPTION IN PERSPECTIVE OF HUMAN RIGHTS IN INDONESIA</b> Sekhroni .....	798
<b>THE PRINCIPLE OF NATURAL JUSTICE AND HUMAN'S RIGHT PROTECTION FOR CITIZENS IN ERADICATION OF CORRUPTION IN INDONESIA</b> Indriyana Dwi Mustikarini .....	809
<b>PREVENTING LAND MAFIA USING POSITIVE LAND REGISTRY SYSTEM</b> Bambang Sulistyowati .....	816
<b>UNRULY PASSENGER IN AVIATION: THE REGULATIONS AND CASES IN INDONESIA</b> Adya Paramita Prabandari .....	826
<b>EDUCATION ANTI-CORRUPTION IN INDONESIA: PROBLEMS, CHALLENGES AND SOLUTIONS</b> Alwan Hadiyanto .....	839
<b>SPIRITUAL URGENCY OF RELIGIOUS AND EXPENSES OF EVIDENCE IN COMBATING CORRUPTION IN INDONESIA</b> Sulistyowati .....	852
<b>SUE FOR THE STATE ADMINISTRATION OF JUSTICE IN INDONESIA</b> Sarjiyati .....	863
<b>CONSISTENCY MODEL OF COURT DESIGNATION TO FOSTER PARENT RIGHTS AUTHORITY DUE TO DIVORCE ON CHILDREN</b> Erna Trimartini .....	873
<b>AN INVESTIGATION AUTHORITY OF CRIMINAL ACT ON CORRUPTION IN CRIMINAL JUSTICE SYSTEM IN INDONESIA</b> Sukmareni .....	885
<b>PRO CONS THE EXISTENCE OF DEATH PENALTY IN CORRUPTION ACT OF 1999 IN INDONESIA</b> Anis Rifai .....	903
<b>PENAL MEDIATION IN SOLVING MEDICAL MALPRACTICE CASES AS AN ALTERNATIVE OF PENAL SANCTIONS BASED ON LOCAL WISDOM</b> Sri Setiawati .....	913
<b>SPECIAL PROTECTION OF CHILDREN IN CRIMINAL JUSTICE SYSTEM</b> Achmad Sulchan .....	922
<b>MORAL REFORM BUREAUCRACY AS PREVENTION OF ILLEGAL PAYMENTS TO INDONESIA CLEAN OF CORRUPTION</b> Herwin Sulistyowati .....	932
<b>STANCE AND AUTHORITY OF PEOPLE'S CONSULTATIVE ASSEMBLY DURING REFORMATION ERA 1945</b> Ahmad Mujib Rohmat .....	944



<b>TAXES AND ALMS SEEN FROM ISLAMIC LAW</b>	
Mohammad Solekhan .....	954
<b>DIVERSION IN COURT (Case Studies in Karanganyar District Court)</b>	
Anita Zulfiani .....	964
International Seminar	
Photos.....	971

# MORAL REFORM BUREAUCRACY AS PREVENTION OF ILLEGAL PAYMENTS TO INDONESIA CLEAN OF CORRUPTION

**Herwin Sulistyowati**

Faculty of Law, University of Surakarta

Email : [herwinsulistyowati578@yahoo.com](mailto:herwinsulistyowati578@yahoo.com)

## ABSTRACT

Starting the third year of his term, President Joko Widodo launch OPP package (Operation Combating Extortion). The spirit of the eradication of extortion seem so terrible. But until now still many findings in the community, if not more entrenched but membudidaya. Illegal Payments or extortion is charging fees in place that should not be charged or levied. Law enforcement to combat illegal payments related to the abuse of office or authority has stipulated in Article 3 of Law Corruption Law 31 Year 1999 jo Law No. 20 of 2001. Occupation (occupation), which also contained a number of power and authority became the main instrument of the possibility of evil. The law with the problem that arises is how the law works to realize the clean state of the culture korupsi. Metode used is normative and sociological approach that looks at the effectiveness of the operation of the Act with symptoms, behavior, and law enforcement by using the Law of Development Theory that the law of view the overall principles and rules that govern the lives of the people in it, including institutions and legal processes to realize it in reality purpose is to build mental, moral character and state officials (officials) are anti-corrupt. Build law not only limited commitment, but as a means to change attitudes and ways of thinking and behavior bureaucratic apparatus and society together. Because a result like this causes a decrease in the level of public confidence in the law, effect on lazy to work, officials absent from their duties. Law enforcement eradication of extortion there must be effective support and commitment from all stakeholders, communicated effectively, control the decisive, strong integrity officers to combat complaints of extortion by creating a network of central and regional level that seriously responded via online. Moral renewal of man as a supervisor and perpetrator eradication of extortion to create good governance and a prosperous society.

*Keywords : corruption, extortion, renewal bureaucracy*

## A. Background

In the study of crime, the crime of corruption is one of the oldest still in existence as long as the world is still there. Therefore, that can be done is to reduce the corruption to the point that most rendah.kata corruption is itself derived from the Latin corruptio or by Webster Student Dictionary is corrutus.secara literally, corruption means decay, ugliness, depravity.<sup>1</sup>

In Indonesia, raised the issue of combating corruption according to the evolution of reform and fighting corruption issue has always been a central theme in law enforcement in Indonesia. Corruption in criminal law standpoint of an international crime that has the characteristics of corruption crimes as an extraordinary crime. First, corruption is organized crime carried out systematically. Secondly, corruption is usually done with the modus operandi that difficult so it is not easy to prove. Third, corruption is always associated with corruption kekuasaan.keempat is absolute evil, absolute corruption anyway.<sup>2</sup>

Corruption is an extraordinary crime (extraordinary crime) that damage joints and threatening the life of the nation. Various regulatory legislation intended to combat corruption has been published. However, corruption is still repeated and increasingly complex realization. In 2010, according to the Pacific Economic and Risk Consultansy, Indonesia tops the list as the most corrupt country in Asia. When seen in the daily reality of corruption occurred almost every level and aspect of community life. Starting from the care of the Building Permit (IMB), Project Procurement of goods / services in government agencies, to law enforcement process. Unwittingly, corruption arises from habits that are considered normal and reasonable by the general community, like giving gifts to officials / servants or their families as a service fee. The habit is seen as commonplace habit of eastern culture. This corruptive habits long into the seeds of corruption are real

The habit of behaving corruptly ongoing in the community one of them due to the lack of their understanding of the notion of corruption. During this time, the vocabulary of

---

<sup>1</sup> Fockckemma, SJ. Andreae, 1951 Reglement Handwoordenboek, in writing the existence of KPK, Eddy O.S.Hiariej, Pg.1

<sup>2</sup> J.E.Sahetapy, 1997, the Mutual Cooperation Crime, the existence of the Corruption Eradication Commission, Eddy O.S.Hiariej. case 2

corruption has been popular in Indonesia. Almost everyone has heard of the word corruption. From the start the people living in rural, students, civil servants, the private sector, law enforcement officials to state officials. But if asked to them what corruption, what kinds of actions that can be categorized as corruption. Almost certainly very few are able to correctly answer the forms / types of corruption as defined by the law.

The habit of behaving corruptly ongoing in the community one of them due to the lack of their understanding of the notion of corruption. During this time, the vocabulary of corruption has been popular in Indonesia. Almost everyone has heard of the word corruption. From the start the people living in rural, students, civil servants, the private sector, law enforcement officials to state officials. But if asked to them what corruption, what kinds of actions that can be categorized as corruption. Almost certainly very few are able to correctly answer the forms / types of corruption as defined by the law.

## B. Problem Formulation

1. How does the law work to realize a clean state of the culture of corruption?
2. How the country was able to create a clean moral corruption?

## C. Discussion

Definition of corruption has actually been loaded forth in the Act No. 3 of 1971 on Corruption Eradication. Most terms of corruption within the legislation referred from the Code of Penal (Penal Code) were born before the country's independence. But until now people's understanding of the notion of corruption is still lacking. Become a better understanding of the notion of corruption is not an easy thing. Based on Law No. 31 Year 1999 jo Law No. 20 of 2001 on Corruption Eradication, the habit of behaving corruptly which have been considered sebgai normal and commonplace can be stated as a Corruption. As Gratuities (gift) for the host country and related to his position, if not reported to the Corruption Eradication Commission (KPK) can be one form of Corruption.

Knowing the shape / type of actions that could be categorized as corruption is early action to prevent someone not to commit corruption. Corruption bersasal Latin "corruptio," or "Corruptos" The word was later adopted into several languages, among which are: English:

Corruption (Corrupt) Dutch: corruptie Indonesian Corruption. Corruption could literally mean:

1. Crime, rot, incorruptible, immorality, depravity, and dishonesty
2. The act is bad (embezzlement, money, receiving kickbacks, etc.)
3. Deeds that fact give rise to a state of anticipatory bad

According to a legal perspective, the definition of corruption is obvious in 30 pieces Article in Law No.31 of 1999 in conjunction with Law No.20 of 2001. Based on those chapters, corruption formulated into 7 (seven) forms / types of corruption. Such articles describe in detail the actions that could be subject to imprisonment for corruption. Thirtieth forms / types of corruption that basically can be grouped as follows:

1. Losses of state finances
2. Bribe - Bribe
3. Embezzlement in office
4. Extortion
5. Deception
6. Conflicts of interest in procurement
7. Gratification

Increased corruption uncontrolled will bring disaster not only to the national economic life, but also the life of the nation in general. Corruption is widespread and systematic also a violation of the rights of social and economic rights of the people, and therefore, the corruption can no longer be classified as an ordinary crime but has become an "extraordinary crime".

The spirit of the eradication of extortion seem so terrible. But until now still many findings in the community, if not more entrenched but membudidaya. Law enforcement conducted the Corruption Eradication Commission does attempt to process the establishment or the functioning of legal norms significantly as a code of conduct in traffic or legal relations in the society and state

With the above description it is clear it seems that the definition of law enforcement was an effort made to make the law, both in terms of formal narrow and in terms of material that is broad, as the code of conduct in any legal actions, both by the legal subject concerned or by authorized law enforcement officials were given the task and authorized by the Act to ensure the proper functioning of the legal norms in force in the life of society and state

To cope with the extraordinary crime we need a social policy (social policy). Then elaborated in the policy enforcement (law enforcement policy). At the level of the policies formulated and enforced anyway penal (criminal policy).<sup>3</sup>

Thus it appears that criminal policy is part of a law enforcement policy as a whole is in a system of social policy. Therefore the criminal policies must have synchronization with law enforcement policies, while the law enforcement policies must also unidirectional and is informed by social policy or the policy direction of the organization of the state in general.

In Progress Trend Corruption in Indonesia is widespread in society. Progress continues to increase from year to year, both of the number of cases and the amount of losses to the state and in terms of the quality of criminal offenses committed more systematic and scope that penetrate all aspects of community life, as well as the modus operandi used are increasingly sophisticated.

Factors that cause corruption in Indonesia covering four aspects, namely:

1. Aspek individual behavior,

ie internal factors that drive a person to commit corruption, as their greed, moral less robust in the face of temptation, income is not sufficient for reasonable living, needs urgent, consumptive lifestyles, lazy or do not want to work hard, and do not diamalkannya religious teachings properly.

2. Organizational Aspects.

ie less than their exemplary leadership, organizational culture is not true, the accountability system is inadequate, the weakness of management control systems, management tends to cover up acts of corruption within the organization.

3. Aspek society,

that is related to the community in which individuals and organizations are located, such as the values prevailing conducive to corruption, lack of awareness that the most disadvantaged of the occurrence of corrupt practices are public and themselves engage in corrupt practices, as well as the prevention and eradication of corruption just will be successful when the community to actively participate. Besides the abuse of sense notions in the culture of Indonesia.

4. Aspek legislation,

namely the publication of legislation monopolistic advantageous only to relatives and cronies of the state authorities, the quality of legislation is inadequate, judicial review is less

---

<sup>3</sup> Ristina Yudharti, teaching materials the Special Criminal Law, UNS, 2013

effective, penalties are too light, the imposition of sanctions is not consistent and indiscriminately, and the weak the evaluation and revision of legislation.

This special law offenses stipulated in the Criminal Law Act outside General. Deviations criminal law provisions contained in the criminal law is an indicator of whether the criminal law is the Law of Special Crimes or not. So it can be said that the Special Crimes Law is the Law on Criminal or Penal Law crime stipulated in the Act itself. This statement is in accordance with the opinion of Pompe who said: "The Special Criminal Law has its own purpose and function".

Criminal Law which qualified as Special Crimes Law is related to the provisions of the State Administration Law, especially regarding abuse of authority. Offenses related to the abuse of this authority is contained in the formulation of corruption. 1. Special Crimes Law has specific provisions and a deviation from the general criminal law, both in the field of Criminal Law and Criminal Law Material Formal. Special Crime Law apply to certain acts or for group / certain people.

Specificity of the Law for Special Crimes Criminal Law Petition field. Irregularities in the sense of deviating from the provisions of the General Penal Code and can be:

1. Special Crimes Law has specific provisions and a deviation from the general criminal law, both in the field of Criminal Law and Criminal Law Material Formal. Special Crime Law apply to certain acts or for group / certain people. The specificity of the Special Crimes can be:

Specificity of the Law for Special Crimes Criminal Law Petition field. Irregularities in the sense of deviating from the provisions of the General Penal Code and can be:

1. Special Crimes Law has specific provisions and a deviation from the general criminal law, both in the field of Criminal Law and Criminal Law Material Formal. Special Crime Law apply to certain acts or for group / certain people. The specificity of the Special Crimes can be:

Specificity of the Law for Special Crimes Criminal Law Petition field. Irregularities in the sense of deviating from the provisions of the General Penal Code and can be:

Determine your own that previously did not exist in the so-called HPU with special provisions.

– Criminal Law is elastic (special provisions)

.– Experiment and help with a criminal offense punishable by (deviant).

- separate setting of a felony and violation (special description)–
- Expansion of entry into force of the principle of territorial (extra-territorial). (Chatter / special description)
- .–Sub. Laws related / determined based on financial losses and the country's economy (special description)
- Servants is Sub. Its own law. (Special information).
- Having an open nature, the intention of the provision to enter the criminal acts that are in other laws as long as other laws that determine into crime (special information)
- .– Fines + 1/3 against the corporation. (Chatter).
- Deprivation of goods moving, not moving (special description)–
- The imposition of a criminal offense other than those stipulated in the law. (Special information)
- .– The offenses are transnational. (Special information).
- The provision jurisdiction of another country against the crime that happened. (Special information)
- .–Follow-punishment may be political (special information)
- .–Can also apply the principle of retro-active
- .–Unlawful for enrichment and Abusing Authority People

or Korpo-constellation  
Article 2 (Break of Law)

unlawfully;  
enrich themselves or another person or corporation;

Article 3 (Abuse of Power)

with the intention of enriching themselves, another person or a corporation;  
- abusing authority, opportunity or means available to him because of the position or positions;

That can be detrimental to state finance and state economy

Financial elements of the State:

The entire wealth of the country in any form, separated or not separated (including all parts of the country's wealth and all rights and obligations arising from:

1. Being in the control, management and accountability of state officials, both at the central and regional levels.



2. in the possession, handling and accountability of state / local enterprises, foundations, legal entity, and the company that includes the state capital, or companies that include third-party capital under the agreement degan country.

Elements State Economy:

General Explanation of Law No.31 of 1999 describes it as follows:

Understanding the country's economy is the economic life which is structured as a joint venture based on the principle of family or community enterprise standalone which is based on government policy, both at the central and local levels in accordance dengan provisions of the legislation in force aimed at providing benefits, prosperity, and welfare to the whole life of the community.

Financial losses / economies must be proven in a concrete (based on valid evidence) may not use assumptions, losses propestif; although the activities of state institutions that benefit does not mean the defendant is not detrimental to the state.<sup>4</sup>

Actually, the term extortion is simply a political term which is then further popularized by the world jurnalists. Di in the world (criminal) law, does not dijumpai. Belum we never heard of any criminal act or offense of extortion extortion. Indeed, extortion is the designation of all forms of unauthorized charges, which do not have a legal basis, then the action is called a levy illegal fees (bribes). In operation, the perpetrators of extortion is always followed by acts of violence or threats of violence against those who are in a weak position because there are interests.<sup>5</sup>

In the formulation of corruption in Article 12 paragraph e Law Nomor 20 2001 derived from Article 423 Penal Code referred to in Article 1 (1) c of Law No. 3 of 1971, and Article 12 of Law Number 31 20 1999 as corruption, which later reformulated to law No. 20 of 2001 (Understanding to root), definition of extortion is an act committed by public servants or organizer with the intent of enriching himself or another person unlawfully, or by abusing his power to force someone to give something, pay or receive payments by piece, or do something for himself. extortion is a perbuatan that.<sup>6</sup>

---

<sup>4</sup> Ali, Achmad. 2005. Deterioration of law In Indonesia, Bogor: Ghalia Indonesia, page 35

<sup>5</sup> [www.hukumonline.com](http://www.hukumonline.com)

<sup>6</sup> Dirdjosisworo, Soedjono. 1976. Combating Crime, Bandung, page 23

by civil servants or state officials who have and misuse a certain authority with the hope of a reward in violation of the rule of law so that the moral and material consequences for others.

Illegal Payments elements exactions made up of elements of objective and subjective elements, among others, are:

a. Unsur-element of Objective At extortion into the elements of the objective in this case is set in the formulation of corruption in Article 12 paragraph e Law No. 20 Tahun 2001 based on Article 423 of the Criminal Code are:

1. Pegawai country or state officials (deambtenaar);

2. Menyalahgunakan power (misbruik van gezag);

3. Memaksa someone (dwigen iemand om) to:

a. Memberikan something (iets af geven);

b. Membayar (uitbetaling);

c. Menerima payment by piece, or (eeneterughouding Genoegen nemen bij eene uitbetaling);

d. Mengerjakan something for himself (een dienst persoonlijken verrichten

Subjective elements b. Unsur

On the illegal fees into the elements of the subjective in this case

arranged in the formulation of corruption under Article 12 e of Law Number 20 Year 2001 based on Article 423 of the Criminal Code are:

1. Atau with a view to (meth oogmerk het om) benefit themselves or others unlawfully (zich een of ander wederrechtelijk te bevoordelen);

2. Menguntungkan secara against the law (wederrechtelijk te bevoordelen).<sup>7</sup>

With regard to the moral development of the individual extortion is, if only the law can reach far way to make reform work in the changing patterns of work within a bureaucracy. Law Development theory proposed by Professor Mochtar Kusumadmaja revealed that the law is not just about the norm or principle, but also to the socio-cultural phenomenon. The law was a pattern of values in society that are mutually recognized. The law can be used to transform society. There is an element of this change in thinking. Therefore, legal practitioners can participate in any change, the vital nature physically, the attitude and mental, of how the law would function in the construction of which is to ensure

---

<sup>7</sup> Atmasasmita, Romli .1988. *Capita Selecta Criminal Law and Criminology*, Bandung: Mandar Maju, p 15

the implementation of the development process, which is based on the rule of law. Roscoe Pound though, for Mochtar, exploit the law by the Government, is the executive, as a means of manipulating the public is a desperate need felt by every developing country, seakalipun needs as it was not too hard in industrialized countries that have been developed, where the law has been serves as a mechanism that would work well to accommodate the changes that occur da; am community. Different with the Pound which is meant the law as the judge-made, and are therefore in the realm of control of the professional submissive in the boardrooms court, conceptually authority social control through law as a political authority into the hands of the executive (which in those days New Order regime so dominate the legislature, and at the same time often without much doubt like sell-making berbagai Kep-Pres and in-Pres legitimized national law. Understood named sociological jurisprudence rose comes from Roscoe Poundyan g in its development, also known as flow functional yet on sociological jurisprudence is evident that emphasizes the public interest that direpresentasi government than the social interest which refers to the interests of citizens who were litigants, and that therefore it was looking for a solution based on the instruction hukumyang given judges. thus, merekonseptualisasi law of its role as a regulator of orderly social life (established) to function as a social engineer (for the realization of national development), but instead as well have downloaded the "transmigration" the creation process of law for the sake of national development of jurisdiction judicial (the 'judge-made law'nya) to the jurisdiction of the legislature, which in the New Order era dominated by the executive authority).

#### D. Conclusion

The factors that cause the occurrence of illegal collection includes:

Internal 1.Faktor composed of economic factors, mental factors, factors abuse of authority, and cultural factors. While external factors influenced the culture consists of the communities it serves, and the encouragement of the community factors that provoke the police officers in order to perform acts that deviate.

2.Peranan victims of extortion, causing very large if the terms of the reasons the victim to deposit their habit in society, a fear compounded by unscrupulous and quick process and the ease of obtaining a major reason that victims of extortion this happens. Not only that, the victim who is a business person who essentially calls for time efficiency and minimal costs in addition to the rules and procedures that length is an obstacle in running his business.

In the response to such extortion is not fully effective coaching depends on the moral of each personnel, supervision estranged from superiors, referrals and advice sometimes forgotten when it comes to economic needs, masyarakatati businesses still consider the efficiency of time and cost as well as the still low legal awareness to pay in accordance with the applicable procedures.<sup>8</sup>

#### E. Suggestions

1. Pungli is a criminal act of extortion involving positions, if left unchecked it will eventually undermine the morale of the public and law enforcement officers themselves and damage the image of the police in general. Therefore extortion must be eradicated until the roots and the perpetrators must be followed in order to be a deterrent for offenders not to commit extortion in the future.

2. Negara Indonesia is a constitutional state that whoever the perpetrator will be accounted for without the perspective bulu. berdasarkan principle of Equality Before the Law (Equality before the Law) person who collects must be given criminal sanctions and brought before the court if it is proved melakukan pungli, not only sanctions administration or code of conduct so impressed protecting member unpunished.

3. Masyarakat especially businesses should realize the importance of obedience and legal awareness in order to create the legal objectives of fairness, expediency and legal certainty

---

<sup>8</sup> [www.TeoriPembangunanHukum.com](http://www.TeoriPembangunanHukum.com)

## BIBLIOGRAPHY

Ali, Achmad. 2005. Deterioration of law In Indonesia, Bogor: Ghalia Indonesia Atmasasmita,

Romli .1988. Capita Selecta Criminal Law and Criminology, Bandung: Mandar Maju

Eddy O.S.Hiariej existence of KPK, Reader Kemang 2016

Dirdjosisworo, Soedjono. 1976. Combating Crime, Bandung.

Ristina Yudharti, Subject Matter Special Crimes Law, UNS, 2013

[www.ti.or.id](http://www.ti.or.id)

[www.legalitas.org/node/239](http://www.legalitas.org/node/239)([www.hukumonline.com](http://www.hukumonline.com)).