



THE INFLUENCE OF POLITICAL SYSTEM ON CORRUPTION

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ABSTRACT

In a democratic country that is growing like Indonesia, it must be having problems to find their identity of the nation. Even though the State already has an ideology that declared since the country is outset. Indonesia for example has set Pancasila as the state ideology as well as their national identity. The political system is one of the issues that directly involved with corruption. It is the fact that occurred in Indonesia. In the New Order government, the pattern of centralized government succeeded in realizing a modern welfare state and almost unheard of corruption. This excess centralized government system. All policy administration rests on the State's central government. Only drawback is that almost all policies related to state finances, the money flows in certain areas only, while the downstream areas are not so prosperous. Is in that system not touched by corruption? Of course it could be was, but shrouded. Corruption itself has three complexions. Two others are the collusion and nepotism. However, it was reduced by the New Order government through a system of centralization. After the New Order government collapsed in 1998, then political system of Indonesia changed into decentralized system of government. The problem is "Do the turnover from political system centralized into a decentralized political system then corruption does not happen? As it turned out, the fact did not. The statement "reformation is a snake" which stated by a humanist South Sulawesi, Udin Palisuri, was true. Every time it shed its skin but the body has not changed at all.

Keyword: Political Systems, Corruption

CASE DESCRIPTION

If it viewed the title of this paper, it actually contents of two things namely the political system and the legal system. Both are discussed in relation to one another or in combination with each other to see an implication as an effect of the ongoing process of political system, and then cause a corruption. This is where the focus of this paper.

Before it is discussed further on how the influence of the political system on corruption in Indonesia, firstly author affirmed that the approach used in this paper is positivism. Positivism approach according to Guba was an approach that explains the reality exists and governed by law of cause and effect that could be determined. Therefore, positivism approach is more appropriate to use because corrupt behavior is seemed by free value

behavior impressed. It means corrupt behavior or in these days tends anomaly.

Sides of Politics

Ex-President Susilo Bambang Yudhoyono has said that: "In politics, 1000 (one thousand) friends are not enough and one opponent is too much." Vice President Jusuf Kalla has also been stated that, "Do not ever lied to everyone but repeatedly lie to one person, it is permitted". Yusril Ihza Mahendra argued that politics is simply and solely "words". Of course, the meaning of a thousand friends is part of a political power. Sometimes lied to someone, even use a certain "word" can also mean political power.

In Black's Law Dictionary mentioned as "The power vested in a person or body of persons exercising any function of the state"

e; the capacity to influence the activities of the body politic also termed as civil power". In Indonesia for example, in 1997, in seconds of the collapse of the New Order government, something that called the power of the people as a political force, it was happened to end the rule of President Soeharto.

Prof. Mattulada, a lawyer and anthropologist from Hasanuddin University, Makassar, Indonesia, said that if it wants to become a pure politician, then in politics there are three colors. The three colors of politics often appear in the person of a politician who seemed to be the character. The three political colors that stated by Mattulada in Bugis was *first*, "*Pabbelleang*" aka liar. A politician must be able and bold lie. That means, another he promised, another he did anyway. In the Al-Qur'an, such behavior is called *munaafiqi* in or hypocritical. *Second*, "*Melleperru*" aka sadist. The Qur'an calls it "zalim". For example, mutual hanky-panky because of the influence of inter-subjectivity is higher. And *third*, namely "Maceko-ceko" aka cheating. Means, it likes to rig even it was his own friends. So it is no wonder if in politics there is the view that "In politics there are no true friends. There is only just a real opponent."

If consider carefully, the sides of politics is evident the existence of a force of attraction to achieve goals. The tensile strength of interesting that there are positive and negative side. The power that leads to a positive thing can be viewed in welfare state, Indonesia, for example. It ever achieved economic growth up to 8% during the reign of President Soeharto, also in transition era of President BJ.Habibie. While the strength of the negative displays detrimental implications for Country (read: corruption). In Pradjoto's term familiar, "The collapse of the nation". However, both the positive and negative sides, it depends on who role the political.

Since the reformation of 1997-1998 1

ed by students throughout Indonesia, the direction of democracy in Indonesia drastically changed from centralized into decentralized. Centralization is a model of a political system where the entire implementation policies rest on the State's central government. This is the political system that ever applies in the New Order. Of course in the New Order government, there is only impression goodness that cannot be forgotten.

After the centralized political system passed, through the urging reform then turned into a decentralized political system. If the centralized political system, almost no opportunities for local governments to determine what policies will be taken which synchronous with the progress of the government, then it is inversely proportional decentralization of it. Through a decentralized political system, local governments have plenty of opportunity to determine their own policies.

But the issue of corruption is not at the policy decision-making begins. The subject of corruption originated from a political system that is run. At the beginning of this paper has already mentioned that the political system which meant here is the political system of the local elections or representatives. Why should be highlighted on the side of those? The problems highlighted in that regard because the correlation of corruption are on the sides, namely the implementation of the system of election of chairman of state or representatives of the people who use democracy (read: political) directly, free and confidential draft on the basis of popular sovereignty.

Glimpse of History of Politics and Crime

In the past, especially during the reign of the New Order of the crime taking place with political riding. At the time, it happened called gross violation of human rights which is supported by a *state apparatus* that is supported by an institution called institutionaliz

ed violence crime. This is done by means of massive consequences against the people. According to Yohanes, there are five crimes during the New Order, so that it can be termed as gross violation of human rights. The fifth measures are *the first*, the crime carried out systematically that is neat, orderly step by step, with the intensity and high frequency for the purposes of certain political. *Secondly*, crime or violations done through the name of the state apparatus that is equivalent to institutionalized crime in society. *Thirdly*, crime took place in massive consequences against the people. *Fourth*, the event that led to asymmetrical relations between the perpetrators and the victims, which is the process of weakening of a group through the power of the State supported by forces of society. Power that used by State to destroy the others. *Fifth* is a matter directly related to the law, namely the issue of justice as the deepest basis of an issue. The Court does not work as a function of the court, but it becomes a sale and purchase transactions of justice and the courts. According to the author's observation, the latter also continues today, starting at the level of the first judicial way up to the Supreme Court, including the Constitutional Court as the former Chairman's case of the Constitutional Court, Akil Mukhtar.

Political Partner

One of the political colors of reform in Indonesia since 1997 is there is so-called "Political Partner." Political partner is part of the strategy of the political system of direct elections to the people. Since the enactment of the electoral system directly to the people through an institution called the General Elections Commission (KPU) and the Regional Election Commission (Election Commission). Since it also the popular sovereignty wants to be realized directly. Therefore, the people's voice became seizure by the regional head candidates and the candidates of representatives from various political parties. Ap-

parently the struggle for the people's voice is not easy as imagined. Because it is not easily captured the popular vote, then the candidate is nominated, both regional head candidates and candidates contesting as candidates for representatives requires a particular strategy. One of the determining variables is the political cost in fresh funds.

Thus on that basis shows that how difficult to penetrate the seizure the popular vote which is the holders of sovereignty, apparently it needs political or boarding fees which are quite expensive. The candidates for public offices and the government try to putting their thoughts to find a way to win and grab the hearts of people. One strategy to overcome the political cost is a political partner strategy.

Why does the political partner strategies they need? Because in struggle for popular vote, they requires the cost which sufficiently large. A People's Deputy, for example, to Parliament level 2 will cost nearly one billion rupiah. For example, a representative of one of the political parties in Sidrap, South Sulawesi, Indonesia, on the legislative election period 2014-2019, spend money around Rp900 million and after that he could be elected to the council. So that in Makassar, Indonesia, in the election of Mayor and Deputy Mayor of Makassar in the same period. There was among the candidates who spend up to billions rupiah, but he was not selected. So it was with selected. Surely he spends out of much money in order to win the election of Mayor and Deputy Mayor of Makassar.

Under conditions where the political system requires enormous political cost to acquire a popular vote, political associates that the author mentioned as well as the political partner needed to presence to sustain the political costs in the field. Of course it is not free.

Political partners is impossible to get



free because during the process of political interaction takes place, they are already issuing costs required by candidates, both as candidates for regional head or deputy head of the region, as well as candidates who will sit in the House of Representatives (Regional) later. Before the transaction political was carried out, firstly must be there commitments. From this begin early embryonic emergence of corruption. For example, a local chief who had won, the construction projects will be handed over to the political partners who participate in the form of the political cost. Shortly all candidates (no exception) include legislative candidates are thinking of getting funds in winning political battles. So that infrequently, there are some of them who justify all sorts of ways to get these funds, including by corruption.

Judiciary Flabby

Speaking about justice, in law scientific is not only institution which the judge of court decided the case. But also include the institutions that became a sub-system of the whole judicial system itself. For example the police and prosecutors. However, in the development lately appeared judiciary as political justice agencies such as the Court of Honor Council (CHC) that ever canceled the punishment of Setya Novanto. There is also the Honorary Board of the Regional Representatives Council (HB-RRC) which dismissed Irman Gusman as Chairman of the Council for the bribery case of imported sugar. All fell under the category of judiciary because it has the legal authority to decide a lawsuit (political) associated with their respective institutions. However, if these institutions are measured in theory, two justice institutions that mentioned in last is more appropriately referred to as a political system and are not classified as a legal system. Because according to Fuller (1971) stated that "A legal system must contain regulations, which should not be merely decisions ad hoc. Such regulations also

should be published." Of course it is different with a court ruling referred to the District Court, High Court, and the Supreme Court and the Constitutional Court of the Republic of Indonesia, which in addition to making a decision also must be published namely the announcement of the decision of the judge.

One of the pillars which weaken the democratic system in Indonesia is the weakening of functions of the judiciary. In fact, revealed a number of corruption cases involving officials of the judiciary such as judges, clerks, and also lawyers prove the failure of the criminal justice system in law enforcement. Based on *Harian Kompas*, June 18th 2016 shows that 92.7 percent of respondents clarify that bribery and corruption in the judiciary still happening. Besides that according to the author, one of had not revealed to the surface that will give implications of corruption include gratification i.e. streets and judicial justice of the press. This context is part of the political configuration that can tie a fair of democratic system.

CONCLUSION

In the end the authors conclude that the influence of the political system on corruption in Indonesia is quite high. In addition, the political system also has a significant influence on corruption in Indonesia. This occurs because of the existence of an excessive inter-subjectivity for a politician to maintain a position in social strata and resulting in power syndrome. And the sequel is corruption.

Authors recommended in the political system that aims to open up the widest popular sovereignty after reformation should be created a conducive legal.

BIBLIOGRAPHY

----- 2008, *Filsafat Hukum (Philosophy of Law)*, UMITHOHA Press, Makassar, Indonesia.



- , 2013, *Harmonizaion of Unwritten Laws as The Cornestone For Justice Court Judge's Decision Based On One Supreme Divinity*, STTSS Proceedings 2013, Social Transformation Toward Sustainable Society, The International-Conference Proceedings Papers, pag. 72
- , *Pancasila Sebagai Anugrah Tuhan bagi Indonesia (Pancasila As God's Grace To Indonesia)*, Malakah Presented at Workshop on Quality Improvement Events Understanding Religious Harmony, Mental and Spiritual Development, organized by the Secretariat of Mental Development Bureau Prov. South Sulawesi, Indonesia Hotel Horison, Makassar, Indonesia, March 23, 2016.
- Ahmad, Kamri, 2016, *Prospektif Hukum Pidana Dalam Pandangan Filosofis (In a pluralistic Spiritual Laws of Thought: The Other Side of the Law of The Forgotten)*, Copyright @ Thafa Media, Yogyakarta, Indonesia, pag. 383.
- Flow, Masenus, Letter of John da, et al, 2003, search on Transitional Justice, Elsa m, Jakarta, Indonesia.
- Fuller, Lon L, 1971, *The Morality of Law*, New Haven, Conn: Yale University Press, page 39
- Fuller, Lon L., 1971, *The Morality of Law*, New Haven, Conn: Yale University Press, pag. 39
- Garner, Bryan A, 1999, *Black's Law Dictionary*, Seventh Edition, West Group, ST. Paul, Minn, Copyright wets Publishing Co.
- Parson, Weyne, 2001, *Public Policy: An Introduction to The Theory and Practice of Policy Analysis*, Edward Elgar Publishing LTD
- Pradjoto 2003, *Mencegah Kebangkrutan Bangsa: Pelajaran Dari Krisis (Prevent Bankruptcy Nation: Lessons From Crisis)*, Community Transparansi Indonesia, Jakarta, Indonesia.
- Pradjoto, 2003, *Mencegah Kebangkrutan Bangsa: Pelajaran dari Krisis*, Masyarakat Tranparansi Indonesia, Jakarta
- Rahardjo, Satjipto, 2012, *Ilmu Hukum*, Citra Aditya Bakti, Bandung, Indonesia
- Yohanes da Massenus Arus, dkk, 2003, *Pencarian Keadilan di Masa Transisi*, Elsa m, Jakarta, Indonesia, page 255