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COMMUNITY UNDERSTANDING OF CORUPPTION OF CRIMINAL  
MEASURES  
(Study Case in Malang)

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**Abstract**

*Currently we are concerned when witnessing the news about Operation Catching Hands (OTT) or the action of the regional head. As for the case in East Java alone, there were 13 regional heads affected by the KPT OTT. In 2018 yesterday the KPK conducted OTT, as many as 30 times OTT and 20 of them involved regional heads (Kompas, 2/28/2019). Regarding the Eradication of Corruption, Indonesia actually has had regulations since 1971, through Law Number 3 of 1971 concerning Eradication of Corruption. Subsequently in 1999, Law Number 31 of 1999 concerning the Eradication of Corruption Acts became the main rule regarding law enforcement in eradicating corruption in Indonesia, which was later revised through Law Number 20 of 2001 in several articles. Based on the background above, the formulation of the problem in this study is: What is the community's understanding of corruption especially in the city of Malang? The type of data used are primary data, secondary data and tertiary data. Primary data were obtained from interviews with people in Malang who were not legal experts. Whereas Secondary Data is obtained from various sources or legal materials such as Law Number 31 of 1999 Concerning Corruption and other Regulations relating to corruption. While tertiary material is obtained from various corruption cases that occur in the city of Malang. Data is processed based on qualitative analysis. Where the researcher uses secondary legal material sources, namely by examining the elements of criminal acts of corruption, especially in Law Number 31 of 1999 concerning Eradication of Corruption, is it in accordance with the applicable regulations. The process of analyzing the data first is to examine the results of interviews with the community in Malang, then analyzed using Law Number 31 of 1999 Concerning Eradication of Corruption, is it in accordance with the applicable regulations. the results of the study the authors get field data that illustrates that in fact there are already a lot of general public especially in the poor city of Lowokwaru sub-district who understand about criminal acts of corruption, but about 16% of the people there are less understanding of corruption, they just know the meaning corruption without knowing how and what they have to do if that happens or they know even they fear their security is threatened when showing their active role against corruption.*

**Keywords:** *Understanding, Society, Corruption.*

**A. INTRODUCTION**

Corruption is one of the problems that often occurs in the world of politics in Indonesia. Very sad if almost every day we hear news about corruption among

government officials and state officials. According to Robert Klitgaard, corruption is a behavior that deviates from the official duties of his position in the state, which is to gain status or money benefits relating to personal or individual, close family, own group, or by violating the rules of conduct relating to personal behavior . Corruption itself is very detrimental to the people and makes people furious.<sup>1</sup>

Therefore, the people should play a role in combating corruption in Indonesia. Currently we are concerned when witnessing the news about Operation Catching Hands (OTT) or the action of the regional head. As for the case in East Java alone, there were 13 regional heads affected by the KPT OTT. In 2018 yesterday the KPK conducted OTT, as many as 30 times OTT and 20 of them involved regional heads. The tragedy of people who struggle to hold regional elections, where in the middle of the road the regional head is affected by OTT.<sup>2</sup>

Most cases of corruption or 80 percent occur in the procurement of goods and services. Although most have gone through e-procurement, collusion can still occur. In addition, the strengthening of the Government Internal Oversight Apparatus (APIP) in many regions, has not been optimally empowered. APIP is only limited to its existence, but the capacity and number of auditors are not balanced with the workload.<sup>3</sup> If APIP is maximized, the potential for corruption can be maximally reduced. In building a monitoring system, the leadership commitment must be strengthened. If this is done, it will be easier to implement the steps to the bottom.<sup>4</sup>

Eradicating Corruption, Indonesia actually has had regulations since 1971, through Law Number 3 of 1971 concerning Eradication of Corruption. Subsequently in 1999, Law Number 31 of 1999 concerning the Eradication of Corruption Acts became the main rule regarding law enforcement in eradicating corruption in Indonesia, which was later revised through Law Number 20 of 2001 in several articles. The above matter shows that corruption has spread to areas which involve

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<sup>1</sup> Ardisasmita, M. Syamsa. 2006. Definisi Korupsi Menurut Perspektif Hukum dan eAnnouncement untuk Tata Kelola Pemerintahan yang Lebih Terbuka, Transparan dan Akuntabel. Seminar Nasional Upaya Perbaikan Sistem Penyelenggaraan Pengadaan Barang/Jasa Pemerintah. Jakarta: Komisi Pemberantasan Korupsi. Hlm 30

<sup>2</sup> Sjafrin, Sairin. 2002. Perubahan Sosial Masyarakat Indonesia. Persepektif Anthropologi, yogyakarta: Pustaka Pelajar. Hlm 12

<sup>3</sup> RB. Soemanto, Sudarto, Sudarsana, PEMAHAMAN MASYARAKAT TENTANG KORUPSI, Yustisia Vol. 3 No. 1 Januari - April 2014, hlm 80

<sup>4</sup> Djulianto. 2009. dalam 'A to Z Korupsi : Menumbuhkan Spirit Anti Korupsi' eds. Ulul Albab. Surabaya: Jaringpena hlm 27

the highest officials in the area. So this is very alarming, this is interesting for researchers to find out more deeply how is the public's understanding of criminal acts of corruption?

## **B. RESEARCH METHOD**

The type of data used are primary data, secondary data and tertiary data. Primary data were obtained from interviews with people in Malang who were not legal experts. Whereas Secondary Data is obtained from various sources or legal materials such as Law Number 31 of 1999 Concerning Corruption and other Regulations relating to corruption. While tertiary material is obtained from various corruption cases that occur in the city of Malang.

## **C. DISCUSSION**

The results of this study the authors get field data that illustrates that in fact there are already a lot of general public especially in the poor city of Lowokwaru sub-district who understand about criminal acts of corruption, even though there are still about 16% of the community who lack understanding of criminal acts of corruption, they are simply know the meaning of corruption without knowing how and what they should do if it happens or they know.

Then the data obtained by the authors again analyzed using Law No. 31 of 1999 concerning Eradication of criminal acts of corruption, then an analysis emerged that the elements of criminal acts of corruption that were explained or understood by the author's community stated that they were quite appropriate. The author only writes "it is quite appropriate" because in reality the situation in the community is still a minority of people who are afraid to play a role because they do not know how to report cases of corruption or to whom they report and the biggest fear in society is how to protect themselves if they active role in fighting corruption.

Even though Law No. 31 of 1999, especially in Chapter V Article 41 concerning community participation. Which actually states that all doubts and ignorance of a minority of the community will be answered so that the eradication of criminal corruption will increase with the increasing active role of the community. This states that there are still a small number of people who do not understand even do not understand what is meant by criminal acts of corruption from several aspects

that the authors propose. The data that the author has recap is in accordance with the information in the questionnaire data on the question "What is the community's understanding of corruption (a study in Malang)?" the authors make as follows;

Information :

ST : Sangat Tahu

KT : Kurang Tahu

TT : Tidak Tahu

No.	Question	Public Understanding			
		ST	KT	TT	Information
1	What do you know about corruption?	84 %	16 %	-	The average public responds to corruption is a misappropriation of funds by government officials or officials that causes losses to the state.
2	What acts of corruption do people often do?	84%	8 %	8 %	The average community responds to corruption that is often done is financial corruption related to people's welfare (education, health, and development).
3	What institutions or institutions often commit criminal acts of corruption?	94 %	6 %	-	The average public responds to all institutions prone to corruption and the ones that often commit corruption are government institutions.
4	What institutions are indicated to frequently commit corruption?	90 %	4 %	6 %	The average community says that all government institutions are among those mentioned by the community such as in the fields of health, education and assistance.
5	What law is suitable for corruptors?	99 %	-	1 %	The average community states that the appropriate punishment for the perpetrators of corruption is given the death penalty, criminal fines, criminal confinement, prison sanctions, and finally there are states that the perpetrators of corruption

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					should be taught about a better understanding of religion, so that unscrupulous person or witness given in vain.
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The author analyzes based on the results of research obtained through field data that is the first question, it can be analyzed at a minimum the community knows first what corruption is and 84% the average community responds to corruption is about the misappropriation of funds carried out by government officials or officials that cause losses to the state. Furthermore, there are 84% of the public answering corruption which is often done is financial corruption related to people's welfare (education, health, and development).

This is interesting for the writer to do the analysis, that it turns out that our society with various sources of information it gets and takes the majority of the vote that corruption is often done in the fields of education, health and development. For the writer it is quite interesting, this is in accordance with the sources that the author found, namely: Deputy Chairperson of the KPK Basaria Pandjaitan said that corruption was found in the education sector. Basaria said that the potential for corruption exists at the provincial and district/city levels. "The fact is in the field of education that corruption is most found. This is a fact that exists in the KPK. Both provincial and district levels. Because the budget there is very much, 20 percent of the education budget," Basaria said when speaking at the role of Women in the Prevention of Corruption in the Ministry of Education and Culture, at the Graha Utama Building of the Ministry of Education and Culture, Senayan, Jakarta.

The source of the information above is that it is true what is conveyed by the public through these data that the level of criminal acts of corruption in the field of education is large because it relates to a large budget so supervision is needed to match its designation. Thus the public already knows one of the elements of the Corruption Crime. As we already know, from a legal perspective, criminal acts of corruption broadly fulfill the following elements:

1. Acts against the law means that the actions taken by the perpetrators fall into the category of acts against the law, namely behavior that violates the laws and

regulations in force in Indonesia. Which perpetrators can be sentenced to criminal in accordance with existing legal rules.

2. Abuse of Authority, Opportunity, or Means According to the author that when someone has a position, do not use the opportunity to do or get personal/family/group benefits or in the language of Javanese people "do not aji mumpung" means while the person is job then then continue to arbitrarily use or abuse the position he has including the authority in their territory or taking advantage of the opportunity while they are forgetting the interests of their people or even using facilities such as official cars for personal use.
3. Enrich yourself, others, or corporations. Here, one of which is an easily recognized element of Corruption, which means enriching oneself, means to take state money, but is used for his own interests or others. The purpose of this person may be his wife, his son, his father or his mother or siblings and so on.

Harms the country's finances or the country's economy. The most important characteristic in Corruption is the loss of state finances, meaning that taken by corruptors is state money so that it harms the state even though one of the sources of state finances is from the community or public money. This is why it is important that the community must understand Corruption Crime, if they do not understand, then the money is taken by corruptors, but the public is not aware of it so that it impacts on the poor behavior of the corruptors to take public money.

#### **D. CONCLUSION**

The results of this study the authors found there were still at least about 16% of the people in Malang, especially the Lowokwaru sub-district who lacked understanding of criminal acts of corruption, both in terms of understanding especially about who they should report to and how they would be able to play an active role with comfortable and safe when taking an active role in fighting corruption. In other words they just know the meaning of corruption without knowing how and what they should do if it happens or they know.

## E. REFERENCES

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