

Judicial Corruption Between Community Legal Culture And Government

Administrative Legal Violence

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Abstract

This Research focus in Judicial Corruption between community. This research as kualitative descriptive, Based on the description discussed in introduction and discussion section, there are some conclusion that can be drawn as follows: According to the examples given, it is true that judicial corruption that involves government officers occurs in the judiciary institutions. Based on the result of observation, it is found that judicial corruption does not only performed by government officers, but it also involves other parties, in this case; advocates and defendants. Essentially, judicial corruption behavior is also influenced by people's misconception of legal culture. As the *justiciabelen* or the seeker of justice, what is perceived by people is to win the civil case, or not to be imprisoned for criminal case. Therefore, this kind of legal culture always uses economic approach. It is true that one of factors that influence the judicial corruption is the violation of government administration law. In this case, such violation is performed by the government officers that are assisted by the advocates altogether.

Keyword: Corruptions, Legal Culture, Government

Introduction

Corruption cases perpetrated by the current judicial corruption may not be phenomenal owing to the fact that it can occur at all levels of the court. Judicial corruption has even occurred in the Constitutional Court with Akil Mochtar and Patrialis Akbar cases, as well as in the Supreme Court with many cases that can hardly be counted again.

Each legal case, corruption, has a subject, object, substance, and other different causes. To understand this phenomenon better, this paper will be reconstructed by some judicial corruption cases in some different courts based on interviews with some advocates who understand with the case. The interviews are "undisclosed" so that the sources and subjects of the law, setting and other events cannot be mentioned clearly in this paper. These legal events occurred but have no legal consequences because they are not in accordance with the law regulate them. The legal events described below take place between the years 2016-2017. Thus, this paper is compiled based on an empirical study.

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The first judicial corruption was a dispute in the District Court related to the ownership of a land along with the house standing on it. Each party (the plaintiff and the defendant) ask legal aid to proceed in court. The plaintiff looks for legal help from outside the jurisdiction of the District Court concerned, while the defendant looks for legal help from the Legal Aid Institute (LBH, hereafter) located in the location of the District Court concerned.

According to the law, after the first hearing was opened by the Panel of Judges to examine and decide upon the case, and after examining the identity of the parties, the Panel of Judges directed the mediation process to conduct. The parties agree that the mediation process will be conducted with the assistance of the mediator of the judge. The main consideration for the selection of judge mediators is solely a matter of cost, because the judge mediator is provided by the court for free.

On one occasion, before the parties meet with the judges of the mediator appointed by the Panel of Judges, the advocates of each party have the opportunity to meet each other and introduce themselves. On the occasion, one of the advocates of one of the parties offered (advocated) his adversary to "cooperate" so that the disputes of ownership can be settled through mediation for various reasons, one of them is that not taking a longer time in dispute. The meaning of cooperation by the advocate in principle is to create a condition in which the parties agree on the settlement of a dispute as has been delivered and / or agreed upon by "engaging" the interests of the advocate as a part of the interests of the parties. In such circumstances, the interests of the disputing parties are of "second opinion". This is very possible because the parties "do not understand" the process / procedure of litigation in court, so it can be directed by the advocates.

One of the advocates is in dispute with the advice of other advocates so the case proceeds by following the mediation process in court with mediator assistance. The mediator facilitates mutually acceptable resolutions between those two parties. By having a complicated process, the parties finally agreed how the substance of the dispute was resolved through the mediation process. Another problem arises unexpectedly related to advocate salary issue coming from the legal aid institute (LBH). Salary issue is not a part of the dispute, but one party discussed this issue in the mediation process. This occurs because the party who uses advocate services from legal aid institute does not provide advance advocate services salary, but it is undertaken from the decision of the dispute with negotiated percentage.

At one of the mediation sessions, it was concluded that the salary of advocate services from legal aid institute was 10% of the share earned by the party asking the advocate's assistance. At the next mediation session, the advocate of the legal aid asked for an additional fee of 5%, it is 15% in total. According to the advocate of the legal aid institute, additional fees are meant to give such reward to mediator who assists the mediation process. It is not known for certain whether it is an advocate initiative of the legal aid, or an appeal from a judicial mediator through legal aid institute's advocate. The mediator has a closer-relation with an advocate from legal aid than the advocate of the other party. This is not surprising because the mediator must have known each other before with advocates from legal aid institute, and the meetings between them were more frequent because they work in the same court. In the end, with the excuse to expedite the dispute resolution process through mediation, other parties not assisted by advocates from legal aid institute undertake to give 5% to the mediator. The dispute can be resolved through a mediation process in court with mediator's assistance.

The second judicial corruption is a trial of criminal act in a district court. The defendant in this case, before hiring an advocate, has firstly met with the prosecutor who became the public prosecutor in this trial. To avoid detention of the defendant during the hearing and trial process, the defendant gives some money, suspected as a bribe, to the public prosecutor (JPU). According to the defendant's statement, the amount of money given to the prosecutor is as much as the prosecutor demanded. The value is quite substantial because according to the prosecutor, certain amount of money is given to his supervisor. After the defendant gives money to the prosecutor and the trial proceeded once, the defendant hired an advocate to conduct a defense in the hearing.

The trial proceeds in accordance with what is planned, the problem begins when the trial is in stage of reading the prosecutor's demand by Public Prosecutor (JPU, hereafter). The prosecutor asks certain amount of money through an advocate who assists the defendant. The registrar who keeps official records also knows it. The registrar also requests certain amount of money to the defendant. According to defendant's statement, the money will be submitted to the Judicial Panel who examine and give verdict based on the criminal act. In the end, the defendant gives certain amount of money to public prosecutor (JPU) and registrar (PP) through his advocate.

The following phenomena are interesting to analyze:

1. The criminal threat to the defendant is actually less than five years; the defendant is cooperative during the examination and trial. The defendant also works and lives in the city, so the possibility to escape is minimum. Based on these facts, without issuing any amount of money, the defendant cannot be detained during the hearing and trial process.
2. The public prosecutor's demand is the same as the other public prosecutor demands on the same case.
3. The verdict of the panel of judges is sentenced to $\frac{3}{4}$ criminal law of public prosecutor's demand.
4. Both the defendant and the public prosecutor appeal a court decision.

Based on the description above, it can be analyzed and is fairly presumed that certain amount of money paid by the defendant to public prosecutor and registrar is to no avail. Meanwhile, both the defendant and the public prosecutor who receive the money are in position where they do not do criminal law, analyzed based on the case.

An advocate team consisting of three advocates assists the defendant in the criminal case. The defendant pays for the advocacy who supports him, only about 10% -15% from certain amount of money given to the prosecutor. It is interesting to analyze the role leader of the advocacy in the criminal law. The chief of advocate transfers the money from the defendant to the public prosecutor and the registrar. As the case moves, the amount of money submitted by the leader of the advocacy (according to his statement) is different from the amount of money received by the public prosecutor (according to the statement of the prosecutor to other advocates). This case can occur because there is no payment proof for this transaction.

The third judicial corruption is a case occurred in the Religious Courts. The case is about polygamy, a husband with a child wants to marry more than one person at the same time. The qualification demanded for polygamy is actually not in accordance with the Law of the Republic of Indonesia Number 1 Year 1974 concerning Marriage, Article 4 Paragraph (2), so the judge decides to adjourn the trial, to conduct deliberations of the Panel of Judges. During the adjournment, the registrar (PP) who is in charge of the case negotiates plaintiff's attorney (in this case, the plaintiff is the husband). It is a negotiation to offer assistance for the plaintiff so that there will be a legal remedy for his lawsuit judged by the panel of judges. This assistance indirectly requires a certain amount of money given to the registrar. This is also known by the plaintiff and insists the attorney or advocate to have maximum support so that the court will issue judgment in favor of the plaintiff and make the appropriate court order. If successful, the plaintiff will give certain amount of money to his advocate.

According to the case and based on what the attorney or advocate sees from the issue, the attorney believes that the court will issue judgment in favor of the plaintiff. However, the attorney does not consider that the plaintiff will give such presents or money. Based on this, the advocate has an analysis that insists the plaintiff give certain amount of money.

In the Religious Court, a panel of judges who is in charges a number of cases continuously. The case handling is not in appropriate procedure, so all the litigants have to always be ready to be call anytime. Since there is not in appropriate procedure, some parties insist the registrar to prioritize them by giving certain amount of money. Those parties who are not ready to have trial court also can meet the registrar to reschedule their cases by giving certain amount of money. The costs for both insisting to prioritize and demanding to reschedule the case are not too much. It is as much as the cost of substitution advocate to advocate of legal aid institute in court for one trial.

At the end of trial, the deliberation is given in favor of the plaintiff. It will be examined within a week. Related to that, the advocate then reminds what the plaintiff insists, giving such presents to the advocate. However, there is no clear agreement from the plaintiff and it is concluded that the plaintiff will not give the presents.

In fact, deliberation is not in accordance with what has decided at the end of trial. Even after three weeks, the verdict has not yet been reached. Advocates analyze that the registrar intentionally does it because the registrar demands some money. Thus, advocates remind the plaintiff that he has not given certain amount of money to the registrar for succeeding his legal complaint. Finally, the plaintiff gives certain amount of money to the registrar through advocates.

At last, the verdict has reached, received by the advocates from the registrar. Therefore, the advocates give certain amount of money to registrar. It is for a gift that is as much as substitution of attorney in court. Meanwhile, the advocates do not give certain amount of money given by the plaintiff to registrar. The advocates claim that it is their right, a gift for them.

The fourth judicial corruption is absentee verdict in a commercial law in a District Court. The commercial law concerns on fraud with a value of about 400,000,000 IDR. The plaintiff is represented by his company, whereas the defendant is absent because he has disappeared. The trial continues in the absence of the defendant.

What is interesting to study is that what the registrar does in the commercial law. Each meeting with the plaintiff, the registrar always demands certain amount of money

without clear justification. The value is not much. However, the registrar is still willing to accept money 50.000,- IDR although in different denominations of money such as 10.000,- IDR and 20.000, - IDR

Problems begin to arise after the stage of reading the petitum of the plaintiff's letter of claim and waiting for the verdict of the Panel of Judges. The registrar demands certain amount of money to the plaintiff's representative. The registrar argues that it will be given to the Panel of Judges who examines and decides the case. The amount of money demanded is given for two parties, to registrar and to the presiding judge. One thing that should be noted is that certain amount of money for registrar should be in undisclosed. After this, the plaintiff's representative meets the presiding judge in his office. In that occasion, the presiding judge asks related to certain amount of money given and shows the draft. There is a negotiation where the plaintiff representative asks the money to the verdict as the damages. Then, the presiding judge agrees. The plaintiff representative also asks how about other judges and how the procedures to give money for them. According to the presiding judge, it is presiding judge's concern, so the money will be administered by presiding judge. In agreed occasion, some amount of money is given to registrar in his office by the plaintiff representative. There are some CCTVs in the office. However, the registrar feels secure because he knows some of CCTVs do not work. Thus, after this meeting, some amount of money is given to presiding judge. Before this, the presiding judge has called the plaintiff representative by using internet call. This agreement occurs outside the court and it is witnessed by presiding judge's wife.

Analyzing from the facts, some money given to the registrar and the presiding judge actually has no impact to the verdict. The verdict is in accordance with normative claim made by the plaintiff. Since the defendant is in absentia, the verdict is made a default judgment. Although there is certain amount of money given to registrar and presiding judge, it has no relation to the case. The money is such a gratitude from the plaintiff. It is interesting to analyze the money given. Both registrar and presiding judge doubt each other, that they are not quite open about this matter each other.

In this matter, the plaintiff representative also knows that certain amount of money received by the presiding judge may not be given to other judges. It can be seen from panel of judge composition where one of them is popularly known refusing any bribes. It is interesting to analyze that the plaintiff representative is actually gains some benefits. The value of certain amount of money given to the registrar and the presiding judge is the result of negotiation among the plaintiff representative, the registrar, and the presiding judge. The rest

of the amount of money before and after the negotiation handed by plaintiff representative is not returned to the plaintiff. The plaintiff representative admits that it is fine because during the trial (almost five months), the plaintiff never supports financial material to the plaintiff representative. However, the plaintiff representative must support additional expenses during the trial process, including transportation and accommodation. Even certain amount of money given by the plaintiff representative to the registrar during the trial (although the cost is not much, ranging from ten to two hundred thousands) is money from the plaintiff.

The fifth judicial corruption is a commercial law in a district court. The court decides a dispute of ownership and tenancy in real property. There are four parties in this case: (1) the plaintiff, (2) the defendant I, (3) the defendant II, and (4) the defendant III. During the trial, the defendants never present although they have been summoned in accordance with proper procedure. The defendant I, although he never presents, gives written reconvention. Based on this, it is the verdict that is made, not a default judgment. In this case, the plaintiff finds an attorney or an advocate for supporting him for litigation in the court.

Trial has been conducted in accordance with the law. It goes well because all necessary documents and records can be proved by the advocate in trial. In closing argument, the plaintiff sums up his complaints. The registrar meets the advocate outside the court, discussing the case. The registrar demands certain amount of money asked by the presiding judge. The cost is not specified and negotiated. This can be obtained because the facts in court support the plaintiff's claim, so there is no reason why the Panel of Judges cannot grant the plaintiff's complaints.

Related to the case, both registrar and presiding judge are having similar thought, the advocate is allowed to give the money either to the registrar or to the presiding judge. Then, the money is given to the presiding judge in his office by the advocate. The presiding judge is in difficult situation since he realizes that it does not in accordance with the law. It can be understood that advocate feels scared to do it due to many CCTVs in the office. It is quite unexpected that the presiding judge demands that the money should be put directly on his desk.

When this happens, the office is not in quiet situation, there are several people in the office doing their activities in the room. It is also interesting to be noted that the advocate demands the plaintiff certain amount of money more than what has been given to the presiding judge. This occurs because (according to advocate) the cost of the advocate is relatively cheap, while the payment from the plaintiff itself is in small parts in a fixed period.

The advocate also feels the risk of giving some money to the presiding judge. At first, the advocate asks the plaintiff to hand over the amount directly to the presiding judge, but the plaintiff is unwilling to be afraid of taking risks.

It is interesting to analyze that the process of how the plaintiff and the advocate communicate. They communicate through the third party. Therefore, there is amount of money given to the third party. Viewed from the advocate, this case needs fee marketing. The fee marketing is a part of advocate cost that in the end of trial process reduces the cost of advocate.

Those five judicial corruption sample cases are *das sein* and a part of recent Indonesian legal system. The described cases above are the depth observation results in the different courts located in the various cities. Although it cannot be concluded that all those cases occur in the jurisdictions, however that cases do not occur in one place or city only. What *das sollen* of Indonesian citizen hope that there is no judicial corruption in Indonesian legal system. It is understandable because court and judiciary is regarded as the last bastion for justice seekers where a lot of injustice has occurred currently.

Discussion

For further analysis how and why judicial corruption occurs in legal system in Indonesia, variables and related parties should be firstly identified. It is described in the following table.

Table 1. *Judicial Corruption Parties*

No.	Parties	Judicial Corruption Case				
		1	2	3	4	5
1	Presiding Judge				√	√
2	Mediator	√				
3	Registrar		√	√	√	√
4	Public Prosecutor		√			
5	Advocate or Attorney	√	√	√		√
6	Plaintiff Representative				√	
7	Plaintiff			√		
8	Defendant		√			

Based on the data in table 1 above it can be seen that the dominant variable in almost all judicial corruption cases that occurred in court is the role of Registrar (PP). The role of registrar can be reduced for cases with mediation in court. This is understandable because the verdict is only "strengthens" the agreement agreed upon by the parties to the dispute. The role of registrar related to the case becomes insignificant.

For civil cases, the case settlement can be conducted by having mediation in court. In this case, a mediator plays a dominant role. Mediator is one of parties that determine the result of mediation process. It is logical that in the dispute resolution concerning with certain amount of money through a process of mediation, a mediator seems has a right to receive proper payment. Especially, if the mediator is the judges, they do not receive any payment.

Beside the factor of mediator, another variable that has dominant influence to the judicial corruption in Indonesian judicial system is advocate, or people who consider themselves as attorney. They are people who represent the litigant's interests. Although it is not for a justification reason, advocate's position as "free" or public law enforcement officer can be one of the causes why advocates are related to judicial corruption in court.

Table 2 Factors that Influence the Phenomenon of Judicial Corruption

No.	Example of Judicial Corruption	Influencing Factors
1	1	Huge dispute value; Payment system for hiring advocates that is made after case settlement since it is related to the benefit obtained by the represented party; Intimacy of mediator and advocate, especially advocate from legal aid institution of certain court; Mediator's expectation concerning services given to be rewarded with certain amount of money.
2	2	Defendant's fear to be imprisoned during the hearing or trial process; Prosecutor's expectation given to the defendant; Registrar and judges' expectation to be treated as the same as public prosecutor; Under standard cost for hiring advocates and it is much cheaper than cost for paying public prosecutor, registrar, or judges; Payment given for advocates is lower than that of to public prosecutor, registrar, or judges.
3	3	Plaintiff's fears; Expectations given by registrar; Habits in organizing trial; Plaintiff's unfulfilled promise to the advocates; Advocate's expectation for the plaintiff to fulfill the promise concerning the payment once the suit is granted by the judge.
4	4	Registrar's intention to obtain something beneficial from the litigants;

		Registrar or judge's expectation to obtain something from the benefited litigant due to the decision given; Plaintiff representative's intention to obtain unexpected costs reimbursement concerning unprepared trials budget due to certain strict procedures. For example, there is no receipt of payment in giving money to registrar yet it is required by the plaintiff to reimburse the money. Plaintiff representative's intention to make his service paid by plaintiff in certain amount of money.
5	5	Presiding judge's expectation on earning "thank you" money; Advocate's intention to give money as he thanks the registrar for helping during trial processes and knowing the registrar personally; Advocate's intention to paid more than what is agreed due to unexpected marketing fee gave to the third party; Further risks faced by the advocates that can be borne equally with certain amount of money.

Based on the data displayed in the Table 2, it can inferred that there are three main factors that influence the judicial corruption in Indonesian judicial system. They are:

1. Culture-related issues
2. Economic-related issues
3. Procedure-related issues

The first factor is the issues related to culture, particularly legal culture. Legal culture refers to the "public understanding of attitudes and behavior toward the legal system"². Concerning to the implementation of the judicial system in Indonesia, there are several public understandings that are respectively untrue. Some of them are:

1. Blue-collar crime suspects will be directly under arrest, but not for white-collar crime suspects.
2. It costs expensive when involved in with police officers, public prosecutor, trials, and advocates or attorneys.
3. Simple cases will turn out into big cases when they are processed in trials. It can be analogized as that a person loses their chicken, then it is processed in the trial they will lose their cow.
4. Court ruling is determined by the amount of money given to the court officers.

Public's misconceptions related to the judicial system in Indonesia are manifested for a long time since they are based on the daily practical experience. In this case, practical experiences do not merely refer to personal experience directly experienced by particular

² Lawrence M. Friedman, 2013, *Sistem Hukum Perspektif Ilmu Sosial*, Bandung, Nusa Media, pg. 255.

person. However, it may refer to ones' knowledge obtained from reading mass media or stories happening in particular society.

Another factor that influence the legal system in Indonesia is legal professionals' values, ideology, and principles.³ Those are the legal culture perceived by law enforcement officers as legal practitioners, including police officers, public prosecutors, judges, and advocates. Besides, it has become something perceived by legal academics, such as lecturers and legislation decision makers. These legal cultures assumed by these stakeholders may give impact to, or change, the currently available legal cultures.

It cannot be ignored either that law has its specific side. It is when law is influenced by local culture of its society. Therefore, there is a possibility in which the application of law in Indonesia is different from one region to another one. This condition will lead into legal pluralism in Indonesia. In positive perspective, the existence of legal pluralism is a good thing to be maintained. However, legal pluralism in negative perception becomes something that should be removed from the legal system through the active roles of stakeholders. This legal pluralism, actually, is in accordance with the pluralism of Indonesia as it consists of about 500 ethnics⁴.

The definition of culture is defined based on the statement of Clifford Geertz (1973:86)⁵; "Culture is a symbol of meanings. It is the way people understand and give meaning to life. Culture refers to the form of meaning realized in symbols that inherited historically. It is a system of ideas inherited and realized symbolically in which through this, people express, preserve, and improve their knowledge on behaving and standing on the meaning of life". Based on this definition, the application of judicial system in Indonesia is actually implemented in form of symbols that guide and lead people to behave in accordance with certain judicial system.

The concern may appear when the negative culture of judicial system in Indonesia becomes popular culture in society. According to William (1983:237)⁶ popular culture refers to: (1) familiar things for common people, (2) low-level jobs, (3) entertainment-oriented

³ Lawrence M. Friedman, 2013, *Sistem Hukum Perspektif Ilmu Sosial*, Bandung, Nusa Media, pg. 255.

⁴ Koentjaraningrat, 2005, *Pengantar Antropologi Pokok-Pokok Etnografi II*, Jakarta, Rineka Cipta, pg. 4.

⁵ Sugeng Pujileksono, 2015, *Pengantar Antropologi Memahami Realitas Sosial Budaya*, Malang, Intrans Publishing, pg. 25.

⁶ Sugeng Pujileksono, 2015, *Pengantar Antropologi Memahami Realitas Sosial Budaya*, Malang, Intrans Publishing, pg. 43.

works, and (4) self-made culture for personal interest. If judicial corruption has become a popular culture in court, the head of verdict will be more **“For Justice Based on the Power the Almighty”** instead of **“For Justice based on God the Almighty”**. In this condition, the more people pay, the more people get justice. This concern is unreasonable because in some degree, law is re-institutionalizing habit to accomplish a more purposeful objective within the framework of law⁷. The problem is what if the thing being re-institutionalized is a negative habit, such as judicial corruption.

In its development, once judicial corruption has already become a popular culture in Indonesian society and it is too late to be anticipated, what happen next is that judicial corruption will become a common life style. What is meant by life style here is⁸ “personal way of life that are identified by how people frequently do their daily activities, what things considered as their interests, and what they think about their surrounding”. Of course, it is not something to be expected since it goes against the provision of article 1 paragraph 3 of The 1945 Constitution of the Republic of Indonesia. This act considers law as the commander in the country life.

Culture is not something fixed and it may change according to its time and place. What is meant by culture changed by the time is that culture is influenced by internal and external factors in that setting. Culture may change internally when the society as the culture bearers are willing to and are able to embrace the changes. Meanwhile, culture may change externally when it is influenced by the environment situation. Moreover, it is not limited by the implementation of administration or management system, and applicable regulation and its enforcement. In addition, a culture also changes according to the period of time. A culture that was popular in the past will be a traditional culture in present time. Moreover, currently popular culture will be a traditional culture in the future. Keeping this idea in mind, it is expected that judicial corruption that might be popular at that time is decreased for now, even it will be eliminated. This expectation must be accompanied by some efforts as the parts of internal or external factors influencing the changing of culture.

The second factor that influences the occurrence of judicial corruption is economic-related issue. Generally, there are four pillars of law enforcement in Indonesia, namely police officers, prosecutors, judges, and advocates. Police officers, prosecutors, and judges are the

⁷ Suteki, 2013, *Desain Hukum Di Ruang Sosial*, Semarang, Thafa Media, pg. 83.

⁸ Sugeng Pujileksono, 2015, *Pengantar Antropologi Memahami Realitas Sosial Budaya*, Malang, Intrans Publishing, pg. 47.

law enforcement officers that are hired by the state, while advocates are private law enforcement officer that are not hired by the state. Naturally, the economic factor will give more impact for advocates rather than for police officers, public prosecutors, and judges as the three of them are hired and paid by the state. Besides being law enforcement officers, advocates are also required to fulfill their needs and their family needs as well. In certain conditions and circumstances, a real contradiction between the obligation to enforce the law and the necessity of fulfilling their and their family needs is quite possible for the advocates. It would be difficult for the advocates once they encounter such problematic choice. Thus, it is undeniable that taking part in judicial corruption becomes one way out offered by the implementation of the legal system in Indonesia.

Simply, it can be said that in fact, the economic-related problem is undeniable in the process of law enforcement. Law enforcement matter does not merely discuss the problem concerning public discipline, legal certainty, and justice as the typical aims of law enforcement. Jeremy Bentham described that the objectives of law are⁹; (1) to provide living, (2) to provide adequate necessity, (3) to provide protection, and (4) to achieve equality. Moreover, Posner stated that “people will obey the law and the regulation when they receive bigger benefits rather than when they disobey it and vice versa”¹⁰.

Generally, the idea of Jeremy Bentham as mentioned before gives explanation on how judges, clerks of a court, public prosecutors, police officers, and advocates are involved in the phenomenon of judicial corruption. As private officers, it is quite possible for an advocate to use the reason of supporting family necessities to take part in the judicial corruption. Meanwhile, judges, registrars, public prosecutors, and police officers may be involved in judicial corruption as they need to fulfill the abundant supplies for their families. Regardless of this concern, Jeremy Bentham emphasized that in the objectives of law enforcement, the first two objectives are economic-related issue, which is to provide the economic supports.

Posner concluded that the motive of people to obey the law is due to economic reasons as mentioned before. Practically, people will obey the law when they get benefit of it. If it is referred to the opinion of Jeremy Bentham, what is meant by benefits for law enforcement officers in this case are: (1) supporting supplies for their life and their family, and (2) abundance supporting supplies for their needs and their family needs. What has to notice here is the term family. Commonly, family is a group of people consisting of father,

⁹ Fajar Sugianto, 2013, *Economic Analysis Of Law*, Jakarta, Kencana, pg. 26.

¹⁰ Op.cit., pg. 30.

mother, and children. However, it is different from the common perception of Indonesian people. For them, what are called as family are all family siblings and all lines of decent. Thus, family for most Indonesian people may consist of many members. Based on this description, it can be imagined how much money the law enforcement officers will get once they do, or maybe continuously do judicial corruption by using Jeremy Bentham dan Posner's ideas as justification. Therefore, what can be done to anticipate the judicial corruption and its implementation is by perceiving and understanding the position of law in society as the way of life. It is supported by the statement of Satjipto Rahardjo¹¹, in which he said that law is not merely a printed regulation, but it is more likely as the way of people appropriately behave.

The last factor influencing the judicial corruption is procedure-related issues. The procedure here refers to the bureaucratic procedures occur in judiciary institution. In this case, judiciary institution is part of country's government which is responsible for its legal system¹². Furthermore, what is meant by responsible country's government is that¹³; "This official government officers have the responsibility in government administration including its management, services, development, empowerment, and protection". Moreover, what is meant by government administration here is that¹⁴; "governance in decision making of legal drafting conducted by official government officers". Based on this description, it can be inferred that the bureaucratic procedures in judiciary institution should be conducted based on its purposes. In this case, judiciary institutions are the official government agencies that responsible for performing legal system as the function of government. Broadly speaking, the purposes of conducting government administration are the same as the purpose of its regulating law¹⁵, namely:

¹¹ Fajar Sugianto, 2013, *Economic Analysis Of Law Seri II*, Jakarta, Kencana, pg.18.

¹² The Law of the Republic of Indonesia Number 30 Year 2014 concerning The Government Administration, Article 4 paragraph (1) letter b.

¹³ Op.cit., article 1 Number 2.

¹⁴ Op.cit., Article 1 Number 1.

¹⁵ Op.cit., Article 3.

1. to provide good governance;
2. to provide legal certainty;
3. to prohibit the abuse of authority;
4. to guarantee the accountability of government agencies and officials;
5. to provide legal protection for all people and government officers;
6. to implement the provisions of the legislation and the general principles of good governance; and
7. to provide excellent service for all people.

Therefore, the procedures in the judiciary must be able to: (1) provide good governance, (2) provide legal certainty, (3) prohibit abuse of authority, (4) provide accountability, (5) provide legal protection, (6) implement the provisions of legislation, and (7) provide excellent services.

In fact, judicial corruption in Indonesian judiciary institution is caused by errors in procedures applied in the certain institution. These errors can be inferred from failure in achieving the objectives of Law Number 30 of 2014 on Government Administration. The analysis is provided as follows:

1. For the first example of judicial corruption case, there is no violation of government administration law. According to the chronology, it is found that the advocate is the main cause.
2. As for the second example, it is a judicial corruption case involving the presence of registrar and public prosecutors. Therefore, it is indicated that there is violation of government administration law due to the absence of legal certainty and legal protection, the occurrence of abuse of authority, violation of applicable legal provisions, and improper implementation of excellent service.
3. For the third case, it is a judicial corruption case that involves the registrar. Therefore, there is an indication of violation of government administration law due to the abuse of authority and improper implementation of excellent service.
4. For the fourth case, it is a judicial corruption case that involves the presiding judge and registrar. Therefore, there is an indication of violation of government administration law due to the abuse of authority and improper implementation of excellent service.
5. For the fifth case, it is a judicial corruption case that involves the presiding judge and registrar. Therefore, there is an indication of violation of government administration law due to the abuse of authority and improper implementation of excellent service.

Conclusion

Based on the description discussed in introduction and discussion section, there are some conclusion that can be drawn as follows:

1. According to the examples given, it is true that judicial corruption that involves government officers occurs in the judiciary institutions.
2. Based on the result of observation, it is found that judicial corruption does not only performed by government officers, but it also involves other parties, in this case; advocates and defendants.

3. Essentially, judicial corruption behavior is also influenced by people's misconception of legal culture. As the *justiciabelen* or the seeker of justice, what is perceived by people is to win the civil case, or not to be imprisoned for criminal case. Therefore, this kind of legal culture always uses economic approach.
4. It is true that one of factors that influence the judicial corruption is the violation of government administration law. In this case, such violation is performed by the government officers that are assisted by the advocates altogether.

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