

Criminal Actions of Corruption and Gratification in Legal Sociology

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Abstract. Corruption crimes related to the practice of gratification for government public services that occur include receiving an honorarium as a resource person at an event, giving goods to old friends, or giving gifts or money as a sign of gratitude for services provided. The methodology used is a legal methodology and a calculated methodology. The data source used is secondary data. Data analysis was carried out descriptively qualitatively. Conclusions are drawn using the deductive method, namely concluding from general to specific matters, especially those related to the research topic, namely Corruption and Gratification in Legal Sociology. This research produces findings. Corrupt behavior related to gratification practices in government public services has become obscure in the eyes of today's society. This act of gratification can be interpreted positively and negatively. If giving a gift is done sincerely and without the intention or hope of getting any reward and is given as a sign of appreciation and gratitude to the recipient, then the action is not said to be a bribe or gratification.

Keywords: Corruption; Gratification; Sociology of Law

1 Background

The birth of the reform era, which was greeted with great fanfare by the majority of Indonesian society, has yet to show any brilliant achievements in eradicating corruption cases. This case is increasingly becoming like an infectious disease among state officials. Indonesia Corruption Watch recorded at least 169 cases in the first semester of 2020. Indonesia appears to be too friendly in treating corruptors. This is proven by special treatment, namely providing luxury cell facilities for Setya Novanto and Nazzarudin. Apart from that, in the 2019 election, Indonesia allowed 46 legislative candidates who were former corruption convicts. This further confirms that Indonesia is too lax in dealing with corruption issues, even though it has been regulated in the criminal law on corruption, making this practice a diaspora from village to state level. Law enforcers who should be the spearhead in eradicating corruption are caught in corruption cases [1].

Political power accomplished through defilement will create state run administrations and local area pioneers who are ill-conceived according to the general population. If so, then, at that point, individuals won't confide in the public authority and pioneers, and accordingly, they won't comply and submit to their power. Widespread corrupt practices in politics such as fraudulent elections, violence in elections, money politics, and others can also cause damage to democracy because to maintain power, corrupt rulers will use violence (authoritarianism) or spread corruption even more widely in society. Aside from that, such a circumstance will set off socio-political insecurity and social coordination, since there will be struggle between the specialists

and individuals. As a matter of fact, as a rule, this prompts the despicable fall of government power, as occurred in Indonesia [2].

Sociologically, the emergence of debate about the death penalty for corruptors in society is commonplace, this shows that as long as humanity has existed on earth, there has always been conflict or conflict, this is influenced by the differences in the background of each individual or group, be it in the way of thinking and responding to a policy issued by the state. The emergence of controversy regarding the application of the death penalty for corruptors is nothing other than the result of the public's interpretation of legal products as a response to the Corruption Crime Law. This phenomenon within the framework of sociological thinking can be explained in symbolic interactionism thinking, namely that legal products can be interpreted as a symbol which is then interpreted by society as a rule that binds itself, and this meaning [3].

Recording a common claim is viewed as an extremely strong weapon to straightforwardly go after the culprits of criminal demonstrations to return resources coming about because of criminal demonstrations of debasement as well as getting criminal punishments. This must be implemented if the assets mentioned in the previous decision are found to contain other assets that have not been identified as the proceeds of criminal acts of corruption. Civil lawsuits in the context of confiscation of assets resulting from corruption have a specific character, namely that they can only be carried out when criminal measures are no longer possible to be used to recover state losses to the state treasury [4]. Circumstances where criminal punishment can no longer be used include, among other things, not finding sufficient evidence; death of suspect, defendant, convict; the defendant was acquitted; there are allegations that there are proceeds of corruption that have not been confiscated to the state even though the court decision has permanent legal force. With the regulation of civil lawsuits for confiscation of assets in the Corruption Law.

Acts of bribery and corruption perpetrated by law enforcement officials can be said to be "worse" than those committed by perpetrators (the public) because they can take the form of extortion and bribery. The two are difficult to differentiate. First, both of them show that there is a conspiracy and an offer. Second, both require proof first in court. In cases of bribery corruption originating from (internal) officials, to do so requires a method so that it does not appear as bribery corruption or extortion. As in the criminal act of bribery corruption committed by law enforcement officials above. Reflecting on the cases of bribery corruption committed by the above authorities, it can be interpreted that the authorities are inconsistent in implementing the law, the authorities are more oriented towards the interests of gaining personal gain [5]. The terminology of every person in the UUPTK Articles in the context of preventing committing criminal acts of corruption reminds you, whoever it is, police, prosecutors, judges, lawyers, and so on, has sound reasoning that can firmly and courageously try to prevent the act of bribery corruption with discourse arguments that require consistency in three things, firstly the speaker's truth, secondly the speaker's honesty or sincerity, and thirdly accuracy and propriety.

Satisfaction as per Article 12 B of Regulation no. 20 of 2001 concerning the Destruction of Defilement Wrongdoings is characterized as a gift from an expansive perspective, which incorporates the arrangement of cash, products, refunds, commissions, premium free credits, travel tickets for housing offices, vacationer trips, free clinical treatment, and different offices, which are gotten locally or abroad and completed utilizing electronic means or without electronic means. The Law likewise makes sense of that "Each tip to a government employee or state chairman is viewed as a pay off, assuming it is connected with his situation and is in opposition to his commitments or obligations" (1). However, currently, the public is still unable to ascertain the definition of gratification itself. Nonetheless, practically speaking in government public administrations, the public considers the demonstration of getting tips in

government public administrations as a demonstration of pay off on the off chance that the giving is done in light of the fact that it is connected with their situation and is in opposition to their commitments or obligations so this culture of giving and getting tips in government public administrations can be halted, then, at that point, criminal demonstrations of coercion and pay off can be limited or even disposed of. This is on the grounds that debasement is an issue that isn't simply connected with legitimate issues yet additionally connected with social, social, and monetary issues [6].

Talking about corruption, some people say that Indonesia is a country of thieves. Some conclude that Indonesia is a nest for corruptors. There may be some truth to such negative imagery. One proof of this is that in an international study, Indonesia is listed as the fourth most corrupt country in the world. An international ranking that is nothing to be proud of. Even insulting, but what else can it be? It's a reflection of reality. Corruption practices are so widespread in this country, that a senior journalist, Mochtar Lubis, once said that corruption practices in Indonesia have become entrenched. Not a few people think that corruption is something that has become a culture, and it is even said that criminal acts of corruption are always present in the daily lives of the Indonesian people. Amid such symptoms, it is said that criminal acts of corruption are not only heinous and despicable, but are something contrary to faith. In the hadith, it is narrated that a thief cannot steal if he is a believer. If stealing is an act of taking something that does not belong to you, then corruption can fall into the category of theft [7].

Corruption regarding the practice of gratification in government public services that has occurred, for example, includes receiving honoraria as a guest speaker at an event, giving goods by old friends, or giving gifts or money as a sign of thanks for the services provided. In Indonesia itself, gratification practices have been grouped into two categories, namely gratification that is considered a bribe and gratification that is not considered a bribe. Gratifications are considered bribery if things given to civil servants and/or state officials are deemed not to be by the code of ethics or gratifications can be classified as a criminal act of bribery corruption if the gratuities are given to civil servants or state officials because they are related to their position. Acceptance of these gratuities is contrary to the obligations or duties of the state administrator, including to speed up the service process or ensure the service process is completed on time, or also for matters that determine decisions. Meanwhile, gratification is not considered a bribe, which is a practice if the things given to civil servants and/or state officials are not related to their position and do not conflict with the obligations or duties of the recipient of the gratification. In vague terms, of course, the difference between the two gratifications above is difficult to distinguish, so control and people of balance are needed and synergy to fight together against the effects of gratification practices to reduce the bribery type of gratification [8].

2 Methodology

This kind of exploration is Regulating research. The methodologies utilized are a legal methodology and a calculated methodology. The data source used is secondary data. Data analysis was carried out descriptively qualitatively [9]. Concluding is carried out using a deductive method, namely finishing from general to specific, especially those related to the research topic, namely Corruption Crimes and Gratification in the Sociology of Law. Subjective information examination is completed on the off chance that the experimental information got is as an assortment of words and not a progression of numbers and can't be set up into classes. Information can be gathered in different ways (interview perceptions, archive occasions, and

recording tapes). It is generally handled first prior to being utilized in subjective exploration, including the aftereffects of interview records, information decrease, examination, information translation, and triangulation.[10].

3 Results and Discussion

3.1 Implementation of Corruption and Gratification Crimes in Legal Sociology

There are several reasons for corruption. Found in his research that the causes of corruption in Indonesia are firstly moral weakness, economic pressure, administrative structure obstacles, and fourthly social structural obstacles. Other reasons that have become common knowledge are the imperfect formulation of legislation, slow and inflexible administration, traditions to increase income, and the perception that corruption is "normal" where examples include the habituation of a culture of bribery and excessive punishment. tends to be light and does not correspond to the amount that has been corrupted. According to legendary sociologists, such as Ibn Khaldun (1332-1406), the main cause of corruption is the desire for a luxurious life within the ruling group. It is to fulfill luxury spending that the ruling group is lured into corrupt affairs. Other causes are the aftereffects caused by subsequent corruption, a chain reaction caused by corruption. Corruption of the ruling group causes economic difficulties, and these difficulties in turn give rise to further corruption [1].

In the period of President Joko Widodo's organization, the talk on changing the KPK regulation was recorded again as one of the designs for the 2016 public authoritative program. For this situation, Prof. Saldi Isra gave an inside and out examination in regards to the amendment of Regulation No. 30/2002, which contained four modifications: (1) the longing to lay out a KPK administrative board; (2) Tapping and seizure that require authorization from the administrative board; (3) giving power to the Debasement Destruction Advisory group to give a request to stop the examination; what's more (4) arrangement of an autonomous examiner. It very well may be immovably said that a portion of these substances have subverted the power of the Debasement Destruction Commission (KPK) in killing defilement and obviously an affect its incapability in destroying debasement. Apart from that, the challenge faced by the KPK is that efforts to weaken the KPK continued, which peaked in 2017. The House of Representatives used its right of inquiry to direct it against the KPK. If we analyze it, Article 79 of Law No. 17 of 2014 states that the right to the inquiry is the DPR's right to investigate the implementation of a law and/or government policy relating to important, strategic matters and having a broad impact on people's lives and which is contrary to legislation. Thus, it is clear that the right to inquiry should be directed to the government, not independent law enforcement agencies such as the Corruption Eradication Commission. However, the use of the right of inquiry against the Corruption Eradication Commission was misdirected and showed that political pressure was strengthening when the Corruption Eradication Commission investigated the e-KTP case which allegedly involved members and leaders of the DPR [11].

The country, in this case, the Indonesian government, has tried to provide maximum handling for the problem of criminal acts of corruption through legal instruments created, namely laws, but as is known to the wider community, the country still thinks that the country needs a panacea to treat the disease of Indonesian society called corruption. The

criminal act of corruption has become a legal problem that has received its spotlight in the practice of enforcing the laws of the Republic of Indonesia. This is proven by the increasing number of cases of criminal acts of corruption that occur in the lives of the Indonesian people. Nowadays, it is felt that criminal acts of corruption are increasingly rampant, this is influenced by the level of community needs which continues to increase every year, economic needs often have a significant effect on people's lives, therefore some instant-thinking people always choose corruption as a solution.

When seen from a legitimate social science point of view, the Debasement Destruction Commission (KPK) was laid out in light of Regulation No. 30 of 2002 and is one of the offspring of change as the interest for the foundation of this establishment arose because of public worry about the frail execution of 3 (three) regulation masters in Indonesia, to be specific the Police, Examiners and Judges in dealing with and killing progressively uncontrolled debasement. They don't appear to be working for this situation, the corruptors don't seem to be dealt with properly, and it seems like they are even being used as a gold mine by law enforcers. Instead of decreasing, it is getting worse with the amount of money being corrupted acquiring bigger and greater. Judging from the substance, structure, and culture, there are many weaknesses so that the law is not upright and is contrary to the aim of law enforcement itself, namely, providing legal certainty, justice, and benefit. Therefore, the entire Indonesian nation should be obliged to provide hope and support in any form to the Corruption Eradication Commission in eradicating corruptive acts that are increasingly rampant.[6].

3.2 The Urgency of Corruption and Gratification in Legal Sociology

After President Gus Dur stepped down, he was replaced by Megawati Soekarno Putri. It was in the era of President Megawati that the enthusiasm for eradicating corruption was revived. So Regulation No. 30 of 2002 concerning the Debasement Annihilation Commission (KPK) was effectively acknowledged during Megawati's organization. It even prevailed with regards to delivering the initial 5 legends to annihilate defilement. The Defilement Destruction Commission is an autonomous state establishment that in completing its obligations and authority is liberated from some other power. The administration of the Debasement Destruction Commission, usually abridged as KPK, comprises of five individuals who are likewise individuals, every one of whom are state authorities. The authority comprises of components of the local area and components of the public authority with the goal that the checking framework did by the local area in regards to the presentation of the defilement destruction commission in doing requests, examinations, and arraignments of culprits of criminal demonstrations of debasement stays connected to the debasement annihilation commission. The prerequisites to turn into an individual from the Defilement Destruction Commission, aside from being completed straightforwardly and including local area investment, should likewise meet regulatory necessities and should go through reasonable level of effort directed by the DPR (Place of Delegates), which is then affirmed by the leader of the Republic of Indonesia. Aside from that, to guarantee the reinforcing of the execution of the obligations and authority of the Debasement Destruction Commission, it can delegate a group of consultants from different main subject areas whose undertaking is to give exhortation or contemplations to the Defilement Destruction Commission [1].

Corrupt behavior regarding the practice of gratification in government public services has become vaguely differentiated in the eyes of today's society. This act of

gratification can be interpreted in positive and negative terms. If giving a gift is done sincerely and without the intention or hope of getting anything in return and is given as a sign of appreciation and gratitude to the recipient, then the action is not said to be a bribe or gratuity. Meanwhile, on the negative side, this gift is a tool or intermediary for the giver to get something he wants and it may cause harm to the recipient or have an impact on the wider community, so the importance of integrity in a person's personality, especially if he is a government or public official, because with integrity what they have is that the practice of gratification that occurs can be said to not have a bad impact on anyone, let alone an impact on the State. Regarding the practice of gratification, currently, integrity is something that is needed by all the nation's children to combat fraudulent gratification practices.[12].

The wrongdoing of debasement is one piece of extraordinary criminal regulation as well as having specific determinations that are unique in relation to general criminal regulation, like deviations from procedural regulation and when seen from the directed material. In this way, criminal demonstrations of defilement, straightforwardly or in a roundabout way, are planned to limit the event of releases and abnormalities in the state's funds and economy. By expecting these deviations as ahead of schedule and as completely as could really be expected, it is trusted that the wheels of the economy and improvement can be executed as they ought to so that continuously this will have the effect of expanding advancement and the government assistance of society overall. In the unique criminal regulation, a few arrangements veer off from the general arrangements of criminal regulation (KUHP). Deviations from the general arrangements of the crook code (KUHP) in unambiguous criminal regulations are perceived and directed in certain regulation (Regulation Number 8 of 1981 concerning the Criminal System Code). Article 284 paragraph (2) of the Criminal Procedure Code: within two years after this law is promulgated, the provisions of this law will apply to all cases, with the temporary exception of special provisions on criminal procedures as stated in certain laws, until there are changes and/or declared no longer valid[13].

The ongoing standards for killing crook demonstrations of debasement in Indonesia are as expressed in Regulation Number 31 of 1999 which was changed by Regulation Number 20 of 2001 concerning the Annihilation of Defilement Wrongdoings as well as in Regulation Number 15 of 2002 which was altered by Regulation Number 25 of 2003 concerning the Wrongdoing of Illegal tax avoidance, methodically doesn't mirror the major objective of destroying defilement, to be specific safeguarding state resources by returning state misfortunes by culprits of criminal demonstrations of defilement. Indonesia's corruption eradication law still adheres to the retributive justice paradigm in punishing corruption perpetrators. Therefore, the punishment of perpetrators of corruption is free from any goal other than one goal, namely retaliation. Legal changes in social life are a reality that occurs in human efforts to build their lives. Legal changes can take the form of evolution, transformation, or revolution depending on the dynamics. Legal changes can also occur gradually or radically. Changes in law and its consequences for societal conditions have become a fact in human life, as a reaction to stimuli from outside and within society itself. The consequences of these changes can have positive or negative effects on human life. Apart from legal changes, legal developments are also known, namely legal improvements aimed at achieving progress or improving people's living conditions. In other words, legal development is related to engineering carried out through the use of legal sciences to improve the social order so that with these improvements humans can live more worthy of their dignity [14].

The job of sociology specialists in giving contribution to the council can't be said to imply that legislators are directed by sociologists. Indeed, even in nations that have opened up to a humanistic methodology, lawmakers are as yet liable for making regulations. Sociologists can team up with regulative or chief establishments with their particular jobs and works, implying that the errand of making regulations doesn't move to their shoulders, since they just give truly important contribution to thought. Authoritative establishments can demand that examination be achieved, either founded on strategies in humanism or techniques from different areas of science. The issue that frequently arises is that legitimate experts who are extremely one sided will more often than not reject it. Typically, the contentions utilized are philosophical. In any case, exact contentions will actually want to dispose of or possibly diminish the exceptionally tense discussion in parliament. The job of Legitimate Human science in making regulations isn't just to determine the issue of tolerating a change yet in addition to assume a part following the law is declared. Humanistic investigation through the consequences of a broadly conveyed survey can catch social peculiarities that are overlooked by the law[1].

4 Conclusion

1. Corruption regarding the practice of gratification in government public services that has occurred, for example, receiving honoraria as a guest speaker at an event, giving goods by old friends, or giving gifts or money as a sign of thanks for the services provided. In Indonesia itself, gratification practices have been grouped into two categories, namely gratification that is considered a bribe and gratification that is not considered a bribe.
2. The crook demonstration of defilement is one piece of unique criminal regulation as well as having specific determinations that are not the same as broad criminal regulation, like deviations from procedural regulation and when seen from the controlled material. In this way, criminal demonstrations of debasement, straightforwardly or in a roundabout way, are expected to limit the event of releases and abnormalities in the state's funds and economy.
3. Sociologists can team up with authoritative or chief establishments with their particular jobs and works, implying that the assignment of making regulations doesn't move to their shoulders, since controllers just give truly important contribution to thought. Administrative foundations can demand that examination be done, either founded on strategies in social science or techniques from different areas of science.

5 Suggestions

1. It is trusted that Legitimate Humanism, particularly the social science of regulation or the social science of regulation making, can assist with giving lucidity in regards to the abilities that exist parents in law and the impacts they have on society. The preparation process for making laws, which is called sociologie anteleislative (Pre-Legislation).
2. It is trusted that policing kill criminal demonstrations of debasement did routinely has so far demonstrated to encounter different deterrents. For this reason, extraordinary law enforcement methods are needed through the establishment of a special agency

that has broad, independent authority and is free from any power to eradicate criminal acts of corruption, the implementation of which is carried out optimally, intensively, effectively, and professionally.

3. It is hoped that in fighting criminal acts of corruption, citizens have the basic right to participate and become part of the strategy to eradicate corruption, the practice of gratification in government public services. The eradication strategy must also be free from the group and individual interests so that in the process there is no unbalanced alignment. All strategies must follow rules and objectives. The press helps to promote transparency in society. Mass media is an effective way to share information about important issues and can help to hold people accountable..

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