



## The Punishment of Perpetrators of Corruption with the Approach of the Local Wisdom(Businesses Looking For an Alternative Model of Criminal in Indonesia)

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### **Abstract**

Corruption in Indonesia stick on all aspects or areas of life in society. Corruption not only happens among regions, but also present a centre where the Center is the highest level. The growing crime of corruption in Indonesia, making the community more and do not believe in the law enforcement performance filled with the intervention of interest, the lack of good faith and far from independence and seriousness in dealing with the cases of corruption. With the juridical sociological approach, which includes aspects of norms or rules, guided by rules or regulations that underpin the process of eradicating corruption. Whereas, for his sociological social involved within the context of an alternative model of criminal in Indonesia. Some of the data required from the Corruption Eradication Commission, Indonesia Corruption Watch and State Court criminal acts of Corruption is absolutely required. The data in the form of annual statistical data on Indonesia, as well as alternative models criminal for perpetrators of corruption. The judgment of people who authorities have been set up in Act No. 31 of the year 1999 has been amended by Act No. 20 of 2001 year of the eradication of criminal acts of corruption. However, it still needs to be examined again an alternative model of criminal in Indonesia so that it will not pose a deterrent effect.

**Keywords:** Perpetrators of Corruption; Local Wisdom; Model of Criminal

### **Introduction**

The country's economy is slowly and surely undermined. Corruption in Indonesia adheres to all aspects or areas of community life. One of the most crucial issues to be solved by the Indonesian nation and government is the issue of corruption. Cases of corruption are gradually increasing, so that the criminal acts of corruption in Indonesia are increasingly difficult to overcome. Corruption in Indonesia occurs in various fields and also not escape from the development sector. Corruption does not only occur in the region, but also at the central level where the center is the highest level. So the first law was issued concerning regional autonomy, namely Law Number 22 Year 1999 concerning the Government which was later renewed by Law 32 of 2004.

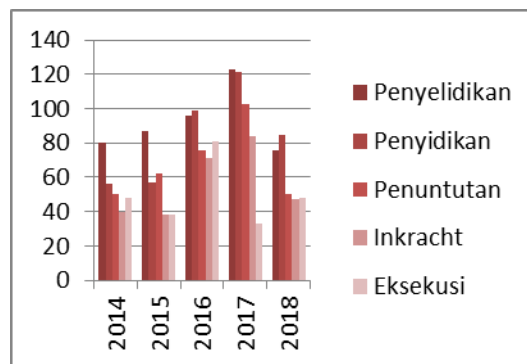
In Indonesia, corruption is known as KKN, which stands for Collusion and Nepotism Corruption. Corruption has become a disease outbreak that is not only from the highest level but has also injured the

lowest level. In terms of eradicating corruption, the Indonesian government does not remain silent. Some government policies issued include the 1945 Constitution of the Republic of Indonesia, Law Number 30 of 2002 concerning the Corruption Eradication Commission.

The policy was not spared from the formation of commissions relating to the prevention and eradication of corruption, such as the KPKPN and the Corruption Eradication Commission (KPK). As a form of Indonesia's commitment to fighting corruption, Indonesia needs to carry out a harmonization of legislation in order to eliminate gaps and differences in existing substances and consistency in law enforcement itself. The importance of the establishment of a special institution for the eradication of corruption (specialized anti-corruption agencies) is also required in international provisions, namely Article 6 of the United Nations Convention Against Corruption in 2003 which reads as follows:

Article 6 (1)

Preventive Anti-Corruption Body or Bodies "Each State Party shall, in Accordance with the fundamental principles of its legal system, ensure the existence of body or bodies, appropriate, that prevent corruption by such means as:"



**Table 1. Recapitulation of Corruption Crimes<sup>1</sup>**

The above data is a recapitulation of corruption in May 31 2018, in 2018 the KPK handled corruption in details: researcher 76 items, investigation 85 items, prosecution 50 items, inkracht 47 items and execution 48 items. Thus it is not wrong if the community becomes distrustful of the performance of law enforcement agencies that are full of interventions of interest, lack of good will and far from independence and seriousness in handling corruption cases. Therefore, to overcome the weakness of law enforcement, avoid intervention and struggle for authority between special institutions that have extra-special authority to eradicate diseases that have long disrupted the nation's financial stability, will this expectation be realized with the establishment of a corruption eradication commission (KPK).

Related to this, researchers are interested in conducting research with the title "THE PUNISHMENT OF PERPETRATORS OF CORRUPTION WITH THE APPROACH OF THE LOCAL WISDOM (Businesses Looking For An Alternative Model Of Criminal In Indonesia)."

Based on the description above, some of the problems that will be raised are as follows:

1. How is the conception of eradicating corruption carried out with a local wisdom approach implemented?
2. How is the position of the local wisdom approach in the criminal system in Indonesia?

Based on the background of the problem it is necessary to limit the problem so that the research carried out can be identified effectively, so as not to be too broad and center on the following problems:

1. Regarding the conception of eradicating corruption carried out with a local wisdom approach implemented.
2. Regarding the position of the local wisdom approach in the criminal system in Indonesia.

<sup>1</sup> Anti Corruption Clearing House, Penindakan, <https://acch.kpk.go.id/id/statistik/tindak-pidana-korupsi>, diakses pada 7 September 2018 Pukul 19.05 WIB

## **Library Review**

Previous research obtained has become a basic guideline for consideration and comparison in an effort to obtain direction and frame of mind for researchers. The following are previous studies related to law enforcement research in combating corruption with a local wisdom approach, which is a reference for research will carry out. The development process can lead to progress in people's lives, besides that it can also lead to changes in the social conditions of the community that have negative social impacts, especially regarding the problem of increasing criminal acts that are disturbing to the community. One of the most frequent criminal offenses is corruption. This criminal offense not only harms State finances, but also violates the social and economic rights of the community. The definition of corruption is contained in the Amsterdam report, the definition of corruption in the general context is mentioned as: "offering, giving, requesting, or receiving personal benefits, because of its position or role in public service positions". In the context of criminal law, public service positions are civil servants including politicians, governors and ministers.<sup>2</sup>

Corruption according to the Asian Development Bank (ADB) is an act that involves the behavior of some public and private sector employees, where they improperly and unlawfully enrich themselves and / or people close to them, or persuade others to do so. this, by misusing the position where they were placed.<sup>3</sup> Corruption is a serious problem, corruption can endanger the stability and security of society, endanger socio-economic development, politics, and can undermine the values of democracy and morality because gradually these actions seem to be a culture. Corruption is a threat to the ideals towards a just and prosperous society. In addition, corruption is also very contrary to the ideals of the Indonesian Pancasila law which upholds the moral values and personality of the Indonesian nation.

Corruption comes from the word Latin, which is corruption or corruptus which means "decay, ugliness, depravity, dishonesty, can be bribed, immoral, deviation from purity." The word Corruptio or corruptus originating from Latin comes down to many European languages, like English which is corruption, corrupt; French is corruption and Dutch language, which is corruptive (korruptie).<sup>4</sup> While the notion of corruption in the General Dictionary of Indonesian Language, means fraud or misuse of State money (companies, organizations, foundations and so on) for personal or other people's benefit.<sup>5</sup>

Corruption according to Leden Marpaung is an act of illegally possessing "State finances". In the Big Indonesian Dictionary of the Ministry of Education and Culture as quoted by Leden Marpaung, corruption is defined as: "... fraud or embezzlement (State or company money, etc.) for personal or other people's interests. The word "state finance" is usually inseparable from "government officials", because those who manage "state finance" are government officials.<sup>6</sup> After the renewal of Law Number 31 of 1999 concerning Eradication of Corruption Crimes which later changed to Law Number 20 of 2001, Article 2 paragraph (1) was formulated regarding criminal acts of corruption: "anyone who illegally commits an act of enrichment yourself or another person or a corporation that can harm state finances or the economy of the country, be punished with imprisonment for life or imprisonment of at least 4 (four) years and a maximum of 20 (twenty) years and a fine of at least Rp. 200,000,000 (two hundred million rupiahs) and

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<sup>2</sup> Philipus Hadjon dkk, *Hukum Administrasi dan Tindak Pidana Korupsi*, Gadjah Mada University Press, Yogyakarta, 2012, H. 93

<sup>3</sup> Ardeno Kurniawan, *Korupsi Membuka Pandora Box Perilaku Korup Dari Dimensi Etika, Budaya dan Keperilakuan*, CV. Andi Offset, Yogyakarta, 2018, H. 9

<sup>4</sup> Andrea dalam Andi Hamzah, *Pemberantasan Korupsi Melalui Hukum Pidana Nasional dan Internasional*, Raja Grafindo Persada, Jakarta, 2015, H. 4

<sup>5</sup> Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*, Edisi Keempat, Balai Pustaka, Jakarta, 2016, H. 736

<sup>6</sup> Leden Marpaung, *Tindak Pidana Korupsi: Masalah dan Pemecahannya*, Sinar Grafika, Jakarta, 1992, H.

at most Rp. 1,000,000,000 (one billion rupiah) ". Whereas in Article 3 discussed, "every person with the aim of benefiting themselves or others or the corporation, misusing the authority, opportunity, or means available to him because of a position or position that can harm the State's finance or the country's economy, is punished with life imprisonment or imprisonment of at least 1 (one) year and no later than 20 (twenty) years and a fine of at least Rp. 50,000,000 (fifty million rupiahs) and at most Rp. 1,000,000,000 (one billion rupiah) ".

Corruption is a violation of social rights and economic rights of the community, so that corruption can be regarded as an extraordinary crime (extraordinary crimes), so that efforts to eradicate it can no longer be carried out "in an ordinary way", but "demanded ways extraordinary" (extra-ordinary enforcement). The issue of eradicating corruption in Indonesia is not only a matter of law and law enforcement solely but a social and social psychology problem that is really very severe and as severe as a legal issue so it must be addressed simultaneously. Corruption is also a social problem because corruption results in the absence of equal welfare and is a matter of social psychology because corruption is a social disease that is difficult to cure.

One of the efforts to be able to implement effective and efficient corruption eradication is through the application of the Reversal of Burden of Proof system and the establishment of a special independent body or institution in order to eradicate corruption. The depiction of formal corruption has weaknesses and as a consequence, if the acts of corruption are not included in formal depiction, then the suspect (suspect) cannot be brought before the judge, by reason of "nullum delictum nulla poena sine previsa lege poenali" "that there is no action can be punished except for the strength of the criminal rules of legislation that existed before the act was committed." This actually complicates the investigation and prosecution.

### ***Definition of Criminality***

Criminal system (punishment system) is the rules relating to criminal punishment and punishment. Then in this case, Subekti and Tjitro Sodibyo stated that Criminal was a punishment. Crime itself is a tool that is a tool to achieve the goal of punishment. The problem of crime is a problem faced and a social problem that is always raised by every form of society. Where there are people, there is a crime.

Andi Hamzah expressly gives the meaning of punishment, namely the punishment comes from a legal basis, so that it can be interpreted as establishing the law or deciding about the law. In theory, there are two kinds of criminal theory and punishment as justifications and criminal purposes. First, it is absolute theory or also called retributive theory. According to this theory, criminalization is carried out because a person has committed a crime or a criminal act (quia peccatum est) and punishment must be as a consequence of reprising someone's evil deeds. The basic justification for his conviction is because crime is a denial of the order of state law which is a manifestation of the community *citasusila*. While other theories are relative theories or often called utilitarian theories, the core of this theory is rejecting absolute theory, where punishment is not to satisfy justice by giving punishment because retaliation is a worthless goal. This flow is more of the opinion that punishment has a value to protect the community because it aims to reduce the frequency of crime so that other people do not commit crimes (*ne pacetur*). Criminal law in Indonesia must prioritize the social aspects of humanity and human rights by applying several basic theories of judges' consideration relating to the consideration of judges in deciding cases in court proceedings, among others:

#### **a. Legal Certainty Theory**

Theory of legal certainty provides an explanation that all forms of crime and violations must be given strict sanctions based on the statutory provisions that govern them. In this theory it is closely related to the principle of legality in criminal law, that any criminal act regulated in legislation must be processed in the criminal justice system to ensure legal certainty.

#### b. Benefit Theory

The benefit theory provides an explanation that if in a trial the judge views the defendant's actions not because they are purely against the law, but in terms of benefits aimed at carrying out the norms in the community and are considered if sentenced to imprisonment then the community elements object. So as a consideration of the judge by looking at the aspect of benefits, the defendant was not given sanctions but only given rehabilitation measures to the defendant not to repeat his actions.

#### c. Justice Theory

Justice theory explains that in enforcing the law a Judge must also pay attention to the theory of legal justice and also must see concrete facts in the trial. Because seeing a sense of justice is not right if the defendant is solely not on the basis of ill will and is old, underage or because of certain circumstances which should not be rewarded with imprisonment, the judge must be able to give consideration in accordance with the sense of justice. The legal value and sense of justice The judge is much preferred in realizing a law that is just.

Criminal imposition has various meanings, according to Sudarto and Roeslan Saleh, criminal is the provision of suffering or sorrow deliberately given by the state to people who commit acts of offense. Whereas according to the Black Law Dictionary, criminal or punishment is defined as, "any fine, penalty or inflicted upon a person by authority of the law and the judgments and sentence of court, for some committed crime by him, or for his omission of a duty enjoined by law ". In contrast to opinions that interpret criminal as a sorrow or suffering, Hulsman is more of the opinion that criminal in essence calls for order (tot de order of the roepen) because criminal aims to influence behavior and resolve conflicts.

### ***Objectives And Benefits Of Writing***

#### *Research purposes*

The objectives of this researcher are:

1. To find out the concept of eradicating corruption through a local wisdom approach.
2. To find out the position of local wisdom in the criminal system in Indonesia.

#### *Benefits of research*

The benefits of this research are:

1. Theoretically, the discussion of the problems that have been formulated is expected to be used as a contribution in the field of criminal law, especially relating to criminal acts of corruption. In addition, the results of this writing can also add to the benefits of literature in the field of criminal law in general, and corruption in particular.
2. Practically, the discussion on this issue is expected to be an input for the Corruption Eradication Commission (KPK), Indonesian Corruption Watch (ICW), District Court of Corruption Crime and especially the Government as consideration in determining policies and measures to understanding corruption eradication procedures that apply in Indonesia.

### ***Research Methods***

In order to obtain valid data on the problems raised, a research method is needed which includes:

#### *Approach Method*

The description and discussion of the problems to be traced using a sociological juridical approach, namely the approach to the norm or rule aspects, so that the problems will be studied and analyzed by referring to legislation or regulations that underlie the process of eradicating corruption.

Whereas sociology implies that in discussing these activities must be seen from the reality that exists in the community and to understand the social correlations involved in the context of implementing alternative corruption penalties in Indonesia.

Research sites In this study, the research location was in the city of DKI Jakarta, South Jakarta, with the scope of the survey area around the area of UPN "Veteran" Jakarta, Cilandak and Pamulang, South Tangerang City, to look for data and information on respondents regarding corruption carried out by certain officials.

Meanwhile, the scope of other data searches through interviews was conducted in several places, precisely at the Corruption Eradication Commission (KPK), Indonesian Corruption Watch (ICW), and the Corruption District Court to look for data and information in relevant agencies engaged in corruption eradication. The researcher chose the place because, the three locations could provide information about eradicating corruption committed by irresponsible individuals. Thus, this can make it easier for researchers to obtain valid data regarding the punishment of perpetrators of corruption with the criminal model that applies in Indonesia.

### ***Data Type***

#### Primary data

Primary data is data obtained by the author from observations and interviews directly with relevant parties, Chair of the Corruption Eradication Commission Chair of the Indonesian Corruption Watch, and Head of the District Court of Corruption.

#### Secondary Data

Secondary data is available data where researchers only need to find a place to get it. In this study, the secondary data used was data obtained by researchers from books / literature, internet sites and journals or magazines related to this research.

#### Data collection technique

1. Interview, in finding data from respondents obtained by interview or interview. Interviews or interviews are face-to-face interpersonal role situations, when someone ie the interviewer asks questions which are designed to obtain answers that are relevant to the research problem to a respondent. In conducting interviews, freedom is still maintained, making it easier to obtain data in depth. Interviews with respondents were conducted to find information about punishments for perpetrators of corruption with a local wisdom approach, business seeking a model of punishment in Indonesia.
2. Literature study, secondary data collection is done with library research or library studies that have been chosen in accordance with the problem in order to obtain data, information, theories and expert opinions and the literature contained in books, magazines and newspapers about all problems that are in accordance with this research and will be analyzed further.

### ***Data analysis***

The analysis technique used in this study is descriptive analysis. That is revealing a problem, situation or event as it is based on logic in the form of a description of the sentence. In this case, it is to uncover problems, circumstances or events related to the process of eradicating corruption through a local wisdom approach and efforts to find alternatives to punishment in Indonesia. In addition, using descriptive qualitative method, which as described by the respondent in writing or in-depth oral about the

problems studied, then based on the existing theory in the literature and legislation and based on data taken from several samples so that they can draw conclusions.

### ***The Results Achieved***

Corruption in Indonesia seems to have become a common thing. Corruption is everywhere, various types of corruption are revealed by the Corruption Eradication Commission (KPK) and the perpetrators have been sentenced for committing corruption. even though there have been penalties governing sanctions for perpetrators of corruption, it still happens in Indonesia with a high scale and level that is difficult to eliminate. As mentioned by Syed Hussein Alatas, namely:

1. Corruption always involves more than one person;
2. Corruption is generally carried out in secret, unless it has become rampant and so profound and so deeply entrenched, that individuals in power, or those in their environment are not tempted to hide their actions;
3. Corruption involves elements of obligation and mutual benefit;
4. Those who practice ways of corruption usually try to cover up their actions by taking refuge behind legal justifications;
5. Those involved in corruption want decisions that are firm and able to influence those decisions;
6. Every act of corruption contains fraud;
7. Every form of corruption is a betrayal of trust;
8. Every form of corruption involves a contradictory dual function of those who commit the act;
9. An act of corruption violates the norms of duty and accountability in the society.<sup>7</sup>

If we look at the corruption typology it seems so clear why it is then said that eradicating corruption is generally difficult to do. Corruption crime is very difficult to reach with the enforcement of criminal law in force in this country. In this case, the applicable criminal law has limitations when dealing with social problems that are outside of criminal law and corruption crimes are often related to social problems.

Culture has a very large role in a social system included in the legal system itself. In the legal system, Lawrence M. Friedman likens the legal culture to the fuel that will drive a machine called a system.<sup>8</sup> If this understanding is also attached to the social system, culture is the driver of the social system. Too many people are focused on issues of substance and structure. If it is realized that substance and structure will not be meaningful without a culture. Culture itself, will create harmonization of the system which will be carried out both for the social system and the legal system. If the culture is good and right, it will have an impact on the people who act according to propriety that is justified by the culture itself.

This approach to cultural identity can be done by motivating people to participate consciously in efforts to prevent and overcome corruption. Community participation according to Robert Klitgaard is one step to fight corruption.<sup>9</sup> Thus, any information provided by the community will be very valuable for law enforcement officials in efforts to tackle corruption. The community does not directly have special authority to participate in the law enforcement process against corruption. however, the community has a role as a tool of social control that works to prevent corruption.

The influence of institutionalized patrimonial-feudalistic life is long enough in reality not to be lost in the inner space of Indonesian society. The governance of power authority with modern work principles is not able to shift the patrimonial nature in it. The face of bureaucratic modernity with

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<sup>7</sup> Elwi Danil, *Korupsi: Konsep, Tindak Pidana dan Pemberantasannya*, PT. RajaGrafindo Persaa, Jakarta, 2014, H. 7

<sup>8</sup> Barda Nawawi Arief, *Bunga Rampai Keibjakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru*, PT. Kencana Prenada Media Group, Jakarta, H. 47

<sup>9</sup> Elwi Daniel, *Op.Cit*, H. 53

traditional style is strong in managing authority. No wonder why the issue of corruption, collusion and nepotism is a trending topic that has never been completed and always surfaced in various events of power abuse. As a nation with a strong patrimonial (read: paternalistic) culture, elements of kinship can hardly be released in almost all management of power. The interesting thing is that the kinship system in Indonesia is not single, but it can involve the family 'batih' or a large family that does not only mean father-mother and child.<sup>10</sup>

Corruption in reality cannot be released in the context of the cultural realm of society in understanding private ownership and public ownership.<sup>11</sup> According to Said and Nizar Suhendra as quoted by Siswanto, there are at least two things that make corruption not obtain a place in scientific studies, especially cultural studies, first, corruption is still seen as a micro problem whose impact is considered insignificant for the growth of a nation of corruption as if only related to problems the economy is then included in the jurisdiction, even though the behavior of corruption is to realize the moral defects experienced by the perpetrators. If corruption is so massive in all fields, then this moral disability also shows the moral defect of this nation, second, the system of thinking of this nation has placed the problem of corruption as an understandable condition, because so dominant acts of corruption cover this daily life.<sup>12</sup>

Eradication of corruption also gets obstacles when society still puts forward the shame culture, and is still far from guilt culture. In most citizens of the developing world, the culture of shame is more high than the culture of guilt. In anthropological studies the culture of shame culture has the following characteristics:

1. Emphasized feeling ashamed to do bad, but not known guilt
2. A culture that takes into account 'respect', 'reputation', 'reputation', 'status' and 'prestige'
3. Crime is not a bad thing, but something that must be hidden
4. Sanctions arise from outside.

While the guilt culture is characterized by:

1. A culture that emphasizes the notion of 'sin' and 'guilt'
2. Crime is a sin even if it is not known to anyone
3. Sanctions arise from those who do.<sup>13</sup>

As is known, even though corruption is a legal event, corruption is not just a legal matter. There are many factors that are involved and shape the behavior of why corrupt behavior appears. Apart from the fact that there is a greed factor in the possession of property, it is also related to cultural problems inherited from attitudes, perceptions and behaviors that become deviations in habits in the management of authority.<sup>14</sup> So far the actual control mechanism has been carried out through an inherent supervision system (waskat) on the implementation of the management of authority. However, even though the supervision system has been carried out, corruption in fact has been misleading, it is even more massive and has undergone a process of extreme modification.<sup>15</sup>

The concept of eradicating corruption carried out with a local wisdom approach is very important. Local wisdom itself is inclined or can be interpreted the same as the culture that exists in a society. Roles and values that grow in society can be a force that is able to encourage the eradication of corruption. The

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<sup>10</sup> Listiyono Santoso dan Dewi Meyrasyawati, *Model Strategi Kebudayaan Dalam Pemberantasan Korupsi Di Indonesia*, Jurnal Review Politik, Universitas Airlangga, H. 26-27

<sup>11</sup> *Ibid*, H. 27

<sup>12</sup> *Ibid*, H. 28

<sup>13</sup> *Ibid*, H. 30

<sup>14</sup> *Ibid*, H. 34

<sup>15</sup> *Ibid*, H. 35



decentralization policy that was rolled out since the beginning of the reform era gave a large space for the regions to be independent in administering the government and free from central power. But in reality, the State is still too far away in the local area, by making formal rules accompanied by a binding legal basis aimed at the local government apparatus. Autonomy to the regions to form a character of self-government in accordance with local concepts, exceeding only as a policy to please the region. In fact, strict regulation from the center is still something that must be fulfilled by an area. Thus, local government is no more a government institution that runs government administration in the region.<sup>16</sup>

Sullivan and Shkolnikov from the Center for International Private Enterprise see that the impact of corruption is extraordinary, because it does not only concern the personalities of those who are victims of corruption. corruption can destroy economic ties because it involves the allocation of resources, investment, public services, democratization, political stability and crime. In detail, Sullivan and Shkolnikov pointed out various adverse effects:

1. Creating resource misallocation
2. Encouraging the emergence of unresponsive policies and regulations
3. Reducing the level of investment
4. Reducing competition and efficiency
5. Reducing public acceptance of important services
6. Increase public expenditure
7. Reducing productivity and inhibiting innovation
8. Increase the cost of doing business
9. Reducing the level of economic growth
10. Reducing the level of private sector employment
11. Reducing the amount of public sector work
12. Increasing poverty and inequality
13. Damaging the rule of law
14. Inhibiting market-oriented and democratic reforms
15. Increases political instability
16. Increasing the degree of crime.<sup>17</sup>

Many studies show a relationship between cultural variables and economic behavior and corruption.<sup>18</sup> Culture is the background where a person is born; it can take the form of family culture or community culture. The cultural end product of a person's behavior is the way of life; in the form of values, aesthetics and intellectual principles that produce a unique perspective on the world.<sup>19</sup>

The Government's commitment to clean state institutions from corruption from a series of policies that have been issued since 1999:

1. Tap MPR No. XI concerning State Defense free of KKN
2. Law Number 28 of 1999 concerning Implementation of Clean and Free Community Service
3. Law Number 31 of 1999 concerning Corruption Eradication
4. Law Number 20 Year 2001 revisions to Law No. 31 Year 1999 concerning Eradication of Corruption
5. Law Number 30 of 2002 concerning the Anri Corruption Commission which is the basic foundation for the establishment of the Corruption Eradication Commission (KPK)

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<sup>16</sup> Irawati, *Kearifan Lokal dan Pemeberantasan Korupsi dalam Birokrasi*, Mimbar Vol. 29 No.1 Juni 2013, Universitas Adalas, H. 2015

<sup>17</sup> Agus Pramusinto, *Mencari Alternatif Strategi Pemberantasan Korupsi*, Jurnal Kebijakan dan Administrari Publik, Magister Administrasi Publik Gajah Mada, Volume 13 Nomor 1, H. 4

<sup>18</sup> *Ibid*, H. 5

<sup>19</sup> *Ibid*, H. 6

6. Law Number 25 of 2003 concerning Anti Money Laundering as the basis for the establishment of PPATK
7. Law number 1 of 2006 which forms the basis of reversed evidence for cases of alleged corruption
8. Law Number 7 of 2006 concerning ratification of the UN convention on anti corruption is evidence of Indonesia's commitment to join the international anti-corruption community
9. Law Number 13 of 2006 concerning Witness and Victim Protection which encourages people to be willing to become whistle blowers
10. President's Interaction Number 5 of 2004 concerning the Acceleration of Corruption Eradication Efforts
11. Circular of the Attorney General Number 007 / A / JA / 11/2004 concerning the Acceleration of Corruption Management in Indonesia
12. The 2004-2009 National Action Plan for Corruption Eradication (RAN PK) which formulates government action plans in eradicating corruption is managed by Bappenas in coordination with relevant Ministers or Non-Departmental Institutions, elements of society and the KPK
13. Circular of the Director General of Police Kabareskrim Police Headquarters No.Pol: B / 345 / III / 2005 Regarding Prioritizing the Handling of Corruption Cases.<sup>20</sup>

The form of punishment for perpetrators of corruption with the approach of local wisdom attempts to find alternative models of punishment in Indonesia is also done through questionnaires that have been distributed to 100 (one hundred) respondents who have been selected. The results of the questionnaire that have been filled in by the respondents are as follows:

The profile of respondents from this study was seen from age and sex. From the results of a survey conducted with 100 respondents, the majority of respondents' sexes were 64% male and 36% female. The highest age range in filling out questionnaires is the age of 20-25 years with a percentage of 32% or comparable with 32 people, both aged 26-30 years as much as 28% or comparable with 28 people. And vulnerable people under 20 years and over 30 years have the same percentage of 20% or equivalent to 20 people.

Based on the type of media, most respondents use or choose the type of broadcast media and online-based media by 40% to enjoy the news presented. And as many as 20% of respondents still choose to use print media in getting news. There are names of media chosen in enjoying news detik.com as much as 16%, compass 10%, republika 10%, sindo 8%, Indonesian media 2%, Tribun Timur 1%, Suara Merdeka 1%, Pos Kota 5%, Metro TV 15 %, SCTV 24%, Berita Satu 5% and Trans TV 3%.

Below is a category chosen by respondents in choosing the contents of a news. As many as 34% of the dominant respondents prefer news. The second position was occupied by automotive news as much as 13%, then 12% on news about the economy. The next position is the same percentage on sports, lifestyle, techno, and travel news with the results of 10% each and the last one at 1% with entertainment choices. Respondents with the news category chose Law as the largest choice 54%, Nusantara 13%, General 13%, Education 5%, Social 10% and Politics 6%.

Entering the question regarding legal articles, the respondents were given 4 (four) choices in choosing the contents of legal articles that were more inclined to be interested in reading. In the choices in the category, the differences were not too significant. In the first choice the contents of the legal article regarding the Case were 31%, Government 22%, Law 28% and the last in the category of Human Rights 19%. Punishment for perpetrators of corruption in Indonesia has been regulated in the governing law. Most of the respondents or as many as 92% gave insufficient answers if the criminal convicted was only a prison sentence and a fine only. But 8% of respondents agreed that the two penalties had made a deterrent effect on the perpetrators of corruption. below is a diagram that shows the percentage of penalties of corrupt actors already felt enough or not.

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<sup>20</sup> *Ibid*, H. 8-9

In this case there are questions about whether additional sanctions are needed through a local wisdom approach. As many as 74% of respondents agreed to the existence of these additional alternatives, while 26% of respondents stated that there was no need for additional alternatives to punishment. Below is the percentage of respondents in the election whether or not an alternative punishment is needed.

The final question is about the need for additional sanctions in the criminalization of perpetrators of corruption. Additional sanctions here, as many as 34% of respondents chose to revoke political rights, 32% chose poverty and 34% worked for the State without compensation.

After conducting librarianship studies, interviews and distributing questionnaires, it can be concluded that overall there needs to be an alternative punishment through a local wisdom approach for perpetrators of corruption.

### ***Conclusion***

The model of punishment through the approach to local wisdom can be seen from the views of experts and the surrounding community regarding the perpetrators of corruption. Provisions regarding the punishment of perpetrators of corruption have been regulated in the Law on the Eradication of Corruption Crime (Law Number 31 of 1999 as amended by Act No. 20 of 2001). Nevertheless, it is still necessary to review the possibility of alternative models of punishment in Indonesia for perpetrators of corruption. This is due to the increasing number of perpetrators of corruption and the lack of deterrent effects of criminal cases that have been dropped.

Therefore, it is necessary to find an alternative model of punishment through a local wisdom approach in combating corruption. Social position, a high level of education is a conducive factor for introducing a new model of punishment.

### ***Suggestion***

All parties can play an active role in reducing the presence of perpetrators of corruption. Can work together well, so that the Indonesian people can progress.

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