



## Sociological Approach to Eradication Corruption In Indonesia (Alternative to Imprisonment)

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### Abstrak

Hukuman penjara bagi kejahatan korupsi dalam konteks penegakan hukum kurang cukup memberikan pengaruh terhadap pelakunya. Pemberantasan korupsi sendiri tidak cukup hanya dengan menggunakan pendekatan hukum, tetapi membutuhkan juga pendekatan sosial budaya, sehingga bisa dilakukan dengan lebih efektif. Sanksi pencabutan hak politik merupakan alternatif sanksi yang jauh lebih efektif dibandingkan dengan hukuman penjara. Dalam konteks ini, pendekatan sosial lebih efektif digunakan untuk memberantas korupsi.

### Abstract

*Punishment of corruption not quite put in the context of law enforcement, leading to sanctions of imprisonment. Eradication of corruption by itself no longer able to do with legal approach only, but also must use a socio-cultural approach so that corruption can be tackled effectively. Sanctioning the disenfranchisement of political rights for a time after undergoing convict prison, is a powerful tool and a non penal nature to combat corruption. Revocation of political rights to complete the imprisonment is one way to be taken by the courts to deter criminals and prevent others from doing so. The sociological approach is one of effective method use to combat the corruption in Indonesia.*



## 1. Introduction

Corruption is a phenomenon that continues to happen, especially since the collapse of the New Order (1998). Corruption seemed to be news every day and involve people from various strata. Public officials caught and entered in the vortex of systemic corruption that cost the state and destabilize the joints of politics in the country. The nation seemed to sink in corruption getting worse. Although legislation has been established and the state institutions have been established such as the Corruption Eradication Commission, but if the effort is inversely proportional to the rate of corruption figure that seemed unending.

Has many public officials who were tried and handed down the verdict. However, these efforts have not appeared satisfactory results. The phenomenon that is happening is the opposite, efforts to fight the government's efforts to combat corruption, for example by filing a judicial review of laws criminalizing corruption and measures against the leadership of the Commission with the aim that corruption persists and impunity.

According to a note put forward by ICW (Indonesian Corruption Whach), more than 600 public officials at central and regional level suspects and sentenced guilty by the court. They come from the executive, legislative, judicial and even there among them police officers or military personnel involved. Until now, the official engagement is not diminishing. Corruption as iceberg phenomenon, which is in the bottom layer is very large and involved people from various circles.

Thus, the paradigmatic changes are needed to combat corruption. Corruption should not only be viewed as part of the remedy. But it is the responsibility of all elements in society. Corruption is not enough to just be faced by those institutions directly without involving the community to participate in and supervise the performance of law enforcement. Community involvement is one of the efforts to streamline the law enforcement carried out by law enforcement agencies. In addition to the required type of severe sanctions that countermeasures against corrupti-

on is becoming more efficient.

Meaning of severe sanctions should not be interpreted by the death penalty or life imprisonment, it enough if a particular criminal punishment is perceived by perpetrator as an ordeal. Because in essence it is a criminal punishment that must be accepted as a result of the violation of a legal norm. However, the imposition of sanctions is still needed, just the kind of sanctions that need to be considered carefully. Imprisonment for a certain period of time will indeed be perceived as an ordeal, but for specific groups of prisoners, such kind of criminal it is more of a myth than a reality.

Just certain people who by court imposed heavy penalties, but mostly mild corruption convicts sentenced by the court. Up to 2016. According to record ICW, the average number of penalties for criminals only between 2 year and 1 month. Events such a cause Indonesia as a safe country for corruption and even got the nickname as a contry heaven for criminals corruption. A country that put forward the principles of the rule of law, of course, combating corruption should be put in the frame in order to realize the welfare state.

The punishment of criminals is not only intended to allow the defendant to go to jail, but first of all intended to recover losses to the state as the essence of corruption, in addition to the perpetrators need to be meted out severe punishment in order not to repeat the act in addition as a form of expression from countries that do not accept any compromise with the corruption that is very troubling.

Problems losses to the state is the goal of punishment, therefore it is necessary to change the paradigm for the court not to impose sanctions in prison while the loss of the state is not restored. Corruption is actually a white-collar crime, shall be imposed severe criminal according to the characteristics of the violation of the law had done.

Paradigmatic changes mentioned above, is not quite done by the judiciary alone, but must be started in higher education where the candidate was educated law enforcement. They were not enough to just teach the science of textual legislation, but should

be up to the use of the law is substantially namely to achieve justice. Justice is not only manifest in severe punishment but how keep the punishment is morally accountable and achieve the goal of making the laws.

Punishment of the criminals not only to ensure a deterrent effect but to protect the public from corrupt behavior that damage morale and trust in the state institutions in charge of organizing the public interest. As a democratic the rule of law, implementation of social welfare for the welfare of a mandate for independence that has been set by the founding fathers in the Constitution. Since the statutory corruption has stated that corruption is a violation of human rights, especially in the economic field of business community to create welfare. Supposedly since then ways of combating corruption can no longer be done conventionally. Required was to braking the law so that the meaning of an extraordinary crime becomes meaningful.

By extraordinary crime, corruption needed to be controlled. Nevertheless, extraordinary ways can not be interpreted by any means but still be done within the law. On the other hand, suspects often use legal remedies such as pretrial (*praperadilan*) status to sue the state imposed on him, making it seem corrupt counterattack (*corruptor kick-back*) against law enforcement. The means thus further weakening the rule of law including the institutions that run like KPK.

Counterattack conducted by criminals also offset by strength in parliament are trying to delegitimize the Commission with the efforts of a number of specific groups to amend the law of corruption, for example by removing the power of an investigation or prosecution has been owned by the Commission. Similarly repeatedly target attacks and by that also the power of civil society to defend it. It also included a plantto cut the budget an a plant to audit the performance of the Commission.

But all of these efforts can be thwarted. Then the next step is to take the fight against a judicial decision, for example by proposing remedies to the effort to apply for remission or parole. Through all the remedies above, the perpetrator gets a light sentence.

The lightness of the sentence imposed by the court is the main target of the perpetrator can thus be said to win against the corrupt law enforcement. The impact is more the failure of law enforcement into its own phenomenon is increasingly undermining the rule of law. The collapse of the rule of law may be mentioned is the result of various attempts by criminals to protect their interests. But on the other hand, law enforcement efforts have always had the support of the power of civil society who continually safe guard the institution of anti-corruption.

In order to prevent the collapse of the rule of law against criminals paradigmatic changes are needed so that corruption can be tackled effectively. The paradigm change is none other than to the country's financial rescue from the hands of the perpetrators of corruption are continuously looting state funds resulting in poverty for the people. Corruption should be viewed as an act of good dimensional impact, economic, political, and even cultural.

Economically, corruption has caused losses in the country's economy, political impact generated is the principles of foundations of government, and the declining credibility of state officials. And the culture of corruption will be increasingly difficult to eradicate. Corruption as if seen as something normal and has a lifestyle most public officials.

If it is so the case, then the collapse of a regime is only a matter of time. Is not the collapse of the countries who were victorious in advance due to the act of corruption by state officials who sometimes collude with employers. Corruption is like a parasite that eats away at the body of the nation is getting thinner suffered various diseases mentality experienced by officials who actually entrusted to organize the administration and development in the country.

Breaking of the rules especially with regard to criminal sanctions is a necessity. Therefore revoke their political rights is an alternative punishment that should be considered and imposed a judge for a deterrent effect. Breaching the law especially with regard to criminal sanctions is a necessity. Therefore

revoke their political rights is an alternative punishment that should be considered and imposed a judge for a deterrent effect. Revocation of political rights is to equip imprisonment imposed so that the perpetrator was aware that the actions taken have been causing severe social damage.

## 2. Method of Research

Legal research is a scientific method to uncover the truth about the actual legal issues. One of the characteristics in a legal research is a normative nature (Soekanto 1985 : 51, Soemitro, 1990 : 9, Sumardjono, 1996 : 8). Law as a normative phenomenon, is a norm that guide people's behavior in order to achieve justice. Justice is the ultimate goal of the law enforcement, while the legal certainty and expediency is the between purpose of a law enforcement. It is not justified to achieve legal certainty and expediency, the aspect of justice must be sacrificed.

As a normative legal research, the search for the principles of law the main purpose of this research with particular regard to alternative sentencing. Imprisonment should be complemented by other types of sanctions in order to effectively prevent actors perform his actions. In order that, it is necessary to do research on the types of sanctions stipulated by law to do a comparison of the doctrines developed by legal theory.

Legal materials used consisted of a document in the form of legislation and the views of experts according to the research theme. To complement secondary data also made observations and interviews with blame groups that have such competence AGO (Kejaksaan Agung), KPK and the Corruption Court and the experts who are thought to provide information about the object of this study.

Both legal materials (primary or secondary data) performed systematization and certain categories that are relevant to the theme of research and addressing the proposed law. This type of analysis study of data using qualitative methods which provide an explanation for answers uttered by the respondents and assessed their relevance to the

existing legal theory and research purposes.

The research approach used in this study is the approach of legislation that comes also with a conceptual approach developed by jurisprudence and comparative approach (Marzuki, 2005 : 93). The approach used is because of corruption and alternative to imprisonment it has aspects that are quite complex. The complexity comes at a time the deed is done and also ways to eradicate the crime.

Bias the data in the study can not be avoided, therefore it is necessary to do the triangulation of data with the goal of keeping any inherent bias in each data source, researchers and the methods used can be neutralized when used in connection with the data source and the other method (Susanto, 2015: 210). The results of the study and then encapsulated in the conclusions of this research recommendations.

## 3. The Result of Research and Discussion

### 1. Endemic of Corruption

Corruption is happening in Indonesia, in addition to having the legal side, it also has a social side. This means that in view of corruption should not be overlooked that caused background and ways to mitigate them. Corruption has become a way of life of the Indonesian nation, as a result of people who do not engage in corruption or abuse of power when it ruled considered the "bizarre". Instead, those who engage in corruption receive special legal protection. Indeed, our criminal law provides rights to someone suspects, but entitlements that certainly should not ignore the right of people to seek justice.

Corruption is a problem of culture, in particular with regard to the custom and usage of power. Aristotle and Machiavelli have raised the question of moral corruption which means that corruption is an act that deviate from the Constitution, consequently the authorities no longer under the law but the waiter for himself (Semma, 2008 : 32). The views of two medieval legal thinkers are not much different from Lord Acton stated that power tend to corrupt, absolut power

corrupt absolutely.

Corruption wreaked havoc on earth therefore is Perubatan the damned and will be given a harsh torment. Corruption is seen has caused the destruction of welfare and benefit hidup..perbuatan corruption equated with terrorism that causes the fear, because it is followed by the act of killing, wounding or seize or take the property of others. Corruption should not be viewed as an act of ordinary law violations, but should be seen as an extraordinary crime, because it affects the social life of the community, the collapse of state authority and the decline of morality officials.

Therefore in Corruption Acts (2001) has confirmed that, *“given the corruption in Indonesia occurred in a systematic and widespread so that not only harm the state finances, but also have violated the rights of the social and economic societyt broadly, the eradication of corruption needs to be done by extra ordinary “* Incredibility it does not involve arrangements are legal but is a comprehensive provision which shows that corruption is a serious crime.

The seriousness of the corruption can be seen from the criminal sanctions which, if exercised in certain circumstances can be punishable by death. In addition, it can also be sentenced to deprivation of action in the form of assets or lifting of political rights. Type the last sentence is evidence that corruption is not sufficiently dealt with in terms of legal instruments, but also a need for a system of measures (treatment) to accompany the penalty set by law.

Corruption can also be tracked not only in terms of the culture of a particular society, but the political system, the economy also gave a higher contribution as one of the roots of corruption (Pope, 2003 : 148).. Based on this background is natural that corruption becomes difficult if only seen as a matter of law. Root of the problem of corruption in the Indonesian context is very complex. This fact shows that for nearly 20 years of reform, fighting corruption as if walking in place. Corruption is not only reduced but it spreads out in all level of life, especially in the field of governance.

In recent years, public officials involved in corruption cases is increasing both in the executive, the executive and judicial. They also led a state institution like the IG leadership of the People’s Consultative Assembly, the two leaders of the Constitutional Court does not count local officials abusing their power. As a result, corruption eradication agenda is the length of each reimbursement regime. Public officials have made the actual issues to be used as a political commodity in order to gain the sympathy of the public or against an adversary.

On the other hand, corruption is a norm in the sense of giving a gift with corruption are thin boundary. Custom of gift giving is customary in the practice of Indonesian society, but also of the gift addressed to public officials in order to do or not do something in his position as an act of corruption. Therefore talk of a man who did corruption become relevant. Corruption is not only seen as part of the structure, but the human impact that corruption causes the system can be destroyed. Corruption can also be caused due to insufficient salaries of civil servants, also due to poor planning within the bureaucracy. Such conditions that lead to corruption. Those who have been accustomed to corruption will create an environment and conditions that provide opportunities for corruption. The effects of corruption have damaged the public and will last for centuries (Alatas, 1987 : 120).

Corruption will have a tendency to increase in a period of rapid growth and modernization, due to changes in values, new sources of wealth and power, as well as the government (Huntington, 1995: 133). Instead, the contry has feudal tendencies, corruption tends to decrease. This is because feudalism provide a system of norms and sanctions tougher, reducing the appeal opportunities and corruption. The phenomenon of corruption has also been highlighted by Gunawan Muhammad stating that corruption is a phenomenon that is close to the bureaucracy. Gunawan take the example of the Philippines after the escape of the Spanish colonization. But the heroic struggle that has been successfully replace replaced by the ruling regime that will slowly accumulate po-

wers such as the administration of Ferdinand Marcos.

Overview of the Philippines is no different from what happened in Indonesia after the fall of the New Order. Government that for 32 years has been stuck to the practices of corruption, collusion and nepotism are so severe that the state incurred losses are very large and the effect on the organization of the country is so poor. The reform movement led by the younger generation, especially students had stopped when the power to accumulate and abuse of power that harm the nation. The state becomes so worse and the government initially feared, it collapsed with a massive movement is performed continuously for most of 1998.

The success of reforms one occurrence of a radical change in the efforts to eradicate corruption in particular the establishment of institutions fighting corruption with the establishment of the Corruption Eradication Commission which preceded the regulatory legislation that the passing of Law No. 31 of 1999 and Act No. 30 of 2002 on Eradication Commission Corruption. Establishment of the Commission followed by a number of arrests have been made to public officials that streak going through the operation of catching hand. At least in the first years the Commission has shown significant results enforcing the law against corruption cases when it is already so widespread and occur systematically.

Nevertheless, the Commission can not be said to successfully carry out their duties properly. Various obstacles would start to happen. Law enforcement action has caused unrest among state officials suspected of corruption. One of resistance do is attempt to revise the law of corruption, a partial withdrawal of investigators from the national police and the business environment of judicial review of the law and the law Corruption Commission itself, in which the aim is for the eradication of corruption became paralyzed.

Action criminalize the leadership of the commission is also done with the intention that the commission is not optimally perform their duties, and some even have to go to jail on charges of committing a crime that was

never done. In addition, some elements of leadership should be investigate by the police on suspicion of committing a crime. Investigation of the leadership of the Commission has caused a void in leadership is collective and collegial. Weaknesses commissions used by certain blame groups to the weakening of the commission and the eradication of corruption as a whole.

It seems that corruption still needs a long way to eradicate it. Historically, corruption has been known from time immemorial, and has been deeply embedded in the culture of feudal society inherited from the colonizers. Feudalistic nature of the cause corruption to flourish and thrive without being able to cope. Conventionally, corruption is always associated with low income, non-transparent government bureaucracy and the lack of responsibility of public officials.

Even in 1967, the former Governor of the World Bank Mac Namara stated that corruption in Indonesia has been well known everywhere, so do not give hope that corruption will soon be eliminated (Soedarsono , 2009: 2). It suggests that despite the efforts of its leaders, but still feel the atmosphere of corruption in the region and will come at a time when the state was still in progress. Thus it takes a special therapy to eradicate corruption in Indonesia, which has become a historical fact that it is difficult to cure.

Corruption should not be viewed as a stand-alone issue, but due to various factors are interconnected and form a strong network so it is not easy to be destroyed. Lace-rigging collusion with collusion and nepotism which concerned a group or class using a machine bureaucracy to usurp the rights of the people protected by the constitution.

Thus, the conventional ways in efforts to combat corruption is definitely not effective anymore. In the 7th Congress of the United Nations that need to be considered traditional forms of social control. Stated that: when new crime prevention measure are introduced, necessary precautions should be taken not to disrupt the smooth and effective functioning system, full attention bring paid to the preservation of cultural identities and the protection of human right.

In the 6th congress has previously been stated that the trend of crime and its prevention strategy that :

- a. The crime problem impedes progress towards the attainment of an acceptable quality of life for all people,
- b. Crime prevention strategies should be based upon the elimination of causes and conditions giving rise to crime
- c. The main causes of crime in many countries are social inequality, racial and national discrimination, low standard of living, unemployment and illiteracy among broad sections of the population.

UN documents relating to "Urban Crime" at the 6th Congress, states that the causes of crime are the following :

- a. Poverty, unemployment, illiteracy (ignorance) the lack / shortage of adequate housing and education and training system that does not match / mismatched.
- b. Increase the number of people who do not have the prospect (hope) for the process of social integration, as well as the worsening social inequalities.
- c. The loosening of social ties and family.
- d. State / state of condition that makes it difficult for people who migrated to the cities or to other countries.
- e. Damaged or destruction of indigenous cultural identity that coincide with their racism and discrimination caused losses / weaknesses in the areas of social, welfare and work environment.
- f. Decreased or pullback quality urban environment that encourages an increase in crime and reduced services for areas of environmental facilities / neighbors.
- g. The difficulties for people in modern society to integrate properly in a community, in the family / relatives, place of employment or in the school environment.
- h. Abuse of alcohol, drugs and others who use also expanded due to the factors mentioned above.
- i. Widespread activity organized crime, especially drug trafficking and fencing

stolen goods.

- j. Impulses (especially in the media) about the ideas and attitudes that lead to violence, inequality (right) or intolerant attitudes (Nawawi Arief, 2009 : 43-44).

Based on the identification of problems of crime, as noted above, it is understood that the problem of crime prevention is not enough just to do with a purely legal approach. This is because the causes of so complex and required countermeasures in an integrative way. This is because the causes of so complex and required countermeasures in an integrative way. Consequently, the criminal law has limitations such as :

- a. The causes of crime are complex thus beyond the reach of the criminal law.
- b. The criminal law is only a small part (subsystem) of the means of social control that is impossible to overcome the problem of evil as humanitarian and social issues are very complex, (as a matter of socio-economic, socio-cultural and socio-political and so on).
- c. Combating the criminal law in tackling crime is only a "kurieren am symptom", therefore the criminal law is only "symptomatic treatment" and not "causative treatment".
- d. Criminal law sanctions is "remedium" containing the contradictory nature / paradoxical and contain the elements as well as the negative side effects.
- e. Criminal sanction is fragmentair and individual / personal, non-structural / functional.
- f. The limited range of criminal sanctions and criminal sanctions formulation system that is rigid and imperative.
- g. Functioning of the criminal law requires a means of support are more varied and more demanding higher fees (Nawawi Arief, 1994: 46).

Given the limited ability of the criminal law and the criminal justice system in tackling crime. corruption need to develop other types of sanctions so that corruption can be tackled effectively. Edwin H Sutherland (2001 : 38) has stated that corruption is a white collar crime because it is the legal system and criminal system must be reconstructed. By

declaring that corruption as an extraordinary crime, it takes a special kind of sanctions and exceptional nature in order to create a deterrent effect for corruptors.

## 2. Punishment

The theories of punishment ranging classical theory to modern theory was not effective enough to tackle corruption. Revenge theory also has been felt not effective anymore though it is shown that the defendant has been sentenced to heavy, do not prevent others from corruption. Likewise, the modern theory intended as a general and special prevention doubt their effectiveness. Therefore we need a new theory that corruption can be minimized. Otherwise, corruption is rampant and law enforcement agencies will be overwhelmed to deal with it. Thus the need for a new rationale that anti-corruption become relevant because it is supported by a strong theory.

One theory that can be used is the theory proposed by Jeremy Bentham which states that people act on the basis of cost-benefit calculation. Humans will act to increase happiness and avoid suffering (the principle of pleasure and pain). Although still vague because Bentham did not explain further about the theory put forward. But Bentham claimed that the theory of utilitarianism that an act is not rated by the irrational system that is absolute, but through the principles that can be measured (Muladi, 2002: 32). Bentham line with the views Beccaria, that in committing a crime based on the doctrine of free will, although Bentham tend to agree on what is called the theory of behavior patterned / taught as an explanation for criminal behavior.

Jeremy Bentham also agree that there are significant severe criminal because the aim is to improve, but serious criminal must be received by the public before it is applied. Corruption Act 2001, serious criminal like stiff jail sentences and even in certain circumstances can be sentenced to capital punishment, is a sociological and philosophical reasons to be imposed in cases of corruption. For the people of Indonesia, corruption is an act that is contrary to the law and a serious

moral therefore need to be supported by a severe penalty to prevent other people from corruption and in retaliation for the culprit. Corruption has abused his power to acquire wealth for themselves and others.

According to Bentham, the criminal can negate a greater evil when through the operation by isolation, reform and prevention, and the loss created by the inability of the crime can be reduced. The theory of punishment has plural nature, because it connects the principles of teleological example utilitarianism and retributivist principles in a single unit that is called flow integrative theory. Recommends an integrative Theory of the possibility of undertaking articulation of the theory of punishment that integrates several functions at once that retributive utilitarian nature of prevention and rehabilitation, all of which should be seen as targets to be achieved by a plan of punishment.

Punishment and criminal prosecution by an integrative view of the process against criminal activity, in a particular way are expected to be able to assimilate back into society inmates. Simultaneously, society demands that we improve individuals as actors with something that can also satisfy the demands or needs of retaliation. The treatment of the perpetrators of pidana support the beneficial purposes, the benefits must be determined casuistry. With a background like that give rise to the view that sentencing is an art.

Criminal prosecution against perpetrators of criminal acts is a dynamic process that includes continuous assessment and careful review of the goals to be achieved and the consequences that can be selected from any specific decision on certain things at one time. As a result of punishment has become a complex due to the side of human rights with the aim of punishment becomes operational and functional.

Integrative theory of punishment depart from the assumptions stated by Bentham above. Thus humans with free will has chosen to commit a crime (in accordance with the pleasure principle) and opted for sentencing if the act was done consciously. Criminal virtually always cause suffering. Thus



offenders who have committed a crime means consciously choosing to implementation of suffering for him as a consequence of the choice freely.

Through the concept of punishment integrative Muladi opinion, the objective of sentencing using sociological approach, ideological and juridical philosophy that is based on the basic assumption that crime is the disruption of balance, harmony, and harmony in society that damages the individual and social.

Device objective of sentencing, as mentioned above, include:

- (1) Prevention Works,
- (2) Protection of the public
- (3) Maintain community solidarity,
- (4) Compensatory

Conception of sentencing integrative above have not got the settings in the Indonesian criminal justice system today. The theory of punishment associated embraced by the Criminal Code still includes criminal retaliatory criminal sanctions formulation so that

the system is still using a model of absolute, meaning sentence imposed is suffering in the form of imprisonment or fines. Such provisions were adopted by corruption acts now a day.

Nevertheless, it can be argued that the legislation is much more corruption than the Indonesian Criminal Code (KUHP) that has accommodated a form of punishment in the form of confiscation of assets and the impoverishment of the convict. Both forms of the above criminal has got the settings in the legislation. But the threat of punishment over perceived insufficient outbreak of endemic and systemic corruption as is happening today. Need regulations to accommodate the aspirations of the academic colleges as a conceptual contribution to the rampant corruption that plagued this nation.

One idea put forward by TJ scientific Gunawan (2015) who proposed the concept of Value-Based Punishment Economic Losses. The formula proposed by Gunawan are as follows:

$$\text{State loss} = \frac{\text{losses incurred in the sentence imposed Corruption}}{\text{Regional minimum wage}} = \text{Punishment}$$

Thus a person who committed a criminal act of corruption causing losses to the state amounting to IDR. 100,000,000 and regional minimum wage of IDR. 3,000,000, the offender can be sentenced to more than 33 months, or nearly three years. Moreover, if the value of the loss is more than the number at the top definitely the heaviest penalty imposed.

In addition to a fine or imprisonment of criminal sanctions should also be formulated over the imposition of criminal sanctions in the form of revocation of the political rights of the offender given the political position umumnya actors on the political actors. The imposition of criminal sanctions in the form of revocation of political rights made possible by the Indonesian Criminal Code authorizes the judge to perform revocation of certain rights.

The lifting of political rights of prisoners of corruption based on the consideration that

the offender has the political position of honor in his office by abusing its power in order to benefit themselves or another person or corporation. Thus political disenfranchisement would be perceived as a severe penalty in addition to imprisonment or fines contained in the setting corruption acts.

Revocation of political rights is a means to prevent people who have had a political or legal defect public office (Zaidan, 2016 : 336). Bombers have carried out serious crimes that threaten the existence of the state is carried out systematically. With the restriction that the perpetrator is the main perpetrator or losses to the state over one billion rupiah.

In addition to having a political meaning, deprivation of political rights has a legal dimension in the form of a prison sentence is executed in the community means that the perpetrator is still left in the community and together with his family, but most have their rights restricted. Restrictions that are suffering

that characterizes criminal sanction. In other words, the convict to undergo criminal but still left free with some restrictions.

Revocation of political rights is a form of punishment as well as the imprisonment but held outside the penitentiary. Through the lifting of political rights thus began grown an open prison system to create efficiency and prevent stigmatization. But the lifting of political rights is only imposed if imprisonment imposed maximum the judge not with a view to a deterrent effect. Thus this type of crime is an additional penalty to complete the principal criminal meted out to convicted.

### 3. Sociological Approach

Since the enactment of corruption as an extraordinary crime, when it carried out the legal approach to it. Indeed, state law requires that social issues be resolved by legal means. But when the law stalled another approach is needed to solve it. One approach that can be used is a sociological approach.

Through a sociological approach, combating corruption should not be focused solely on legal sanctions, but also have to consider other means suspected of having an effective force tackling the problem of corruption. In this case the law is not only regarded as written in the text of legislation and laws are formulated deliberately and rationally (Rahardjo, 2009: 11). Sociologically, the law has been experiencing a shift in the shape, of the law necessarily be made and enacted laws.

Between the law as a legal text as there are differences in the behavior of the principal paradigm. When the law enters the territory of behavior, then there is a fundamental correction to the law as text. It turned out that in everyday life laws can not achieve what you have specified in black and white in the text of the rule of law. The promise to deliver justice, give shelter to all legal subjects, in real life experienced a remarkable development.

Experience that Sebastian Pompe when they wanted to do research on the Supreme Court of Indonesia, it has been proved that the understanding of the text of the law alone is not likely to gain an overview of the law in the sense keyataan would be perfect as the

legal text. To understand the duties and functions of the Supreme Court was not enough when reading the legal documents relating to the highest legal institution. The human factor in the lawless turned out not to be overlooked.

Humans with its uniqueness will affect the application of the legal texts in getting cases. This means that law enforcement must have intellectual and moral when running the rule of law in order to form the abstract concrete and render justice to litigants. Therefore the higher education law, not only teaches the rules of sheer will, but what about these regulations will obtain great benefit to humanity.

Long before the legal education as familiar as it is now, the education law are essentially talking about justice and the search for justice (Rahardjo, 2009: 58). This is because the law appears naturally in the interaction among community members with diverse names such as natural law, traditional law and interactional law. Law in this case is seen as a fight heart than the intellect.

In the traditional court process, the issue of justice becomes the main axis, the rules of justice be substantial. The evolving dynamics in society demanding that the enforcement of a just social order. After the presence of different countries, the order of organic nature is replaced with a more organic structure. Order created by the state are structural and rational deliberately created. Thus, modern law has emerged as a public institution which has distinctive features. As a result, not arbitrary social rules may be called the law unless the regulations made by an entity with its own methodology as we know it.

In order to balance the two extremes of the role of higher education is important. Higher education law in particular is not only a place to forge a cadre of skilled nation applying positive law, but also have intellectual and moral order to bring rare among the rules set out in the legal texts with the social order that is dynamic. Higher education law should not be stuck on the teaching of rigid legal text, but must be linked to the specific context in real life everyday. ,

Here the paradigmatic changes need

ded to break out of the shackles of formalism leads to a more equitable social order and dynamic. Criminal provisions in the legislation must also be equipped with a sociological approach to the connection between actions and sanctions in order to obtain a just verdict.

#### 4. Conclusion

Corruption is an extraordinary crime therefore should not be done to overcome the usual, which means that the need for a new paradigm so that corruption can be tackled. The retraction of political rights as an additional penalty should be considered criminal judges to complete the principal imposed on the convict. On otherhand, higher education has a responsibility to develop that law is not only the text but is factually observed behavior. In addition, the sociological approach in fighting corruption needed to offset the normative juridical approach that is often perceived as an injustice. Hence, the need for cooperation between the perception of law enforcement in view of sanctions to be imposed for corruption. Towards corruption deserve to be sentenced to severe deterrent effect. In addition, the need for revision of the statute of corruption in order to regulate the application of sanctions revocation political rights as an additional penalty.

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