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## Intentionally Changing Everything: Deliberate Constructing in Corruption Case

Kamsi Kamsi<sup>1</sup>✉, Very Julianto<sup>2</sup>, Mu'tashim Billah<sup>3</sup>,  
Suud Sarim Karimullah<sup>4</sup>

<sup>1,2,3</sup> UIN Sunan Kalijaga Yogyakarta, Indonesia

<sup>4</sup> Gümüşhane University, Turkiye

✉ Corresponding email: [kamsi@uin-suka.ac.id](mailto:kamsi@uin-suka.ac.id)

**Abstract** *The handling of corruption cases lacks consistency in the emphasis on the element of intention or deliberation. While some experts propose the concept of deliberation theoretically, its practical application in the field contradicts these theoretical studies due to the absence of clear indicators of intent. Deliberation, as explored in this research, is analyzed through the lenses of criminal law and psychology. The research employs the Forum Group Discussion (FGD) method, coupled with professional judgment from legal practitioners and academics. The findings reveal a shared perception among law enforcers regarding the deliberate nature of corruption cases. These law enforcers interpret relevant articles using a combination of scientific theory and the theory of Possibility in Certainty. From a psychological perspective, deliberate behavior is conceptualized as a construct*

*that can be measured through the lens of scientific theory. The convergence of these perspectives highlights a unified approach among law enforcers in assessing intentionality in corruption cases.*

**Keywords** *Corruption, Deliberate, Motivation, Science Theory*

## 1. Introduction

The corruption is a global problem<sup>1</sup> faced by all countries. Most countries worldwide experience massive corruption without any progressive prevention efforts.<sup>2</sup> For developing countries, such as in ASEAN, corruption is a severe case faced by all ASEAN member countries except Brunei and Singapore.<sup>3</sup> The issue of corruption has harmed economic development in ASEAN.<sup>4</sup> A study states that corruption is a significant challenge in the process of sustainable development in a country.<sup>5</sup>

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<sup>1</sup> João Gabriel Modesto and Ronaldo Pilati, ““Why Are the Corrupt, Corrupt?”: The Multilevel Analytical Model of Corruption,” *Journal of Psychology* 23 (2020): e5, <https://doi.org/https://doi.org/10.1017/SJP.2020.5>.

<sup>2</sup> Tiang Jang Haw, Jerome Kueh, and Shirly Wong Siew Ling, “Corruption and Growth in ASEAN Countries: A Non-Linear Investigation,” *International Journal of Academic Research in Business and Social Sciences* 10, no. 3 (2020), <https://doi.org/http://dx.doi.org/10.6007/IJARBS/v10-i3/7055>.

<sup>3</sup> Pius Lustrilanang et al., “The Role of Control of Corruption and Quality of Governance in ASEAN: Evidence from DOLS and FMOLS Test,” *Cogent Business & Management* 10, no. 1 (2023): 2154060, <https://doi.org/https://doi.org/10.1080/23311975.2022.2154060>.

<sup>4</sup> Toh Kim Yuan and Suryati Ishak, “Relationship Between Corruption, Governance, and Economic Growth in ASEAN,” *Shifting Economic, Financial and Banking Paradigm: New Systems to Encounter COVID-19*, 2022, 119–30, [https://doi.org/10.1007/978-3-030-79610-5\\_8](https://doi.org/10.1007/978-3-030-79610-5_8).

<sup>5</sup> Irina I Frolova et al., “Corruption as an Obstacle to Sustainable Development: A Regional Example,” *Entrepreneurship and Sustainability Issues* 7, no. 1 (2019): 674, [https://doi.org/https://doi.org/10.9770/jesi.2019.7.1\(48\)](https://doi.org/https://doi.org/10.9770/jesi.2019.7.1(48)).

*Corruption* is a multi-dimensional problem that requires handling using multiple approaches.<sup>6</sup> One is utilizing information technology, where social media has an essential role in Jordan in raising awareness of political elites and society about corruption.<sup>7</sup> The role of Indonesian netizens can increase the chances of success in eradicating corruption.<sup>8</sup> However, law enforcement on corruption in Indonesia still needs to improve. This weakness results from the backwardness and incompatibility of regulations on corruption in Indonesia with the United Nations Convention Against Corruption.<sup>9</sup>

The handling of corruption cases is still discriminative,<sup>10</sup> and the different interpretations between law enforcement officers will be the focus of this research. Interpretations among law enforcement officials are often different. In this case, it regards the presence or elements absence of intent in a corruption case. Some cases of corruption have been debated among the lawyers and it has impacted the general public as the case of Sumber Waras Hospital, former Rector of Airlangga University Dr. Oral Fasichul and Hj. Durrotun

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<sup>6</sup> Hendi Yogi Prabowo, M Syamsudin, and Jaka Sriyana, "Understanding Corruption from Behavioral Perspective: A Case Study of Yogyakarta Special Province," *European Journal of Economics, Finance and Administrative Sciences* 55 (2012): 97–105.

<sup>7</sup> Khalid Al-Hussein, "The Use of Social Media and Perceptions of Corruption within the Jordanian Political Elite," *Technology in Society* 62 (2020): 101334, <https://doi.org/https://doi.org/10.1016/j.techsoc.2020.101334>.

<sup>8</sup> Hendi Yogi Prabowo, Rizki Hamdani, and Zuraidah Mohd Sanusi, "The New Face of People Power: An Exploratory Study on the Potential of Social Media for Combating Corruption in Indonesia," *Australasian Accounting, Business and Finance Journal* 12, no. 3 (2018).

<sup>9</sup> Eddy Omar Sharif Hiariej, "United Nations Convention Against Corruption Dalam Sistem Hukum Indonesia," *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 31, no. 1 (2019): 112–25, <https://doi.org/https://doi.org/10.22146/jmh.43968>.

<sup>10</sup> O.C. Kaligis, *Praktik Tebang Pilih Perkara Korupsi*. (Bandung: Alumni, 2008)

Nafisah cases. In such cases, Corruption Eradication Commission is not always consistent in emphasizing the element of intent even though the state has lost in colossal amounts based on the Indonesian Supreme Audit Institution. The corruption Eradication Commission often ruled out the element of deliberation provided it had fulfilled legal evidence. On the other hand, there are also cases handled by the Corruption Eradication Commission by looking at the element of intent.<sup>11</sup>

Previous studies on corruption focused on several aspects, such as education, the economy, governance, construction, and foreign direct investment.<sup>12</sup> In the study of corruption and the education sector, Monica stated that corruption could weaken the role of education in the development sector.<sup>13</sup> In another study, he also stated that corruption in the higher education sector had spread widely, both from the accreditation process sector and the student admission process, to the staff recruitment and promotion process. The corruption harms the development of human resources. Furthermore,

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<sup>11</sup> "KPK Is Asked Quickly Investigate Alleged Corruption of Sumber Waras Hospital," accessed March 19, 2017, <http://metro.sindonewes.com/read/1100332/170/eradication>.

<sup>12</sup> Dung Quoc Bui et al., "Two Decades of Corruption Research in ASEAN: A Bibliometrics Analysis in Scopus Database (2000–2020)," *Cogent Social Sciences* 7, no. 1 (2021): 2006520, <https://doi.org/https://doi.org/10.1080/23311886.2021.2006520>.

<sup>13</sup> Monica Kirya, "Education Sector Corruption: How to Assess It and Ways to Address It," *Education* 4, no. 5 (2019), <https://www.u4.no/publications/education-sector-corruption-how-to-assess-it-and-ways-to-address-it.pdf>.

it has an impact on the country's development.<sup>14</sup> Rubasundram writes about eradicating corruption through education.<sup>15</sup>

In the study of corruption and the economic sector, Gründler stated that corruption could affect economic growth. This can be seen by decreasing FDI and increasing inflation.<sup>16</sup> Alfada stated that corruption has a destructive effect on economic growth in Indonesia.<sup>17</sup> In the study of corruption and government, David Barrett examines the grand corruption practices carried out by politicians in exchange for political support for their supporters.<sup>18</sup> Anupriya Khan stated that e-government is not the only tool to control corruption.<sup>19</sup> Lustrilanang examines the relationship between handling corruption and the

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<sup>14</sup> Monica Kirya, "Corruption in Universities: Paths to Integrity in the Higher Education Subsector," *U4: Anti-Corruption Resource Centre* 10 (2019), [https://data.opendevelopmentmekong.net/dataset/0d23d14c-5ec4-45ca-95b0-d4997e7dd713/resource/d0daa8be-8cd3-44f4-9d47-be2af130a324/download/u4\\_corruption-in-universities\\_paths-to-integrity-in-the-higher-education-subsector.pdf](https://data.opendevelopmentmekong.net/dataset/0d23d14c-5ec4-45ca-95b0-d4997e7dd713/resource/d0daa8be-8cd3-44f4-9d47-be2af130a324/download/u4_corruption-in-universities_paths-to-integrity-in-the-higher-education-subsector.pdf).

<sup>15</sup> Geetha A Rubasundram, "Disrupting Corruption Using Education: A 'Prisoner's Dilemma' Approach," *International Annals of Criminology* 59, no. 2 (2021): 119–35, <https://doi.org/https://doi.org/10.1017/cri.2021.13>.

<sup>16</sup> Klaus Gründler and Niklas Potrafke, "Corruption and Economic Growth: New Empirical Evidence," *European Journal of Political Economy* 60 (2019): 101810, <https://doi.org/https://doi.org/10.1016/j.ejpoleco.2019.08.001>.

<sup>17</sup> Anisah Alfada, "The Destructive Effect of Corruption on Economic Growth in Indonesia: A Threshold Model," *Heliyon* 5, no. 10 (2019): e02649, <https://doi.org/https://doi.org/10.1016/j.heliyon.2019.e02649>.

<sup>18</sup> Elizabeth Dávid-Barrett and Mihály Fazekas, "Grand Corruption and Government Change: An Analysis of Partisan Favoritism in Public Procurement," *European Journal on Criminal Policy and Research* 26 (2020): 411–30, <https://doi.org/https://doi.org/10.1007/s10610-019-09416-4>.

<sup>19</sup> Anupriya Khan, Satish Krishnan, and Amandeep Dhir, "Electronic Government and Corruption: Systematic Literature Review, Framework, and Agenda for Future Research," *Technological Forecasting and Social Change* 167 (2021): 120737, <https://doi.org/https://doi.org/10.1016/j.techfore.2021.120737>.

quality of governance in ASEAN countries.<sup>20</sup> Shepherd focuses on examining bribery cases committed by brokers to government departments. This undermines people's trust in the state.<sup>21</sup> In Corruption and construction studies, Andrew Ebekozen writes about corruption in the construction industry in Nigeria.<sup>22</sup> Hosseini stated that corruption was endemic in Iran's construction sector. This poses a significant risk to economic development.<sup>23</sup>

In the study of corruption and FDI, Brada stated that there is a relationship between corruption and investment (FDI).<sup>24</sup> Although according to Diana Lestari, corruption does not have a significant impact on FDI.<sup>25</sup> Onody stated that corruption could only facilitate FDI in regions with medium to low levels of corruption.<sup>26</sup> Alvaro

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<sup>20</sup> Lustrilanang et al., "The Role of Control of Corruption and Quality of Governance in ASEAN: Evidence from DOLS and FMOLS Test."

<sup>21</sup> Dean A Shepherd, Vinit Parida, and Joakim Wincent, "Bribery from a Micro, Demand-Side Perspective," *Small Business Economics* 57 (2021): 1661–80, <https://doi.org/https://doi.org/10.1007/s11187-020-00389-x>.

<sup>22</sup> Andrew Ebekozen, "Corrupt Acts in the Nigerian Construction Industry: Is the Ruling Party Fighting Corruption?," *Journal of Contemporary African Studies* 38, no. 3 (2020): 348–65, <https://doi.org/https://doi.org/10.1080/02589001.2020.1758304>.

<sup>23</sup> M Reza Hosseini et al., "Distinguishing Characteristics of Corruption Risks in Iranian Construction Projects: A Weighted Correlation Network Analysis," *Science and Engineering Ethics* 26 (2020): 205–31, <https://doi.org/https://doi.org/10.1007/s11948-019-00089-0>.

<sup>24</sup> Josef C Brada et al., "National Levels of Corruption and Foreign Direct Investment," *Journal of Comparative Economics* 47, no. 1 (2019): 31–49, <https://doi.org/https://doi.org/10.1016/j.jce.2018.10.005>.

<sup>25</sup> Diana Lestari et al., "The Impact of Financial Development and Corruption on Foreign Direct Investment in Developing Countries," *Investment Management and Financial Innovations* 19, no. 2 (2022): 211–20, [https://doi.org/https://doi.org/10.21511/imfi.19\(2\).2022.18](https://doi.org/https://doi.org/10.21511/imfi.19(2).2022.18).

<sup>26</sup> Vanessa da Silva Mariotto Onody et al., "Corruption and FDI in Brazil: Contesting the 'Sand' or 'Grease' Hypotheses," *Sustainability* 14, no. 10 (2022): 6288, <https://doi.org/https://doi.org/10.3390/su14106288>.

found that corruption impacted the foreign investment (FDI) sector. According to him, the anti-bribery law can prevent corruption, so the level of FDI is influenced by the level of corruption in a country.<sup>27</sup>

Previous researchers have extensively researched the research theme of corruption intentions. Hughes wrote about intentional corruption as a crucial element of federal bribery laws.<sup>28</sup> Nardo and Francis write about morality and preventing corruption. They claim that morality must have an element of intention.<sup>29</sup> Huan Zhao writes about the psychological mechanism between perceived descriptive norms and corrupt intentions. He stated that moral disengagement increases a person's intention to commit corruption.<sup>30</sup> Meanwhile, Bai stated that a person's perception of the risk of corruption (fear of being caught and serving a sentence) can influence a person's intention to commit corruption.<sup>31</sup> In his research, Arif Setiawan stated that judges could not distinguish double intention as a condition for corruptors and perpetrators to participate. This resulted in an unfair criminal

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<sup>27</sup> Alvaro Cuervo-Cazurra, "Who Cares about Corruption?," *Journal of International Business Studies* 37 (2006): 807–22, <https://doi.org/https://doi.org/10.1057/palgrave.jibs.8400223>.

<sup>28</sup> Brennan T Hughes, "The Crucial Corrupt Intent Element in Federal Bribery Laws," *Cal. WL Rev.* 51 (2014): 25, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/cwlr51&div=6&id=&page=>.

<sup>29</sup> Massimo N Nardo and Ronald D Francis, "Morality and the Prevention of Corruption: Action or Intent—a New Look at an Old Problem," *Journal of Financial Crime*, 2012, <https://doi.org/https://doi.org/10.1108/13590791211220403>.

<sup>30</sup> Huanhuan Zhao, Heyun Zhang, and Yan Xu, "Effects of Perceived Descriptive Norms on Corrupt Intention: The Mediating Role of Moral Disengagement," *International Journal of Psychology* 54, no. 1 (2019): 93–101, <https://doi.org/https://doi.org/10.1002/ijop.12401>.

<sup>31</sup> Bao-yu Bai, Xiao-xiao Liu, and Yu Kou, "Belief in a Just World Lowers Bribery Intention," *Asian Journal of Social Psychology* 19, no. 1 (2016): 66–75, <https://doi.org/https://doi.org/10.1111/ajsp.12108>.



verdict between the two.<sup>32</sup> Banjo underlined that judges' decisions in corruption cases are one-sided between objective and subjective facts (men's rea/malicious intentions). He stated that the aspects of "unlawful acts" and "intentional" should be used as a parameter to measure "corruption criminal responsibility" as the level of moral error.<sup>33</sup>

Previous research is limited to theoretical studies by some experts in the intent element. According to Hippel deliberate is the desired result as conceived as a goal. Frank put forward a different opinion, who stated otherwise that it is deliberately viewed from the known consequences and behavior following that knowledge. A more comprehensive understanding of this intent is reviewed by Pompe, stating that the condition of intent is the existence of *willens en wetens* or know and will. Both of these conditions are absolute, meaning that a person is said to have committed an act deliberately if the act is carried out through understanding and willingness.<sup>34</sup>

In the realm of implementation, the theoretical studies of these experts tend to be contradictory. The discrepancies between the theoretical study area and the implementation realm have been discussed before, but it is failed to find a solution that can be implemented as a benchmark in determining the element of intent. This research can be used to answer the previous research that is to determine the standard size of the element of intentional by making a measure of intentional.

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<sup>32</sup> Muhammad Arif Setiawan and Mahrus Ali, "When Double Intention Ignored: A Study of Corruption Judicial Decisions," *Jurnal Hukum IUS QUIA IUSTUM* 28, no. 3 (2021): 459–80, <https://doi.org/https://doi.org/10.20885/iustum.vol28.iss3.art1>.

<sup>33</sup> Elstonsius Banjo, Surastini Fitriasih, and Eva Achjany Zulfa, "Maladministration and Intentionality on the Criminal Corruption Court in Indonesia," *PETITA* 7 (2022): 64, <https://doi.org/https://doi.org/10.22373/petita.v7i2.147>.

<sup>34</sup> E.O.S. Hiariej, *Asas-Asas Hukum Pidana* (Yogyakarta: Sinar Atma Pustaka, n.d.).



Research on finding and proving new concepts is considered to have more benefits in answering various questions regarding the clarity of the ambiguous concept. There is still an overlap in the use of the term in several studies, requiring much research focusing on discovering new theories and constructs.<sup>35</sup> It is said that perceptions and interpretations in different events have deficiencies and biases in logical thinking about how individuals interpret and understand each other. Basically, the facts that shape the perceptions and interpretations of individuals have experienced a judgmental bias during the perception of processing. Further assessment of the facts that there is also a bias in the reminder.<sup>36</sup>

## 2. Method

This research aims to discover how the concept is deliberately from various perspectives, either practitioners or chess of the country and academics. This study applies in-depth interviews with informants that have been established. The collected data will be analyzed using verbatim coding analysis.

The informant of this study are seven people representing legal practitioners and academics. The Informant of legal practitioners are four authorities (*caturwangsa*): judges, prosecutors, police and lawyers. The academic Informant are criminal lawyers, Islamic jurists and forensic psychologists. The speaker is selected as professional judgment based on his expertise with the criteria that has been deeply fielded for at least three years and he or she has masterpiece work or minimal nationally recognized.

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<sup>35</sup> Lu'luatul Chizanah and M. Noor Rochman Hadjam, "Penyusunan Instrumen Pengukuran Ikhlas," *Psikologika : Jurnal Pemikiran Dan Penelitian Psikologi* 18, no. 1 (March 15, 2013): 39–49, <https://doi.org/10.20885/psikologika.vol18.iss1.art5>.

<sup>36</sup> David G. Myers, *Social Psychology*, 10th ed. (New York: McGraw Hill., 2012).

**TABLE 1.** Informant

<b>Name</b>	<b>Note</b>	<b>Institution</b>
As'adi Alma'ruf	Informant 1	Ad Hoc Judge of Tipikor
Budiono	Informant 2	Former Prosecutor of BLBI
Nur Khalis	Informant 3	Senior Advocate
AKPB Riky	Informant 4	Directorate of Special Criminal Investigation
Kombes Arif Nurcahyo	Informant 5	Forensic Psychology & Practitioner
Rusli Muhammad	Informant 6	Professor of Criminal Law
Makhrus	Informant 7	Professor of Islamic Criminal Law

Sources: Authors, 2021

This research is divided into several stages. The first stage is the researcher making the deliberate concept of the various theories. The second stage is the researcher performing the content of the validation process. Content of validation is conducted through in-depth professional judgment interviews. Professional judgment is carried out by interviewing informants to observe the concept deliberately.

This research applied material from the Book of Criminal Law. This material contains legal indicators related to material deliberate. The material then constructed is the theoretical studies of intent. The quantitative analysis applied in this research is Grounded Research analysis with a coding approach. Grounded theory is an analysis aimed at finding the answers to research questions, issues, or problems. This analysis develops theories, propositions, or statements that are grounded in the actual experience of the research participant or the person involved in the research. The procedure of analysis is carried out through coding activities. The data is parsed and named and re-conceptualized again. The concept is then given a confirmation dialog with an existing theory. The process of coding through three stages open coding, axial coding, and the last is selective coding.

### 3. Result & Discussion

The results show that law enforcers have a common perception in viewing deliberate corruption cases. The equation occurs in comprehending and understanding Article 2 paragraph (1), Article 3, and Article 21 of Law No. 31 of 1999 on Eradication of Corruption jo. Law No. 20 of 2001 on the Eradication of Corruption. In understanding these Articles, Law Enforcers use the Science and Possibility theory in Certainty. Deliberate behavior when viewed from psychology produces a construct that can be measured by applying the theory of science.

This article found that all law enforcers have a common perception of intentional corruption cases. A total of seven persons represent legal practitioners and academics. The Informant of legal practitioners are four stages (*caturwangsa*): judges, prosecutors, police, and lawyers. The academic Informant persons are criminal lawyers, Islamic jurists, and forensic psychologists. The equation occurs in understanding and understanding Article 2 paragraph (1), Article 3, and Article 21 of Law No. 31 of 1999 on the Eradication of Corruption jo. Law No. 20 of 2001 on the Eradication of Corruption. In understanding these Articles, Law Enforcers use the Science and Possibility theory in Certainty.

#### The Deliberate Concept of The Various Theories

Everyone agree that men's rea is relevant to error. The adage of the *actus non fit reus nisi mens sit rea* is an element that all criminal acts have existed since several centuries ago.<sup>37</sup> The issue of deliberate elements has triggered a long debate, resulting in several

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<sup>37</sup> Winnie Chan, "Four Functions of Mens Rea," *The Cambridge Law Journal* 70, no. 2 (2011), <https://doi.org/https://doi.org/10.1017/S0008197311000547>.

understandings of the monoism and dualism penal law. The idea of monoism signifies merging the elements of action (*actus reus*) and mind/intention (*mens rea*) in a criminal act. Intentions fall into the category of criminal acts, so an act can be said to be a criminal offense when it is proven that its actions (such as violating the Act) and its intention (deliberate). The idea of dualism means separation between elements of action and intent. Elements of deed enter the realm of criminal acts and elements of intention enter the realm of criminal liability.<sup>38</sup> Indonesia is a follower of dualism, then the deliberate become part of criminal responsibility so that in the effort of enforcing the fundamental law used is criminal act element. However, in the realm of implementation, there is a contradiction carried out by Corruption Eradication Commission. This contradiction is not only addressed to Corruption Eradication Commission but also in the judiciary, which they have a different opinion. This is due to the multiple interpretations about the meaning of deliberate by law enforcement officers. It thus causes ambiguity and polemic in society. It resulted in more actions of law enforcement officers who get a poor justification due to the difference of meaning at intentional elements. The term criminalization is often raised by the public addressing bureaucracy when it appears a doubt related to the intention of the corruption case.

Deliberately in the world of law is divided into three. First, *Opzet als oogmerk*, which means intentional accompanied by intent and known. A person commits a criminal act because he intends to commit such acts, and to know the consequences will be inflicted violates the law; second, *Opzet bij zekerheids-ewustzijn* has a deliberate meaning based on the awareness and certainty of other consequences of the consequences intended by a person when committing a

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<sup>38</sup> Moeljatno, *Asas-Asas Hukum Pidana* (Yogyakarta: Rineka Cipta, 2009).

criminal act; Third, *Opzet bij mogelijkheids-bewustzijn* which means deliberate based on consciousness and the possibility of any other consequence of the consequences intended by a person when committing a criminal act.<sup>39</sup>

Accidentally viewed from psychology that it is described in Theory Reasoned Action (TRA). Behavior has two fundamental determinants of attitudes toward behavior and subjective norms. A behavior will be carried out or not determined by the intention of doing the behavior. Intentions in conducting behaviors follow the beliefs that individuals have toward behavior. In order to express the formation of intention and behavior, Ajzen & Fishbein combines beliefs and attitudes toward behavior and then become a behavioral belief. At the same time, beliefs and subjective norms will become normative beliefs. Attitude is formed from the individual's belief in behavior. Subjective norms are formed from essential people who influence individual life.<sup>40</sup>

TRA has been developed into Theory Planned Behavior (TPB). In addition to the above two factors as a determinant of behavior, it was supplemented by the perception of individual control. Perceptions of individual control are individual beliefs about their ability (control belief) and perceived power.<sup>41</sup> Individual control perceptions are formed from control beliefs. The ability to control factors that support the implementation of behavior include

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<sup>39</sup> Kalia Hariati, "Pembuktian Tindak Pidana Dengan Terang-Terangan Dan Tenaga Bersama Menggunakan Kekerasan Terhadap Orang Yang Mengakibatkan Luka-Luka (Studi Putusan Nomor: 256/PID.B/2010/PN.DGL)," *Jurnal Ilmu Hukum Legal Opinion* 1, no. 4 (2013): 1–9.

<sup>40</sup> Icek Ajzen and Martin Fishbein., *Understanding Attitudes and Predicting Social Behavior* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1980).

<sup>41</sup> I. Ajzen, "From Intentions to Actions: A Theory of Planned Behavior," in *Action-Control: From Cognition to Behavior*, ed. J. Kuhl and J. Beckman, 1985, 11–39.

knowledge, skills, experience, individual beliefs that are influenced by the availability of time and social support, and the ability to resolve barriers that hinder. Ajzen's Ajiz completes TPB with background factors that can affect individual beliefs.<sup>42</sup>

Background factors are applied to identify the relevant factors and deepen the understanding of a behavioral determinant.<sup>43</sup> Icek Ajzen divides into three factors, namely personal, social and information. Personal factors consist of attitudes and general values of things, personality traits, emotions and intelligence. Social factors consist of age, sex, ethnicity, education, socioeconomic status (income), religion. Information factors consist of experience, knowledge, and information exposure (media).

An act can not make people guilty unless carried out with evil intent. Thus, an expression that reads *actus reus* is an act or omission that is prohibited by criminal law. *Actus reus* must be supplemented by *mens rea*, which must be proved in the prosecution that the suspect has committed *actus reus* with the *mens rea* is the evil intention or something deliberate to do the case carried out to him.<sup>44</sup> Intention can significantly predict a behavior. The three fundamental determinants of intent on behavior are attitudes toward behavior, subjective norms, and perceptions of individual control.<sup>45</sup> The intention is also mentioned in the four-stage framework by Rest to

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<sup>42</sup> Icek Ajzen, *Attitudes, Personality and Behavior* (UK: Open University Press-McGraw Hill Education., 2005).

<sup>43</sup> John Petraitis, Brian R Flay, and Todd Q Miller, "Reviewing Theories of Adolescent Substance Use: Organizing Pieces in the Puzzle.," *Psychological Bulletin* 117, no. 1 (1995): 67, <https://doi.org/https://doi.org/10.1037/0033-2909.117.1.67>.

<sup>44</sup> Gerson B Bawenangan, *Hukum Pidana Dalam Teori Dan Praktek* (Jakarta: PT. Pradnya Paramita, 1983).

<sup>45</sup> Ajzen, "From Intentions to Actions: A Theory of Planned Behavior."

reveal unethical behavior and corruption. It consists of consciousness, decision making, intentions, and behavior.<sup>46</sup>

This is in accordance with that delivered by all Informant that intention is an inner element that cannot be viewed but can be reflected from the actions that have been carried out. Informant 1 is a person who said to have deliberate views of the intention/attitude of the mind (*mensrea*). Intention can be viewed from the facts presented by the prosecutor and the proof of evidence. Evil intentions can be viewed from a series of actions with each other and the purpose of behavior. So evil intentions are the proper inner attitude and are called intent. If you see criminal acts, in general, you will be found a minor offense that is not accidental. In general, criminal acts are committed intentionally. This is because, in the crime, there is no accidental sound. Examples of inadvertent crimes such as the disappearance of life or murder and the abortion of the womb, which are mostly carried out intentionally. However, the criminal act of corruption is all carried out intentionally. In practice, the judges, the defendant who is in crime then his actions must be intentional. In line with Informant 2, the intention is the embryo of the theory of will, which is the domain of doing an act itself (*actus reus*).

The principle of actus reus and mens rea becomes an important joint or is called the cardinal principle of criminal law.<sup>47</sup> The two facets that become an important issue in the principle of actus reus and mens rea are outward deeds as incarnations of the will, such as the act of taking in the case of theft and the condition of the soul whether the action was carried out with malicious intent or not. The model of

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<sup>46</sup> Linda K Treviño, Gary R Weaver, and Scott J Reynolds, "Behavioral Ethics in Organizations: A Review," *Journal of Management* 32, no. 6 (2006): 951–90, <https://doi.org/https://doi.org/10.1177/01492063062942>.

<sup>47</sup> Cross & Jones in Bawenangan, 1983.



corrupt action explains in more detail that there are motivational, volitional, and cognitive factors leading to corrupt behavior. The desire to achieve personal goals/ professionals even though the act of corruption will be stronger if attitude to corruption and subjective individual norm individuals receive corruption behavior. This is then transformed into a commitment to act of corruption.<sup>48</sup>

To determine whether or not intentionally also regulated in Article 2 paragraph (1), Article 3, and Article 21 of Law No. 31/1999 on Corruption jo. Law No. 20 of 2001 on the Eradication of Corruption. Whereas Article 2 becomes the basis of the primary indictment for its intentional element is the unlawful act, eg enrichment (deliberately enrich). Article 3 Subsidiary charges contain elements of purpose (self-benefit), with the written word of purpose as the element deliberately.

Article 2 paragraph (1):

*"Any person who unlawfully commits an act of enrichment of himself or another person or a corporation that may harm the State's finances or the economy of the State shall be liable to a lifetime or criminal penalty of a maximum of 4 years and a maximum of 20 years and a fine of at least Rp 200,000,000.00 and a maximum of Rp 1,000,000,000. 00."*

Article 3:

*"Any person who, by profession of himself or another person or a corporation, misuses the authority, opportunity or means available to him because of a position or position which could be detrimental to the State or the economy of the State shall be liable to a lifetime driver or at least one year maximum of 20 years and or a fine of at least Rp 50,000,000.00 and a maximum of Rp 1,000,000,000.00."*

Article 21:

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<sup>48</sup> Tanja Rabl, *Private Corruption and Its Actors: Insights into the Subjective Decision Making Processes* (Pabst Science Publishers, 2008).

*"Any person who deliberately prevents obstructs or false directly or indirectly the investigation, prosecution and examination in the trial of the defendant or witnesses in a corruption case shall be subject to imprisonment of a minimum of 3 years and a maximum of 12 years and or a minimum fine of Rp 150.000.000,00 and at most Rp 600.000.000,00."*

This is in accordance with that proposed by the seven parties (*Wangsa*) who use the three articles above to determine a behavior carried out intentionally or unintentionally. Informant 1 and 2 also agree, then explain in more detail that there are differences in Article 2 (1) and Article 3 and that Article 3 includes the word "purpose." Article 2 (1) is disclosed implicitly, while Article 3 is explicitly so that at the time of substantiation of the substances, Article 3 must be described separately about the purpose. Then the second Informant as a prosecutor adds that the facts of the trial are revealed, whether they are deliberate or the elements contained in clause 2 (1) or 3 required. This is because if one element of unproven action is a pure free decision. Informant 2 adds, Article 21 of Law No. 31 of 1999 but is linked to Law No. 20 of 2001, which is a special criminal act of corruption. Then, it is also mentioned that the word deliberately limited only one of several Articles, namely in Article 21 in Law No. 31 of 1999 on combating corruption. That is, the word deliberately already abortion, as in Article 3 i.e. in the word goal.

The use of the above articles as the Public Prosecutor did in making the indictment. In concluding the presence or absence of elements, the judge intentionally does not separate the two theories of intent and theory of knowledge. Deliberate certainty that is similar to the absence only targets of action since the beginning is known there

is a possibility.<sup>49</sup> The theory of knowledge is the will to do and know what will be carried out, including the consequences and other elements accompanying it. Two theories differ widely-aliens have the will; the difference is the result and the other elements that accompany it.<sup>50</sup>

This follows Informant 2, which says that deliberately can be obtained from the theory of will, which is empirical. However, it cannot be a reference. Prosecutors in pursuing a proof are inseparable from the legal theories that exist in principle, so it is not based on empirical. Furthermore, there are three deliberate theories as intent, deliberate with certainty, and deliberate awareness of possibility. In addition, Informant 3 adds that corruption can occur due to omissions in Article 11, Article 12 a, Article 12 b, and Article 12 c of the Corruption Act, where there are "known" or "predictable." Then, as a lawyer in practice, there is the use of one form of deliberate extension by a judge in corruption court decisions, for example, deliberately misinterpreting his or her accusations.

Another theory used to uncover deliberate is the theory of Knowledge. According to Mulyatno in the theory of Knowledge, when the willingness to definite act in it knows. Conversely, the person who knows is not necessarily wanted. This must be viewed from his accountability. These two theories have an impact on the theory of proof. First, the act is related to motivation (purpose). Second, between motivation/purpose, there is causality with the inner condition (background). Motivation is the energy that drives a person

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<sup>49</sup> Moeljatno, *Asas-Asas Hukum Pidana*; P A F Lamintang and Franciscus Theojunior Lamintang, *Dasar-Dasar Hukum Pidana Di Indonesia* (Sinar Grafika, 2022); Hariati, "Pembuktian Tindak Pidana Dengan Terang-Terangan Dan Tenaga Bersama Menggunakan Kekerasan Terhadap Orang Yang Mengakibatkan Luka-Luka (Studi Putusan Nomor: 256/PID.B/2010/PN.DGL)."

<sup>50</sup> Hiariej, *Asas-Asas Hukum Pidana*.

to behave. For example, the individual has the need to affiliate, can be viewed from the behavior that appears, among others, like to enter into the group, do not like big risks and uncertainty, have a strong desire will be liked so much prefer to adjust to the environment.<sup>51</sup> Individuals with high affiliation needs always consider the social group when performing a behavior. Motivation relates to one's psychological condition. If individual needs are not met, the individual feels deficient, anxious, and dissatisfied. Individuals are always trying to meet their needs to avoid feelings of psychological shortcomings.

Background factors are detailed in TPB for identification of relevant factors and to deepen understanding of a behavioral determinant.<sup>52</sup> This factor consists of three. First, personal factors consist of attitudes and general values of things, personality traits, emotions, and intelligence. Second, social factors include age, sex, ethnicity, education, socioeconomic status (income), and religion. Third, the information factor consists of experience, Knowledge, and information exposure (media).<sup>53</sup>

This follows Informant 2, which says that deliberately can be obtained from the theory of will, which is domain and empirical. However, it cannot be a reference. Prosecutors in pursuing a proof cannot be separated from the legal theories that exist in principle, so it is not based on empirical. Furthermore, there are three theories of deliberate theory as intent, deliberate with certainty, and conscious

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<sup>51</sup> David C McClelland and Robert I Watson, "Power Motivation and Risk-Taking Behavior," *Journal of Personality*, 1973, <https://doi.org/10.1111/j.1467-6494.1973.tb00664.x>.

<sup>52</sup> Petraitis, Flay, and Miller, "Reviewing Theories of Adolescent Substance Use: Organizing Pieces in the Puzzle."

<sup>53</sup> Ajzen and Fishbein., *Understanding Attitudes and Predicting Social Behavior*.

awareness of possibility. In addition, Informant 3 adds that if corruption can occur due to omissions in Article 11, Article 12 a, Article 12 b, and Article 12 c of the Corruption Act, where there are "known" or "predictable". Then, as a lawyer in practice, there is the use of one form of deliberate extension by a judge in corruption court decisions, for example, deliberately misinterpreting his or her accusations.

Another theory used to uncover deliberate is the theory of Knowledge. According to Mulyatno in the theory of Knowledge, when wanting an actual act in it knows. Conversely, the person who knows not necessarily want. This must be viewed from his accountability. These two theories have an impact on the theory of proof. First, the act is related to motivation (purpose). Second, between motivation/purpose there is causality with the inner condition (background). Motivation is the energy that drives a person to behave. For example, the individual needs affiliate, can be viewed from the behavior that appears, among others, like to enter into the group, do not like significant risks and uncertainty, have a strong desire will be liked so much prefer to adjust to the environment.<sup>54</sup> Individuals with a tendency for high affiliation need to always consider the social group when performing a behavior. Motivation relates to one's psychological condition. If individual needs are not met, the individual feels deficient, feels anxious, and dissatisfied. Individuals are always trying to meet their needs to avoid feelings of psychological shortcomings. Background factors are detailed in TPB for identification of relevant factors and to deepen understanding of a behavioral determinant.<sup>55</sup> This factor consists of three. First, personal factors consist of attitudes and general values of things,

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<sup>54</sup> McClelland and Watson, "Power Motivation and Risk-Taking Behavior."

<sup>55</sup> Petraitis, Flay, and Miller, "Reviewing Theories of Adolescent Substance Use: Organizing Pieces in the Puzzle."

personality traits, emotions and intelligence. Second, social factors include age, sex, ethnicity, education, socioeconomic status (income), and religion. Third, the information factor consists of experience, Knowledge, and information exposure (media).<sup>56</sup>

The exposure of the theory of knowledge according to the law above is approved by all speakers. In more detail, Informant 3 says that in the second way of proving the theory of knowledge that is between the objective motivation, there is a causal relationship with the defendant's condition. In this case, it must be able to uncover the defendant's motives, not only reveal all the events that occurred and the components performed by the defendant. Then, in the case of the case presented, it is viewed that the intent is the motive of the perpetrator's actions in this case, so that in this element must be fulfilled the motive of the defendant to benefit himself or others. Furthermore, the Informant 6 said that the second proof includes that the individual is well aware that what he is doing is prohibited, knowing and able to imagine the consequences after his deeds. Informant 5 mentions that there are three motives.

First is the psychoanalytic perspective that the unconsciously oriented realm of comfortability dominates human behavior. It is like an instinct of aggression and defending offspring and power. Second, behaviorism as human beings are learners who are always conditioned by the environment. It is like a perpetrator who only imitates the actions of others. Third the phenomenology of talking about humans who already have the purpose or purpose of their actions.

Knowledge theory applies two ways to know whether there is a deliberate element in a criminal act, namely to see the procedure or

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<sup>56</sup> Ajzen and Fishbein., *Understanding Attitudes and Predicting Social Behavior*.

how it is carried out and whether the perpetrator is aware or well aware of his actions as unlawful acts. This is following that expressed by *caturwangsa* and academics who mention deliberate views of the theory of knowledge and some examples of cases. Psychology can explain the procedure or how the perpetrator is acting in his action through Theory Reasoned Action (TRA). Behavior has two basic determinants of attitudes toward behavior and subjective norms. A behavior will be carried out or not determined by the intention of doing the behavior. Intentions in conducting behaviors follow the beliefs that individuals have toward behavior. In order to express the formation the intention and behavior, Ajzen & Fishbein combine beliefs and attitudes toward behavior and then become a behavioral belief. At the same time, beliefs and subjective norms will become normative beliefs. Attitude is formed from the individual's belief in behavior. Subjective norms are formed from important people who influence individual life.<sup>57</sup>

TRA developed into Theory Planned Behavior (TPB). In addition to the above two factors as a determinant of behavior, supplemented by the perception of individual control. Perceptions of individual control are individual beliefs about their ability (control belief) and perceived power.<sup>58</sup> Individual control perceptions are formed from control beliefs. The ability to control factors that support the implementation of behavior include knowledge, skills, experience, and individual beliefs that are influenced by the availability of time and social support, as well as the ability to resolve barriers that hinder. Ajzen & Fishbein complete TPB with background factors that can affect individual beliefs.<sup>59</sup>

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<sup>57</sup> Ajzen and Fishbein.

<sup>58</sup> Ajzen, "From Intentions to Actions: A Theory of Planned Behavior."

<sup>59</sup> Ajzen, *Attitudes, Personality and Behavior*.



Background factors are used to identify relevant factors and deepen the understanding of a behavioral determinant.<sup>60</sup> Ajzen divides into three factors, namely personal, social, and information. The determinants of behavior in the TPB have similarities to those disclosed by Informant 5. The dynamics of the events of Corruption. The first factor is a predisposition. Innate factors that allow the individual to become a perpetrator or not. Corruption is not a deviant behavior but is a well-planned action (benefit-cost ratio) by the respected status of offenders. Predisposing factors include attitudes, intentions, social norms, subjective norms, and opportunities. For example, there is an individual predisposition always to pursue pleasure (pleasure) and avoid pain (pain). A predisposition of individuals like this will show a tendency to act Corruption.

The science of criminal law divides the deliberate colors of deliberate purpose, deliberately with a conscious awareness of purpose and deliberately with awareness of possible goals. The words "knowing" are essentially the same as the words "intentionally," which encompass all three deliberate styles. This is based on the argument that the ideal theory of intent accepts the theory of knowledge because there is knowledge in the will, but not vice versa. When the legislator uses the word "know," it means wanting the deed and the consequences, both the desired and unwanted consequences, including the possibility of that. In contrast, when the legislator uses the words "with intent" or "with purpose" more on the subjective attitude of the principal. That is, the lawmakers only want the intentional style as the intent and close the existence of the deliberate pattern as a certainty or necessity and the deliberate pattern as a

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<sup>60</sup> Petraitis, Flay, and Miller, "Reviewing Theories of Adolescent Substance Use: Organizing Pieces in the Puzzle."

possibility.<sup>61</sup> Informant 6, academic and theoretical, also mentions the colors of deliberate but not explained in more detail gives a brief explanation.

According to Hammel and Vos, quoted by Satochid in Bawenang,<sup>62</sup> there are five unique overviews of the formula in the criminal event. First, it must be a human act. Second, the act must be carried out with a will or intention or consciousness and not an act that is a reflex movement. Third, the act must be unlawful (*wederrechtelijk*). Fourth, the act must be carried out by the person who can be accountable (*toerekeningsvatbaar person*). Fifth, the person who *toerekeningsvatbaar* it must be connected with his guilt can be blamed for his actions.

The Islamic Criminal Code also explains the following criminal theories in Islamic law. First, the formal element (*ar-rukhn any-syar'i*), namely the existence of rules or texts that prohibit such actions and punishments imposed on them. Second, the material element (*ar-rukhn al-madi*), which is the behavior that form the jarimah, either in the form of real actions or the attitude of not doing. Third, the element of morale (*ar-rukhn al-adabi*), namely the ability to be held accountable for the finger carried out by a person. Fourth, if against the law is the essential element that must exist on every jarimah, both the finger intentionally (*jarimah 'amdiyyah*) and *jarimah* mistake (*jarimah khata*). At the same time, the intention against the law is found on the intentional fingers only.

Fifth, the phase of thought and planning (*marhalah at-tafkir wa at-tasmin*). According to Islamic criminal law, thinking about and planning something of a finger is not considered a vice that should be punished. Because a person cannot be prosecuted because of the

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<sup>61</sup> Hiariej, *Asas-Asas Hukum Pidana*.

<sup>62</sup> Bawenangan, *Hukum Pidana Dalam Teori Dan Praktek*.

trajectory of his heart or the intention stored in him. The foundation is the word of the prophet, which means "God forgave my people from what he whispered, as long as he was not doing and did not utter words. A person is only charged because of the spoken words and deeds carried out."

Sixth, the preparation phase (*marhalah at-tahdir*). Preparing tools or equipment to commit a criminal offense or finger. According to Islamic penalties, this phase cannot be penalized or criminal. Because the punishment of a punishable person must be a sinful act, and new immorality is realized if it contains a violation of God's right, the right of society and the right of man, while the preparation of the tools of the finger on his grain does not contain any harm, so this assumption can still be filed, meaning can be doubted. In the *Shari'a*, something that is *syubhat* or doubt the perpetrator is only punished by *ta'zir*.

Seventh, the implementation phase (*marhalah tanfidiyah*). In this phase that one's deeds can be regarded as deeds of the finger. To be punished, it does not matter whether the act is the beginning of the material of the finger, but is punished enough if the act is vice, a violation of God's right, the right of society, and human rights.

Personality factors within TPB are included in personal background factors. Namely the factors that individuals have that influence behavior formation<sup>63</sup>. More details are made of the big five personalities by Goldbergh. The big five personality theory mentions that five personalities can influence behavior through the properties in the individual. First, is openness to experience. Second, continuousness, Third, extraversion. Fourth, agreeableness. Fifth, is neuroticism.<sup>64</sup> According to the disclosed Informant 5, i.e. there are

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<sup>63</sup> Ajzen, *Attitudes, Personality and Behavior*.

<sup>64</sup> Lewis R Goldberg, "An Alternative" Description of Personality": The Big-Five Factor Structure.," *Journal of Personality and Social Psychology* 59, no. 6 (1990): 1216, <https://doi.org/10.1037/0022-3514.59.6.1216>.

several aspects of a person's cause of corruption, one of which is the personality factor. Knowledge is a need. This is consistent with McClelland, who mentions that humans need to excel. This shows one of the behaviors of taking risks carefully to achieve goals, liking challenges, working hard to achieve goals, and others.<sup>65</sup> Furthermore, the determinants of behavior within the TPB are perceptions of individual controls. That is individual beliefs about their ability (control belief) and the power they have to perform a behavior (perceived power).<sup>66</sup>

Hendi, in his research on knowledge and corruption, reveals that the main factor behind the ability of corruption to regenerate from time to time, especially in the Indonesian public sector, is the fact that corruption has become part of "knowledge conversion,"<sup>67</sup> so eliminating it will be a difficult and also very challenging task. This means that in the context of law enforcement against corruption in Indonesia, it should be far more established in terms of knowledge to fight corrupt behavior, which has transformed into the conversion of knowledge.

Nonaka said that creating knowledge in an organization is a continuous cycle<sup>68</sup> in which the creation transforms tacit knowledge into explicit knowledge before finally manifesting into new tacit knowledge. In this perspective, corruption is embedded in the organizational knowledge conversion process through the

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<sup>65</sup> McClelland and Watson, "Power Motivation and Risk-Taking Behavior."

<sup>66</sup> Ajzen, "From Intentions to Actions: A Theory of Planned Behavior."

<sup>67</sup> Hendi Yogi Prabowo, Jaka Sriyana, and Muhammad Syamsudin, "Forgetting Corruption: Unlearning the Knowledge of Corruption in the Indonesian Public Sector," *Journal of Financial Crime*, 2018, <https://doi.org/https://doi.org/10.1108/JFC-07-2016-0048>.

<sup>68</sup> Ikujiro Nonaka, Ryoko Toyama, and Noboru Konno, "SECI, Ba and Leadership: A Unified Model of Dynamic Knowledge Creation," *Long Range Planning* 33, no. 1 (2000): 5–34, [https://doi.org/https://doi.org/10.1016/S0024-6301\(99\)00115-6](https://doi.org/https://doi.org/10.1016/S0024-6301(99)00115-6).

normalization process. In other words, through the learning process of organizational members, corruption grows and spreads throughout the structure and activities of the organization. It is through this learning process that it is possible for corruption to regenerate, and over time it becomes mighty.

Due to its confidential nature, knowledge about corruption is generally taught and learned secretly, making it difficult to act on corruption. However, even so, through the theory of knowledge basically, it can be easy to take action against or ensnare corruptors, namely by using two methods as mentioned earlier, that is, to find out whether there is an intentional element in a criminal act, namely by looking at the procedure or method carried out and whether the perpetrator knows or are fully aware of their actions as unlawful.

Through these two ways, it is easy to identify whether the act of corruption committed by a person is part of "intentional intent and it is known," an act of "intentional awareness and certainty of causation," or "intentional awareness of possible cause and effect" of an act of corruption. Action taken. This means that deliberate corruption can easily be suitable for differentiating the punishments of fellow corruptors. For example, suppose you refer to Hendi's research above on knowledge and corruption. In that case, knowledge about corruption contributes significantly to the growth of corruption. However, efforts to eradicate it are also not that great that relying on knowledge of eradication, namely by seeing that there is a procedure for acts of corruption, means that the action was planned. Suppose the perpetrators of corruption are aware or well aware of their actions as unlawful. In that case, it shows that the perpetrators have deliberately and know the possibility and certainty of the causes and effects of corruption. His behavior. That means that in the process of prosecuting corruptors, it can be easily classified, and it is also easy

to distinguish criminal sanctions with the help of this knowledge eradication theory of corruption.

The same thing was also expressed by Informant 5 on the characteristics of corrupt perpetrators. First, know/expertise is high enough. Someone who commits an act of corruption can be sure to know what to do because it has a source of knowledge. Processing knowledge resources requires a way of thinking achieved with a high level of education. Individuals need high achievement. Because reaching a high level of education is not easy. Second, the individual has extraordinary power (power) and extraordinary financial ability. Corruption tends to be carried out by individuals who have high socioeconomic conditions. Power can be a high position and social status. As a result, individuals easily tap into legal loopholes. For example, malingering, playing public opinion, strengthening alibis, etc. So that escapes the proof of corruption. Lahey revealed that conformity could change a person's behavior because of the pressure of the group. Conformity can occur when a person does something to get an award or avoid punishment (fulfillment) and believes following social pressure.<sup>69</sup> It relates to individual consciousness.

The process of consciousness (behavioral initiation) involves a process of interpretation in which the individual realizes that there are ethical issues (unethical behavior and corruption). Awareness is applied to help initiate ethical decision-making, which involves assessing what is right or wrong in response to ethical dilemmas.<sup>70</sup> All informants agree to this case, with no rebuttal of consciousness as one of the elements in the intent used to formulate criminal events. Informant 2 discloses a deliberate element of formulating a criminal act or event, in which the two acts must be carried out according to

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<sup>69</sup> B. Lahey, *Psychology an Introduction*, 2nd ed. (USA: University of Georgia, 1986).

<sup>70</sup> James R Rest, "Moral Development: Advances in Research and Theory," 1986, <http://hdl.handle.net/10822/811393>.

will, intention, or consciousness and not a reflective activity. These three acts must be unlawful. Informant 4 reveals that responsible criminal acts are the intellect of knowledge and will factor, but the investigators can easily prove the factor of meaning. This means his actions, even though they have broken the law and are aware of what it does. In the case of corruption, Informant 5 mentioned that no cases of corruption are carried out only for fraudulent, unintentional, and behavioral aberrations. This is because corruption is a planned action and full of calculations by the perpetrators of corruption. Informant 6 mentioned that in committing a criminal act, there is an element of behavior-consequence (law of causality) that the perpetrator must realize; this is included in one element of intent. According to Syarqawi, the behavior is not intentionally based on omission, and there are four indicators. First, think superficially. Second, to see something superficially and purely sensory. Third, it is not the root of the real problem. Fourth, it does not see its nature concerning the universe.<sup>71</sup>

Informant 5 discloses in detail the conformity and awareness of individuals in committing acts of corruption. Corruption is carried out collectively (group), whereas it is individual. That is the dissolution of the individual in time. Individual identity merges into group identity. For example, an individual who does not engage in corruption, but if the group in his neighborhood provides continuous encouragement or pressure, then the individual ends up doing corruption. Deindividuation has a very powerful role in changing individual consciousness. Causes the individual to become irrational, easily suggestible, and destructive. For example, an individual may enter into an organization with values and beliefs opposing power

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<sup>71</sup> H. M. Syarqawi, *Ilm Nafs Islami* (Alexandria: Al Hay, 1979).



abuse for social or organizational interests. However, it dissolves in an organizational culture that maximizes profit and achievement. So individuals may unconsciously use trivial forces to achieve the goals or targets of their organizations at the expense of others.<sup>72,73,74</sup> Then, the individual will refuse and deny that he has committed a criminal act of corruption.

Corruption behavior is viewed from the feedback (results) obtained. Rabi expressed a strong desire to achieve personal goals/professionals through the act of corruption viewed from two factors. First, a positive attitude to corruption. Second, the person who is important to the individual is compensated. Disclosed Informant 4 that intent is intention from the certainty or possibly viewed from the actions carried out and feedback. Feedback (outcome) regarding endowments received by persons, whether people considered important or suspected of committing a criminal act of corruption. If the individual gets feedback, then the individual already has the will to the benefits to be gained from the deed carried out.

The results and discussions described above have reached the conclusion that the chess of nations, academics, Islamic jurists, and practitioners of forensic psychology have similarities in looking at the deliberations of the theoretical sphere. However, it becomes

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<sup>72</sup> Dennis A Gioia, "Pinto Fires and Personal Ethics: A Script Analysis of Missed Opportunities," *Journal of Business Ethics* 11, no. 5 (1992): 379–89, <https://doi.org/https://doi.org/10.1007/BF00870550>.

<sup>73</sup> Niki A Den Nieuwenboer and Muel Kaptein, "Spiraling down into Corruption: A Dynamic Analysis of the Social Identity Processes That Cause Corruption in Organizations to Grow," *Journal of Business Ethics* 83, no. 2 (2008): 133–46, <https://doi.org/https://doi.org/10.1007/s10551-007-9617-8>.

<sup>74</sup> Donald Palmer, "Extending the Process Model of Collective Corruption," *Research in Organizational Behavior* 28 (2008): 107–35, <https://doi.org/https://doi.org/10.1016/j.riob.2008.04.005>.

contradictory when applied in the implementation realm. This occurs because of differences in perceptions among law enforcement apparatus in applying the theory of deliberation in the realm of implementation. This perspective difference occurs when the second speaker, a senior prosecutor, reveals an example of a deliberate criminal case. i.e., the accident of a bus that crashed into people, causing death. This is decided as negligence causes the death of a person. Meanwhile, according to the sixth speaker, an academic and theoretical expert, this case is a deliberate possibility because a bus crashing into the dead is considered deliberate. The individual must have imagined that certain circumstances will occur, and the purpose of the act has been viewed where the target of the action is the initial goal in doing these actions.

Based on the description above, it appears that the preparation of perceptual indicators is "deliberately" important to implement. Errors about "deliberate" perceptions will never happen without clarity of indicators. In addition, making the indicator is also expected to clarify the understanding of the perception of "deliberate" so that the future is not expected to occur in the process of injustice in law enforcement. Subsequent research will be undertaken to develop indicators of "deliberate" perceptions that will then be applied to the realm of implementation in law enforcement.

#### **4. Conclusion**

A deliberate understanding by law enforcement officials in particular that can be involved in the criminal corruption process is similar to the theoretical domain because it has a common legal source. However, it becomes contradictory when applied in the implementation realm. This happens because of differences in

perceptions among law enforcement officers in applying the theory of deliberate to the realm of implementation. This also happens when the data collection process is focus group discussion (FGD). This perspective difference occurs when the second speaker, a senior prosecutor, reveals an example of a deliberate criminal case in the accident of a bus that crashed into people, causing death. This is decided as negligence causes the death of a person. Meanwhile, according to the sixth speaker, an academic and theoretical expert, this case is a deliberate possibility because a bus crashing into the dead is considered deliberate. The individual must have imagined that certain circumstances will occur, and the purpose of the act has been viewed where the target of the action is the initial goal in doing these actions. The above proves that having one common source of law upon arrival in the implementation area will not necessarily produce the same verdict for a case of law enforcement. When looking back at this research, it is necessary to conduct further research to answer the questions about the concept deliberately.

This study, entitled "Deliberately Changing Everything: Practice Constructing Deliberately," is a preliminary study that needs to be continued to get a complete picture and answer of a deliberate concept. Further research will be carried out to develop indicators of different deliberate perceptions between law enforcement officers. Errors about "deliberate" perceptions will never happen if there is clarity of indicators. In addition, making the indicator is also expected to clarify the understanding of the perception of "deliberate" so that the future is not expected to occur in the process of injustice in law enforcement. Subsequent research will be undertaken to develop indicators of "deliberate" perceptions that will then be applied to the realm of implementation in law enforcement.

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The authors state that there is no conflict of interest in the publication of this article.

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With due respect to all parties involved, researchers extend recommendations based on their findings to key stakeholders: participants, including legal practitioners and academics; society; and future researchers. Legal practitioners and academics, representing judges, prosecutors, police, lawyers, criminal lawyers, Islamic jurists, and forensic psychologists, are urged to bolster their roles as impartial law enforcers by supporting research validating the concept of deliberation both theoretically and in practice. Society, positioned at the *meso* level of the societal system, is called upon to act as a vigilant watchdog against corruption by cultivating an anti-corruption ethos that steadfastly rejects bribery. Future researchers are advised to delve deeper into the concept of deliberation, ensuring practical applicability, bridging theoretical-practical gaps, and formulating intentional indicators adaptable to real-world scenarios. Encouraging exploration of alternative research methods and variables, this approach aims to enrich legal and psychological literature.

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