



Issue: Challenges & Strengthening Scientific-Based Law Enforcement Against Corruption

Research Article

The Principles of Good Government in **Suppressing Corruption**

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Abstract: This paper discusses the application of The Principles of Good Government, or what we often know with the General Principles of Good Governance (AUPB) in the implementation of government policies, needs to be improved. As a form of filter that is able to filter out any government administration so that it can be free from the snare of corruption. Public officials or implementers must be emphasized in understanding in depth the principles contained in the AUPB to be applied in providing services to the public / community. There are at least 8 (eight) principles attached to the AUPB based on the Government Administration Law, among others: the principle of legal certainty, the principle of expediency, the principle of impartiality, the principle of accuracy, the principle of not abusing authority, the principle of openness, the principle of public interest and the principle of good service.

Keywords: AUPB; Good Governance; Corruption; Administrative Law; Public Services

Introduction

Corruption is one of the big problems in a country that will destroy the country if it is not eradicated from an early age. As a disease for a country, the solution is not only by giving strict sanctions to the perpetrators, but especially by curing community diseases that cause corrupt behavior. After the crime of corruption is eliminated through proper law enforcement, the next task of the state and society is to foster society through formal education, community education and household education. Although it is not an easy thing, we must fight against acts of corruption to save the Unitary State of the Republic of Indonesia (Ka'bah, 2007).

Corrupt behavior can occur for several reasons, both internal and external. As for what makes people to do corruption, among others:

1) The inability and weakness of the leader

The inability of leaders to carry out their duties and responsibilities is an opportunity for employees to commit corruption. Leaders who do not have the ability to control management over their institutions will lead to corrupt behavior among their employees. weakness this leader of also includes leadership, meaning that a leader is also required to have charisma so that employees are easy to be given suggestions to do a good job and feel afraid to deviate.

2) Low education

This problem is often the cause of corruption. The lack of skills, skills, and the ability to open business opportunities is a form education. With these various low

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limitations they try to seize opportunities by using their position to obtain large profits. What is meant by low education here is a commitment to the education one has. Because in reality, corruptors have an adequate level of education, abilities and skills.

3) Weakening of community ethics

This can occur because there is no balance between the education system and the teaching substance given at the existing education level. Ethical and moral teaching patterns emphasize more on theoretical understanding, without any forms of implementation.

4) Low economic level

Higher needs and a culture of hedonism are able to lead someone to commit corruption. A person's desire to have something or other needs leads a person to tend to do anything that can raise his degree. Due to this excessive desire, people will use the opportunity to get the maximum benefit even though they use the wrong method.

5) Sanctions that are not firm

Strict punishments, such as the death penalty, life or banishment to a remote island are needed to resolve criminal acts of corruption. It is hoped that strict sanctions will have a deterrent effect so that a person will no longer commit these evil acts. The government must be able to formulate rules that provide strict sanctions against perpetrators of acts of corruption.

The large number of corruption cases in Indonesia does not mean that most of the people have committed acts of corruption, there are still many good and honest citizens who are also trying to fight corruption. The problem of corruption looks big because most of those who carry out these actions are public figures who are known to everyone so that their treatment can be exposed. For that all we have to cultivate and apply our positive actions to make a better future.

The compliance of the Indonesian people with the law is still low so that prevention of corruption is an absolute must to be implemented consistently and comprehensively. The obligation to prevent

criminal acts of corruption is not only the duty government, private and educational agencies, but must also be initiated from the family. For this reason, the Corruption Eradication Commission (KPK) coordinate, supervise and monitor in addition to prosecution, in accordance with Law Number 30 of 2002 concerning the commission to eradicate corruption. This main task is a form of strengthening the existence of the KPK as well as a strategy to minimize the infectious disease of corruption that has plagued all aspects of the life of this nation (ICW, 2018).

Corruption is considered a common activity for high-ranking public officials, therefore there is a need for transparency in the running of government. Equipping the state apparatus with devotion, selecting officials with the capability of exemplary leadership and community supervision are some of the many ways to prevent the occurrence of corruption crimes. And the most important thing is the need to instill an honest attitude from an early age, because the honest attitude that has been inherent in every person's soul, that person will not commit acts of corruption under conditions any and circumstances.

Method

This study used descriptive qualitative method. Where the object of this research is corruption cases and implementation of good governance in Indonesia as way to supress the corruption practices. This research is an empirical (holistic/combined) normative legal research, namely the study of legal materials, both primary and secondary legal materials and assessing the legal consequences/impacts.

Result and Discussion

A. Society and Corrupt Behavior

The issue of corruption has become a common topic discussed in various circles of

Indonesian society. Law enforcement against criminal acts of corruption has been a polemic for a long time that has not yet received a clear light because it has not been able to eradicate these evil acts. This is related to the political dynamics of a power that is alive today. History has shown that corruption has existed since the old order era. Many of the perpetrators of corruption come from executives who have more opportunities to exercise government power. This bad behavior continues to mushroom up to the New Order government even in the reform era, which is increasingly spread across various the executive, legislative including judiciary. Therefore, corruption is a common enemy that deserves to be fought. However, efforts to eradicate them must continue to prioritize human values and justice (UII, 2018).

Handling corruption is not only the responsibility of the Corruption Eradication Commission (KPK) and law enforcers, but also requires an active role from the community. Good community participation is very important considering that the KPK does not yet have representatives in the regions, so it is quite difficult for the KPK to oversee corruption in all regions in Indonesia. Despite this, community participation in the regions may be able to assist the KPK in carrying out its duties to eradicate corruption (Indonesia Baik, 2018).

The public can play an active role by submitting complaints to the Corruption Eradication Commission (KPK) by letter, coming in person, telephone, facsimile, SMS, or the KPK Whistleblower System (KWS). The follow-up handling of the report is highly dependent on the quality of the report submitted. There are several things that need to be considered in submitting a report to the KPK, which includes the requirements and completeness of the report. Because a complete report will make it easier for the KPK to process the follow-up. If you have information or evidence of corruption, do not hesitate to report it to the KPK. The confidentiality of the reporter's identity is guaranteed as long as the

reporter does not self-publish the report. If the confidentiality protection is still lacking, the KPK can also provide physical security at the request of the reporter.

The firm position that the people are the holders of sovereignty is further elaborated in Article 28C paragraph (2) of the 1945 Constitution: "Everyone has the right to advance himself in the collective struggle to build society, nation and state". This human right to play a role in developing society, nation and state is of course in accordance with the role of society involved in eradicating corruption. Because corrupt behavior can hinder development in the country. State finances have been misused and undermined by several unscrupulous officials.

One form of legal protection for the community in eradicating corruption, people who have made reports on criminal acts of corruption get more special protection as regulated in Law no. 13 of 2006 concerning Protection of Witnesses and Victims. In Article 10 paragraph (1), there is a provision that the reporter cannot be prosecuted either criminal or civil for the report he is going to, is being, or has given.

A country that can be called a developed country has one indication of a decrease in the number of corruption. In developing countries that do not have a good institutional system, the corruption rate tends to be high. Corruption destroys the joints of the state, government and society. It is no exaggeration if Kofi A. Annan, the former Secretary General of the United Nations, describes the impact of corruption as follows:

"Corruption is like an infectious disease that spreads slowly but is deadly, creating extensive damage in society. Corruption undermines democracy and the rule of law, encourages violations of human rights, distorts the economy, reduces the quality of life and allows criminal organizations, terrorism and various threats to security to thrive".

Corruption always weakens the institutional aspects of a country. North (1990) defines the institutional aspect as the rules of

the game that develop in a human society in order to form a conducive interaction between community members. Institutional development aims to reduce transaction costs, so that transactions between communities increase the country's economy will become more competitive and the wheels of economic activity will become more efficient. However, corruption actually creates the impact of weakening institutions so that transaction costs tend to increase in line with rampant corruption. In turn, when corruption is rife in a country, the country's competitiveness will decline and ultimately reduce the welfare of the people in that country (Pradiptyo, et al, 2015).

Understanding corruption as a systemic crime, so the prevention and resolution must be carried out systemically. In law science, there is the Legal System Theory from Lawrence M. Friedman which includes: (1) Legal Substance, (2) Legal Structure and (3) Legal Culture, which is offered as suggestions for the eradication of corruption, namely:

First, in terms of legal rules (Legal Substance). There needs to be a strengthening of legal rules regarding the Eradication of Corruption Crime. In Indonesia there are still efforts to weaken the performance of the KPK, such as the draft UUKPK draft which will be discussed in Commission III of the DPR where ICW found 8 crucial points that threaten the existence of the KPK and if it is promulgated like that it will undoubtedly cripple the work of eradicating corruption.

Second, in terms of legal institutions (Legal Structure). Law enforcement agencies need to be given a correct understanding of the main duties, functions and authorities in carrying out their activities, both from the Executive, Legislative and Judiciary circles, as well as those regulated in the constitution to carry them out purely and consequently by not carrying out acts of abusing power and / or exceeding limit of authority. Leaders of government institutions can act as teachers by following the teachings of Ki Hajar Dewantoro, because Indonesian people always obey their superiors and tend to imitate them.

Strengthening the performance of law enforcement officers is necessary in order to improve the quality of work. Regular monitoring and performance quality audits by means of inspections and periodic reports also need to be carried out.

Third, in terms of legal culture (Legal Culture). According to Criminology, crime is born because the perpetrator is not cultured or ignorant, in biological language it is said to be children with childish attitudes. In this regard, it is necessary to increase learning towards awareness and maturity, especially towards Pancasila Moral Education, because corruption is a moral crime and Pancasila functions as the State Ideology and Philosophy, as well as the State Foundation and the Source of All Law Sources in Indonesia. The values that exist in Pancasila must be applied in everyday life (Mu'allifin, 2015).

Along with the development of the Indonesian nation. efforts to eradicate corruption seem to be growing in every era. Although there are many obstacles faced by the KPK in eradicating corruption, the struggle to create a clean country must never end. Eradicating corruption is not only the task of the corruption eradication agency (KPK), but the participation and cooperation of the anticorruption community is also very influential in the success of the efforts to eradicate corruption. When viewed from previous experiences, corruption eradication agencies from the Old Order era to the Reformasi era, initially experienced success gradually decreased and in the end could no longer run due to lack of public support and trust in the anti-corruption agency formed by the government.

Efforts to eradicate corruption in the Reformation era have made much progress compared to previous eras. If in the previous era efforts to eradicate corruption experienced many failures, in the Reformation era, corruption eradication, especially those carried out by the KPK, has made a lot of progress. There are many records regarding the achievements of the corruption cases handled

and resolved by the KPK. In fact, many of the perpetrators of corruption arrested by the KPK are high-ranking state officials. This can be seen from the seriousness of the KPK in handling corruption cases and does not look at the positions or positions held by the perpetrators of corruption. Even though in reality at this time there are still deficiencies in the performance of the KPK, there is dominantly public satisfaction with the KPK. The seriousness of the KPK in dealing with corruption in Indonesia makes the public fully support the actions taken by the KPK (Syuraida, 2015).

B. The Principles of Good Government in Suppressing Corruption

Public perceptions of corruption can be considered a cultural phenomenon because they depend on how people understand the rules and what constitutes deviations from these rules. Indeed, it depends not only on society but also on personal values and morality. While someone thinks that he will never pay a bribe, another person might consider paying a bribe an act that can be justified. This disposition to pay tends to be positively correlated with public perceptions of corruption. To reconcile the public's view that corruption is a criminal act, however the arguments cannot be justified. The active role of all components in this country is very necessary to be able to fight corruption so that people are aware that these actions are wrong (Melgar, Rossi and Smith, 2010).

The problem of corruption is not an easy thing to solve, even though it must involve all elements of the nation including the people, this is because corruption is a crime called White Collar Crime, which is a crime committed by those who have a high position and are considered "respectable", because they have a position. important both in government and in the world of economy, even according to Harkristuti Harkrisnowo, the perpetrators of corruption are not random people because they have easy access to carry out these acts of corruption, by abusing their authority, opportunities or means. Meanwhile, according to Marella Buckley, corruption is an abuse of public office for personal gain by means of bribes or illegal commissions (Ridwan, 2014).

Corruption in Indonesia that is getting worse is a comprehensive social disease and has been an unsolvable problem since the beginning of the human journey. Such a broad impact will basically be a very serious threat to the survival of the nation and state, even Romli Atmasasmita stated that the problem of corruption is already a serious threat to the stability and security of the national and international community. So that it will create an inequality in the share of income received by various groups of society which is referred to as relative inequality or there is an absolute poverty level. In such a condition, the people at the grassroots level, who should receive a welfare guarantee in accordance with the guarantees set out in the constitution, will certainly suffer a great loss.

The role of The Principles of Good Government in helping to reduce the number of corruptions is expected to be able to reduce the tendency of some government officials or employees to commit acts of corruption. In Indonesia, the term corruption is synonymous with activities of abuse of authority by officials, therefore the zone prone to corruption is in terms of public services.

The modes of corruption are the ways in which corruption is carried out in the form of: tax extortion, land manipulation, fast lane making ID cards, fast lane sims, mark up budget / budget, tender process, fraud in settlement. The above statement is in line with the Quah which states that the form of activity that includes corruption is bribery, nepotism, improper use of public funds or property, irregularities in licensing, and underestimation of tax payments for improper purposes. . Corruption can only be overcome by administrative reform. As Ouah administrative reform is the most important and most effective measure used by the government solve the problem of bureaucratic corruption. This needs to be done because

bureaucratic corruption is the most serious and embarrassing obstacle to national development in all developing countries (Caiden, 1982; Suwitri, 2007).

Weak integrity ethics of and administrators or state apparatus are the main causes of irregularities and abuse of authority or power. State apparatus is the main factor in the success of the government in realizing good governance, clean, and free of Corruption, Collusion and Nepotism (KKN). Without an apparatus with integrity and ethics, it is impossible for the government work program to run well. For this reason, one of the main aspects of the bureaucratic reform program is the reform of the human resources (HR) aspect, because this aspect will later implement or bureaucratic reform programs drive all (Waluyo, 2014).

The Principles of Good Government, which in Indonesia we often know as the General Principles of Good Governance (AAUPB), are expected to improve the quality of government administration and support the implementation of bureaucratic reform. The existence of the Government Administration Law Number 30 of 2014 is intended to create laws, prevent abuse of authority, ensure the accountability of government agencies and / or officials, provide legal protection to the public and government officials and apply general principles of good governance.

Article 10 of Law Number 30 Year 30014 concerning Government Administration describes the scope of the AUPB that applies to government administration. The General Principles of Good Governance in question include the principles of:

1) Legal certainty

The principle of legal certainty is a principle in a rule of law that prioritizes the basis for the provisions of statutory regulations, appropriateness, fairness, and justice in every government administration policy.

2) Benefits

Principle of benefit means benefits that must be considered in a balanced manner between: (1) the interests of one individual and the interest of another; (2) the interests of individuals and the community, (3) the interests of citizens and foreign communities; (4) the interests of one community group and the interests of another community group; (5) government interests and community members; (6) the interests of the present generation and the interests of future generations; (7) the interests of humans and their ecosystems; (8) the interests of men and women.

3) Impartiality

The principle of impartiality is the principle that obliges Government Agencies and/or Officials in determining and/or making Decisions and/or Actions by considering the interests of the parties as a whole and is not discriminatory.

4) Carefulness

The principle of accuracy is intended as a principle which implies that a Decision and/or Action must be based on complete information and documents to support the legality of the determination and/or implementation of Decisions and / or Actions so that the Decision and/or Actions concerned are prepared carefully before the Decision and/or the action is determined and / or carried out

5) Do not abuse authority

The principle of not abusing authority is the principle that obliges every Agency and / or Government Official not to use their authority for personal interests or other interests and is not in accordance with the purpose of granting such authority, does not exceed, does not abuse, and / or does not mix up authority.

6) Openness.

The principle of openness is the principle that serves the public to gain access and obtain correct, honest, and non-discriminatory information in government administration while still paying attention to the protection of personal, class and state secrets human rights.

7) Public interest.

The principle of public interest is the principle that prioritizes public welfare and benefit in a way that is aspirational, accommodating, selective, and non-discriminatory.

8) Good service.

The principle of good service is intended as a principle that provides timely services, clear procedures and costs, in accordance with service standards, and the provisions of laws and regulations (Azhar, 2015).

AAUPB which has received recognition in legal practice in the Netherlands, namely the principle of equality, the principle of trust, the principle of legal certainty, the principle of accuracy, the principle of giving reasons (motivation), the prohibition on abuse of authority and the prohibition of acting (Hadjon, 2008). The AAUPB arbitrarily conception according to Crince le Roy which includes: the principle of legal certainty, the principle of balance, the principle of acting carefully, the principle of motivation for every decision of government agencies, the principle of not mixing up authority, the principle of equality in decision making, the principle of proper play, the principle of justice or fairness, the principle of responding to reasonable expectations, the principle of negating the consequences of a decision that is canceled, and the principle of protecting a personal view of life. Koentjoro added two more principles, namely: the principle of policy and the principle of administering the public interest.

The important principles the implementation of government administration according to Philipus Hadjon are: (1) Based on the sovereignty of the people, where there is space for the people to participate in decisionand public policies making establishment of institutions that are in accordance with the needs, objective potential and socio-economic and cultural characteristics the people (3) the balance of power in interinstitutional relations which can be a check and balance (4) a clear division of authority

between fields of government in accordance with their duties and functions which have synergy with each other (5) government management functions based on rationality, objectivity, efficiency and transparency (6) legislative institutions that can improve their ability carry out control functions. legislation formulating and government policies (7). Application of the principle of accountability in governance (8). the principles of establishing a clear vision, mission and objectives in establishing a policy strategy that is responsive to the needs of the people (Sudardi, 2004).

In eradicating the criminal act corruption, we no longer think about how to corruption eliminate or prosecute perpetrators to court, but what must be done is to properly carry out obligations in accordance with administrative law. If administrative law can be implemented properly, then acts of corruption will automatically disappear. The presence of AAUPB is recognized as a law that is not written in the explanation of the 1945 Constitution, in its implementation it can be enforced by the court. There are many decisions of the State Administrative Court examining a state administrative decision with the AAUPB. So that AAUPB is recognized as one of the sources of State Administrative Law.

The use of state power over society is not without conditions. Citizens of the community cannot be treated arbitrarily as objects. Decisions and/or actions of officials towards community members must be in accordance with the provisions of laws and regulations and the AAUPB. Supervision of Decisions and / or Actions is a test of the treatment of the people involved who have been treated in accordance with the law and taking into account the principles of legal protection that can be effectively carried out by state institutions, the Administrative Court and State law enforcement officials in the criminal sector and even the community itself.

The peak of government and regional government power is obtained through the political process, namely through the General Election or Regional Head General Election. Officials who hold the highest positions at the central and regional levels must be able to be role models for the officials below them in providing services to the community. Officials are not kings who lead the people, but "servants" to the people. The political process to become a leader (regional head and president) is an expensive process, while the salary after being elected and taking office will not be able to return the costs that have been incurred to finance the process (campaign). however, the position is not a way to get back the "capital" that has been issued, especially to get profit. Officials who are elected because of their position, authority and opportunities in their positions have the potential to be misused for their own personal, family or group interests. So that in carrying out this authority, signs are needed so that the government continues to run well for the benefit of the community, nation and state (Hartanto & Adlhiyati, 2017).

In order to create a state that is clean and free from corruption, collusion and nepotism, this Law stipulates general principles of state administration which include the principle of principle certainty, the administration, the principle of public interest, the principle of openness, the principle of principle proportionality, the of professionalism, principle and the of accountability. The regulation on public participation in this law is intended to empower the community in the context of realizing a state administration that is clean and free from corruption, collusion and nepotism.

With the rights and obligations they have, it is hoped that the community will be more enthusiastic in implementing optimal social control over state administration, while still obeying the prevailing legal guidelines. In order for this Law to achieve its targets effectively, the establishment of an Examining Commission in charge and authority is regulated. conduct examination of the assets of state officials before, during, and after taking office, including requesting information from

both former state officials, their families and cronies, as well as businessmen, with due regard to the principle of the presumption of innocence and human rights. The membership composition of the Investigating Commission consists of elements of the Government and society reflecting the independence or independence of this institution (KPK, 2018).

Central and regional government officials must understand the substance of Law no. 30 of 2014 concerning Government Administration in order to avoid being caught in the criminal act of corruption. Administration Act contains Government "guidelines" and steps a government official must meet when making decisions or public policies. By following the "guidelines" stipulated in the Law, an official can avoid abuse of authority.

Preventing abuse of authority is one of the goals of the birth of the Government Administration Law. Other objectives are orderly government administration, creating legal certainty, ensuring the accountability of government agencies / officials, providing legal protection for both officials / agencies and citizens, and applying general principles of good governance.

The review of good governance is not only related to the governmental power exercised by the state administration, but also includes other branches of state power such as the power to form laws (legislative) and the power to enforce the law (judicative). In good practices, governance various theoretical expressions are often attached to the form and content of good governance, responsible, accountable, controlable, transparent, limitable, and so on, all of which be applied to executing executive, legislative and judicative powers.

In terms of public services and protection (law) to the community, there are two branches of state government power that are directly related to the people, namely the state administrative apparatus (executive) and law enforcement (judicative). Therefore it is very natural, when demands for good governance

arise, at first it is primarily aimed at reforming state administration (bureaucratic reform) and reforming law enforcement (law reform). For example, public services are often deliberately delayed or wordy, not only by slowing down become services. but bureaucracy has commercial in nature, because it gave birth to a system of "facilitation payments", "gifts", bribes and so on. The same thing also happens to law enforcement officials, where various practices in the judiciary show that there are judges' decisions that are often suspected to be determined based on negotiation, bribery and so on, and not based on real principles of justice (BPHN, 2018).

Public service sectors that tend to provide great opportunities for committing acts of corruption must be a top priority for system improvement. With The Principles Of Good Government, we can all hope for a clean government system and can provide extra services to the community. Another most important goal is that the Indonesian state can be free from criminal acts of corruption which will further undermine this nation.

Conclusion

According to Abraham Samad, Chairman of the third Corruption Eradication Commission, pessimism, skepticism and apathy corruption have caused corruption to flourish in this country. This can occur because the apathy possessed by the people can lead to blindness of their rights and eventually give in to the abuse of office by officials. The Indonesian people must participate in eradicating corruption cases committed by officials because corruption itself is very detrimental to our country and of course us as the people. Never be afraid to report corruption that is happening around us, because we as the people of Indonesia, as people of a democratic country, we have the right to participate in government and in eradicating abuse of office by government officials and state officials. Let

us build Indonesia into a country free from corruption.

We are guarding this country in the context of the spirit of eradicating corruption, one of them. Therefore, as one of the active roles of the community, of course as a form of prevention, we must publish news that at least provide lessons that the criminal act of corruption is not only a behavior that violates the law, but violates the social rights of the community. Therefore, the criminal act of corruption is always related to people's rights and finances. Then there is a willingness for them to concentrate on following developments regarding the corruption act. With that, at least the public has the courage to be the most important part in guarding and reporting if there are indications that they are considered a form of misappropriation with strong evidence.

For this reason, efforts to prevent and eradicate corruption need to be increased and intensified while still upholding human rights and the interests of the community. The basic principles or characteristics contained in The Principles Of Good Government, if it is actually implemented, are believed to be able to realize good governance, and if a good government has been created, then there will be acts of corruption that have been carried out by public officials or people. - people who work in the government sector will be able to prevent it, maybe even criminal acts of corruption by government officials will not happen again because the core of the principles of good governance really puts the interests of the community above personal and group interests, the principle of good government makes a balance performance between of government as public servants and society as being served. Good governance puts the public interest above other interests, the interests of the nation and the state are the main ones and in managing this governance good governance includes the role of the community in participating in building the nation, the voice and opinions of the people are taken into consideration. The openness and accountability government managing of in

government is also something that is obligatory and can be known by the public, supremacy and law enforcement are also prioritized in regulating the running of the government.

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Quote

We say that slavery has vanished from European civilization, but this is not true. Slavery still exists, but now it applies only to women and its name is prostitution.

VICTOR HUGO, Les Misérables