

CRIMINOLOGICAL STUDY OF CORRUPTION IN ABUSE OF POSITION AUTHORITY

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Article	Abstract
<p>Keywords: Criminology, Corruption, Abuse of Power.</p> <p>DOI: 10.28946/scls.v1i2.2620</p>	<p>In carrying out their duties and functions legally, officials have been regulated by law, but in exercising authority in office, they are also limited by law. Forms of abuse of power by public officials who commit corruption in a position and use it for personal and group interests to enrich themselves and certain groups and harm many people or the general public, namely in cases of corruption. Abuse of authority in office, namely in criminal acts of corruption by one of the university rectors in Lampung, followed by criminal acts of corruption in the Bengkalis Island Outer Ring Road improvement project and the Deputy Attorney General of the Manado State Attorney General's Office. So, this needs to be studied in depth through criminological studies to determine the factors that cause someone to commit a crime. This study uses empirical normative research methods using statutory, conceptual, and case study approaches. The results of this study indicate that several factors influence an official who commits a criminal act of corruption. These namely internal factors include personalities such as human greed, poor morals, and dishonesty. Next are external factors, including opportunity and economic factors (consumptive lifestyle). Efforts to deal with the criminal act of corruption and abuse of authority in the office can be carried out through preventive efforts, namely by building morale, honest attitude, and a clean work ethic. Then, through repressive efforts, severe penalties are imposed that create a deterrent effect and create fear for others to commit corruption.</p>

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A. INTRODUCTION

The current condition of the Indonesian nation is worsening because there are many unresolved national problems, including poverty, hunger, and public services (*public service*), which are not optimal. A central problem triggers the emergence of various national problems, namely corruption.¹ Corruption is one of the many terms that are now familiar to the ears of the people of Indonesia. Almost every day, the mass media reports on various cases of corruption was committed by state apparatus, both civil servants and state officials. The science of

¹ Intan Leliana et al., "Analisis Framing Model Robert Entman Tentang Pemberitaan Kasus Batubara Di Kompas.Com Dan BBC Indonesia.Com," *Cakrawala Jurnal Humaniora Bina Sasana Informatika* 2, no. 2 (2018): 60-67.

criminology, which studies crime, its ins and outs, and its causes up to the escalation of its response, also embeds contemporary terminology. Contemporary criminology is the study of "new" crimes that are happening today. The following meaning of "new crime" here does not mean "a crime that has recently appeared at this time," but instead that the public's reaction to this evil act has increased "reproach" because the "loss" it causes is far more significant. The increase in the character of reproach for the act, of course, is also influenced by the way or method of the perpetrator in carrying out his act. It is difficult to identify, but the harm is often unnoticed and will appear suddenly.

Crime can be defined as an act for which the state is given punishment (*Misdad is een ernsfige anti sociale handeling, seaw fegen de staat bewust reageer*). The provision of punishment by the state is intended to restore the balance that has been disrupted due to the act. The disturbed balance is social order and makes people restless. Sometimes, these actions do not follow society's demands, which is dynamic; therefore, the movement must be dynamic to follow the rhythm of societal changes. Corruption is an integral part of the history of human development and is one of the oldest types of crime and one of society's diseases. Corruption crimes increase along with progress, prosperity, technological advances, and increasing necessities of life, and one of the impacts can encourage people to commit crimes, including criminal acts of corruption. Criminal acts of corruption seem to have become a culture that develops among the upper and lower classes and may involve officials.

Officials are not only limited in authority and power but need each other, and there must be cooperation. Sometimes, the regularity in carrying out the authority and power regulated by law is disrupted when an official exceeds the limits of his authority or power.² In such cases, there is a violation or abuse of power. Tolerance and indifference facilitate abuse and abuse of authority and power. Officials who abuse authority in their positions can be called criminal acts of office. Government officials and private officials who abuse their authority to commit criminal acts of corruption can be subject to sanctions according to the provisions of Article 3 of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes.

Examples of abuse of authority cases include the former Chancellor of the University of Lampung, namely KRM, who, because of his position, was arrested for accepting bribes and/or gratuities from the parents of prospective students to enter the University of Lampung. This can be seen from criminological studies showing authority in his position as a Chancellor who can determine students to enter through an independent route that must pay a starting fee or contribution, which is differentiated for each person. With this opportunity in this position, the Chancellor of the University of Lampung can provide a seat rate to enter the University of Lampung by providing a sum of money. This has damaged educational institutions that should be places to gain knowledge and set an example to the community instead of setting a bad example.³

Based on criminological literature, corruption is a type of white-collar crime.⁴ The familiar term corruption among the public has shown the growth of public attention to corruption. White-collar crimes can attract the public's attention because the perpetrators are perceived by society as famous or well-respected people. Still, they are the ones who create poverty in

² Mezhi Nur Aslia and Ai Marliah, "Penyalahgunaan Wewenang Dalam Jabatan Terhadap Tindak Pidana Korupsi," *Wacana Paramarta: Jurnal Ilmu Hukum* 14, no. 2 (2015): 1-8, <http://paramarta.web.id/index.php/paramarta/article/view/12>.

³ Syakirun Ni'am, "Rektor Universitas Lampung Karomani Diduga Terima Suap Dari Orangtua Calon Mahasiswa," *Kompas*, 2022, <https://nasional.kompas.com/read/2022/08/21/06265261/rektor-universitas-lampung-karomani-diduga-terima-suap-dari-orangtua-calon#>.

⁴ Syahdi Buamona, "White Collar Crime (Kejahatan Kerah Putih) Dalam Penegakan Hukum Pidana," *Madani Legal Review* 3, no. 1 (2019): 28-38, <https://doi.org/10.31850/malrev.v3i1.343>.

society.⁵ Corruption cases of abuse of authority in office also occurred in several other cases, namely the corruption crime in the Bengkalis Island outer ring road improvement project on September 3, 2021. The KPK detained three suspects for alleged corruption in the multi-year island ring road improvement project Bengkalis fiscal year 2013-2015. The three suspects are DH Project Manager PT WIKA (Persero), FT (Marketing staff PT WIKA), and TAK (PPK). They were subjected to forced detention for the first 20 days from September 3, 2021, to September 22, 2021, in each prison: The KPK Red and White Building, the KPK Detention Center Branch Pomdam Jaya Guntur, and the KPK Detention Center Kav C1. The suspects' actions are suspected of violating Article 2 paragraph (1) or Article 3 of Law No. 31 of 1999 as amended and updated with 3 Law no. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning the Eradication of Corruption (PTPK Law).⁶

As a result of the suspects' actions, it is suspected that it resulted in state financial losses of around One hundred twenty-nine billion of the project value of Rp. 359 billion. The KPK has named ten suspects in this case: PPK, contractors, and PT WIKA. Abuse of authority in office also occurred at the Manado State Attorney General's Office on March 30, 2021. The Junior Attorney General for the supervision of the Attorney General's Office, Amir Yanto, said that his party was ready to summon and follow up on cases of alleged criminal acts committed by individuals at the Manado State Attorney's Office. The beginning of this case occurred in March 2019 when the Manado City Government Environmental Service needed a tool for burning public waste or a machine incinerator four units worth IDR 9.8 billion- and 1-unit medical waste incinerator worth IDR 990 million using the Manado City Revised Revenue and Expenditure Budget (APBD) for the 2019 Fiscal Year. Prosecutors at the Manado District Attorney's Office with the Manado City Government alleged corruption in the inventor multiplication, which the Manado State Attorney's Office is signing.⁷

One type of corruption that has contributed significantly to the increase in criminal acts of corruption is the criminal act of corruption and abuse of authority. This category is listed in Article 3 of the PTPK Law. Article 3 of the Corruption Crime Act implies that the perpetrators of corruption must hold a position or position. Then, the position or position automatically has authority. Thus, the abuse of power, opportunity, and existing facilities because of the position or position uses the power, opportunity, or means attached to the position or position occupied by the perpetrators of criminal acts of corruption for purposes other than the intent of the given authority, opportunity, or means.

Based on the explanation above, the problem in this article is the criminological study of perpetrators of corruption, abuse of authority in office, and how to deal with corruption crimes of abuse of authority in office. The study of corruption from a criminological aspect is critical. It was bearing in mind that criminology makes a substantial contribution to criminal law by disclosing the factors that lead to corrupt behavior, which form the basis of criminal policy in dealing with criminal acts of corruption, including abuse of power in office.

⁵ Agung Widodo Jawade Hafidz, "Pelanggaran Perpres Nomor 54 Tahun 2010 Tentang Pengadaan Barang Dan Jasa Pemerintah Oleh Penyedia Barang Dan Jasa Atau Pengguna Jasa Dalam Perspektif Tindak Pidana Korupsi," *Media Ilmiah Teknik Sipil* 5, no. 2 (2017): 81-88, <https://doi.org/10.33084/mits.v5i2.269>.

⁶ Kamil Irvan, "KPK Tahan 3 Tersangka Kasus Proyek Jalan Lingkar Pulau Bengkalis," *Kompas*, 2021, <https://nasional.kompas.com/read/2021/09/03/21182341/kpk-tahan-3-tersangka-kasus-proyek-jalan-lingkar-pulau-bengkalis>.

⁷ Sholahuddin Al Ayyubi, "Kejagung Selidiki Kasus Penyalahgunaan Wewenang Jaksa Di Kejari Manado," *KABAR24*, 2021, <https://kabar24.bisnis.com/read/20210330/16/1374600/kejagung-selidiki-kasus-penyalahgunaan-wewenang-jaksa-di-kejari-manado>.

B. RESEARCH METHOD

The research method used in this research is a normative or literary research method by examining the provisions and elements against the law that exist in the crime of corruption and abuse of authority using a statutory approach and a legal concept analysis approach.

C. ANALYSIS AND DISCUSSION

1. Criminology Study of Corruption Crime Actors Abuse of Authority in Office

According to P. Topinard, the term criminology from an etymological point of view consists of two syllables: *crimen*, which means crime, and *logos*, which means science. So, from an etymological point of view, criminology can be interpreted as a science that studies crime.⁸ Criminology is an auxiliary science in criminal law that provides an in-depth understanding of the phenomenon of crime, why the crime is done, and what efforts can be made to tackle crime that aims to reduce the rate of growth of crime. Criminology is an empirical science partly connected with legal norms that study crime and the formal and informal processes of criminality and decriminalization, the crime-criminal situation of society, the causes and relationships of causes of crime, and reactions and responses. Official and unofficial against crime, criminals, and society by parties outside the criminals themselves. The crime of corruption, when viewed from a legal perspective, includes the following elements:⁹

- a. Abuse of authority, opportunity, and means.
- b. Enrich yourself, other people, or corporations.
- c. Harm the country's finances or the country's economy.

If viewed from a legal perspective, namely in positive law clearly, Article 2 of the PTPK Law states that the criminal act of corruption is any person who unlawfully commits an act of enriching himself or another person or a corporation that can harm the state's finances or the country's economy. It is punished with imprisonment for life or imprisonment for a minimum of 4 (four) years, a maximum of 20 (twenty) years, and a fine of at least Rp. 200,000,000 (two hundred million rupiahs) and a maximum of Rp. 1,000,000,000. (one billion rupiah). The occurrence of abuse of authority is not due to negligence. Abuse of authority is done consciously, namely, diverting the goals given to that authority. The transfer of goals is carried out in personal interest, either for his own benefit or for that of others. The abuse of authority contained in the formulation of the offense Article 3 of the PTPK Law is that there is an element of abusing existing opportunities or suggestions because of position or position.

The authority that exists in the position or position of the perpetrators of corruption is a series of powers or rights attached to the position or position of the perpetrators to take the necessary actions so that their duties or work can be carried out correctly. The authority referred to in Article 3 of the PTPK Law is, of course, the authority that exists in the position or position held by a civil servant based on statutory regulations. If it is interpreted that the formulation of the offense of Article 3 PTPK contains the phrase "opportunity." Opportunities can be exploited by perpetrators of criminal acts, which are listed in the provisions regarding work procedures related to the position or position held or occupied by perpetrators of corruption. In general, this opportunity is obtained or obtained from the provisions regarding these work procedures or intentionally misinterpreting these provisions.

Robert Klitgaard, who has researched corruption cases, argued that corruption from the perspective of state administration can be interpreted as behavior that deviates from the official

⁸ Samuel Dharma, Putra Nainggolan, and Kholilur Rahman, "Kriminologi Bukan Bagian Dalam Ilmu Hukum Pidana," *Jurnal Hukum Dan Tatanan Sosial* 1, no. 1 (2022): 38-49.

⁹ Bram Mohammad Yasser, "Pengujian Unsur Penyalahgunaan Wewenang Pada Peradilan Tata Usaha Negara Dalam Kaitannya Dengan Tindak Pidana Korupsi," *Soumatara Law Review* 2, no. 1 (2019): 1, <https://doi.org/10.22216/soumlaw.v2i1.3558>.

duties of a state position due to status or money gains, which involve personal (individuals, close family, own group) or rules of conduct concerning personal behavior.¹⁰ As for Baharuddin Lopa, corruption is a criminal act related to bribery, manipulation of other actions, or an unlawful act that is detrimental or can harm state finances or the country's economy, harming the welfare or interests of the general public.¹¹

The criminal act of corruption and abuse of authority in a position committed by KRM, as exemplified in the background of this article, has caused harm to the welfare or interests of the general public. The existence of opportunities in the position of rector certainly has an influential role. Without understanding religion and good morals, corruption crime will continue to develop and become more sophisticated in its implementation. Actions that are detrimental to the state are corruption in the material sector. In contrast, corruption in the political field can manifest itself in the form of vote manipulation through bribery, coercion, intimidation, and/or interference that can affect freedom of choice, commercialization of voting in legislative bodies, or administrative decisions in government implementation. From a criminological perspective, corruption is often called a multi-endemic crime.

In contrast, others call it a structural crime that has a structure, is deeply rooted, and even has a system. That is why we should tackle this type of crime. It was finally considered a "serious crime" or "extraordinary crime."¹²

The problem of abuse of authority or authority and corruption often becomes a problem in understanding what is meant by abuse of authority. If examined more specifically, the abuse of authority must be seen from what is misused or misused when the person concerned has a position. In committing abuse of authority, it must be used for individual interests or to gain power for unilateral interests. Organized crime has become the most important domain in criminology for research on corruption. This was motivated by international criminal policy initiatives in the late nineties in the fight against organized crime.¹³ Organized crime is a criminal phenomenon that increasingly threatens the country's economy, but it seems difficult for law enforcement to catch the illegal network behind this organized crime. As for the criminal threat of corruption related to the abuse of authority as stipulated in Article 3 of the PTPK Law, which states:

"Any person who, to benefit himself or another person or a corporation, abuses the authority, opportunities or facilities available to him because of his position or position which can harm the State's finances or the State's economy, shall be punished with life imprisonment or imprisonment for at least 1 (one) years and a maximum of 20 (twenty) years and/or a fine of at least Rp. 50,000,000.00 (fifty million rupiahs) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah)."

Crime is an act or behavior that deviates from the law and can harm others, hurting balance, peace, and order. The author uses the theory of differential association. This theory proposes a systematic explanation of accepted patterns of crime. Evil behavior is not inherited but is learned through close association. Factors causing the crime of corruption and abuse of authority in office are by the theory of differential association that the perpetrators commit crimes but are not a continuation of delinquency that was committed during childhood or

¹⁰ Arif Layanra Riza, "Perbandingan Unsur Penyalahgunaan Wewenang Antara Undang-Undang Tindak Pidana Korupsi Dengan Undang-Undang Administrasi Pemerintahan," *Angewandte Chemie International Edition*, 6(11), 951-952., 2021, 2013-15.

¹¹ Ita Suryani, "Penanaman Nilai Anti Korupsi Di Perguruan Tinggi," *Visi Komunikasi* XII, no. 02 (2013): 292, [http://download.garuda.kemdikbud.go.id/article.php?article=2509973&val=23922&title=PENANAMAN NILAI ANTI KORUPSI DI PERGURUAN TINGGI SEBAGAI UPAYA PREVENTIF PENCEGAHAN KORUPSI](http://download.garuda.kemdikbud.go.id/article.php?article=2509973&val=23922&title=PENANAMAN_NILAI_ANTI_KORUPSI_DI_PERGURUAN_TINGGI_SEBAGAI_UPAYA_PREVENTIF_PENCEGAHAN_KORUPSI).

¹² Sunarto Sunarto, "Penegakan Hukum Tindak Pidana Korupsi Yang Berupa Penerimaan Gratifikasi Sebagai Suap," *Hukum Dan Dinamika Masyarakat* 15, no. 1 (2018): 94-101, <https://doi.org/10.36356/hdm.v15i1.644>.

¹³ Suci Utami, "Tindak Pidana Pencucian Terhadap Uang," *Jurnal Hukum Al 'Adl* 13, no. 1 (2021): 1-27.

youth.¹⁴ This is certainly very relevant to the abuse of authority by KRM as the former Chancellor of the University of Lampung.

Furthermore, the corruption case of the Bengkalis Island Outer Ring Road is an improvement project, and the corruption case was committed by the Junior Attorney General in the Attorney General's supervision field. At the Manado State Attorney General's Office on March 30, 2021, these corruption cases can be studied through the theory of differential association, which, according to Edwin H. Sutherland, put forward differential association, which explains that criminal behavior is not inherited biologically but through learning. It is obtained from the process of interaction with the social environment.¹⁵

The theory of differential association sees crime as learned behavior. Like normal behavior in society, crime results from a learning process. As a whole, this theory proposes the process of the occurrence of a crime, that is:¹⁶

- a. criminal behavior is learned behavior;
- b. criminal behavior is learned through the interaction of a person with another person in an oral communication process through sign language;
- c. the learning process takes place in an intimate personal group;
- d. the learned behavior is directed toward the techniques of committing the crime and the motives, neutralization techniques, and attitudes that support those techniques;
- e. motivation is learned through the limits of the rule of law both as a profitable thing and as a reverse;
- f. *differential association* varies in frequency, duration, priority, and intensity.

Sutherland also emphasized that criminal behavior learned through group interaction and communication is a technique or way to commit crimes and reasons or rationalizations of the opportunities that support these evil deeds.¹⁷ Sutherland's opinion is in line with how corrupt behavior can occur. As the cases exemplified in this study, even though one individual only carried out the perpetrators of corruption, many parties were still involved and related to how the case could occur. This illustrates that acts of corruption committed by individuals are born from a process of social interaction that involves many parties. Apart from that, it is in line with Torrez's opinion that corruption is a calculated crime, and Bologne states that corruption occurs because opportunities are very open.

Based on this explanation, it can be understood that corrupt behavior can occur if the available opportunities provide commensurate benefits. This is also in line with Sutherland's statement that crimes occur because of the rationalization of existing opportunities, which means that if someone commits a crime of corruption for profit, what he will get is commensurate or greater than the opportunities available. On the other hand, if he takes advantage of his opportunities, there is no tendency to do so. This also shows that they (the perpetrators of the corruption crime of abuse of authority) come from the upper class and are educated, influenced by a bad work environment that causes bad behavior for them, too. Corruption is a form of crime that broadly impacts society and the state. Public trust collapses, national wealth is undermined, and the economy becomes high-cost due to the spread of this crime.

¹⁴ Juliatno Adi Prasetyo, "Analisis Yuridis Terhadap Tindak Pidana Penggelapan Dalam Jabatan Di Wilayah Hukum Kepolisian Daerah Jambi," 2021.

¹⁵ Paulus Hadisuprpto, "Pemberian Malu: Alternatif Antisipatif Korupsi, Kolusi Dan Nepotisme (K.K.N)", *Jurnal Kriminologi Indonesia* 1, no. I (2000): 1-9.

¹⁶ Izza Aliyatul Millah, "Penanggulangan Kejahatan Di Masa Pandemi Covid-19," *Jurnal Komunikasi Hukum (JKH) Universitas Pendidikan Ganesha* 6, no. 2 (2020): 497-513, <https://ejournal.undiksha.ac.id/index.php/jkh/article/view/28099>.

¹⁷ Prasetyo, *Loc.Cit.*

Next is the review of the theory of *anomie*, where Emile Durkheim emphasized the loosening of social supervision and control, which affected the occurrence of a moral decline that made it difficult for individuals to adjust.¹⁸ Emile Durkheim's Anomie theory explains that anomie occurs due to the destruction of social order as a loss of standards and values. Moral decadence causes corruptors to feel that corruption is common because many have done it. Such is the role of contemporary criminology in criminal law so that without realizing it today, criminal law is changing significantly in terms of settings. Decadence morals make corruption feel normal, as has been done by many corruptors whose corruption has been exposed. Moral decadence makes corruptors feel that corruption is normal, as has been done a lot. A psychoanalytic theory coined by Sigmund Freud states that a strong conscience causes criminal behavior and cannot resist strong desires. The desire for wealth, wealth, and luxury, even if it was obtained illegitimately. In contemporary criminology, the proposed link between anomie and crime is usually traced to the work of Emile Durkheim. However, despite the prominence of anomie theory in this field, Durkheim's theory of anomie and crime has not been carefully described and elaborated. Durkheim does not provide an extensive discussion of how anomie affects crime rates.¹⁹

Corruption cannot be separated from what is called power. Where there is power, there must be corruption. This is the nature of power, the "gateway" of corruption. Power and corruption have always coexisted on both sides of the same coin. They are at the heart of what the University of Cambridge Lord Acton says, i.e., "Power" tends to corruption, and absolute power inevitably corrupts.²⁰ There is a hypothesis that corruption always follows the nature of power. Corruption exists in central and decentralized governments. When the national government is centralized, so is corruption. The more concentrated the central power, the higher the incidence of central power damage. In Indonesia, this happened in the New Order era.

On the other hand, if the government of a country is decentralized, for example, corruption will also multiply in line with the policies of the decentralized government. In other words, corruption also occurs at the local government level. When power moves from one center of power to many autonomous power centers, corruption follows the transition from one power center to many. This situation occurs in Indonesia today. By definition, corruption as deviant behavior violates formal ethical rules and is perpetrated by public authorities (rulers).

Corruption is usually carried out by people with power or authority over something. When people are powerless, they are less likely to commit corruption. But it was impossible for those who didn't have "strength." In addition, the essential characteristic of corruption is that the act is carried out solely for personal gain and harms other parties besides oneself. The simplest example is a student skipping class and asking a friend to fill in the attendance list. He commits corruption because he has power over class attendance and absence. He did this for his benefit. Given the context of corruption cases in Indonesia, large-scale corruption is severe and harms the nation and society. The problem of corruption is also closely related to the problem of power. Officials deliberately abuse their power to carry out illegal acts for personal gain. An authorized official (*authoritative*) automatically has the power to influence the policies set. They are forcibly controlling (forcing) human behavior (society) according to the nature of power (power politics), namely so that people want to submit to the state (government). In this case, every policy implemented is a rule or rules that adhere to the ruler's goals. From here, the opportunities for corruption are immeasurable. Eradicating corruption is not as easy as turning the palm and requires extraordinary efforts. Satjipto Rahardjo believes that eradicating

¹⁸ Jose Naranjo et al., "Kajian Kriminologi Tindak Pidana Asusila Yang Dilakukan Oleh Anak," *Jurnal Algoritma* 12, no. 1 (2016): 579-87, <http://jurtek.akprind.ac.id/bib/rancang-bangun-website-penyedia-layanan-weblog>.

¹⁹ Amelia Indahni, Ramadhani Cassanti, and Ranti Miranda uliarta Manalu, "Memperdagangkan Alibi Dalam Perkara Keterlibatan Korupsi Menggunakan Teori Anomie Dari Emile Durkheim," *Jurnal Humaya: Jurnal Hukum, Humaniora, Masyarakat, Dan Budaya* 2, no. 1 (2022): 21-33, https://doi.org/10.33830/humaya_fhisip.v2i1.3201.

²⁰ Aqil Irham, "Demokrasi Tanpa Korupsi, Mungkinkah?" 14, No. 1 (2017): 98-113.

corruption can no longer be carried out with ordinary behavior or thoughts but requires extraordinary actions and thoughts.²¹ Therefore, the courage of law enforcers needs to be strengthened to take legal leaps, make peace with legal justice, and accept extraordinary decisions.

Contemporary criminology in criminal acts such as corruption is classified as a special crime. Corruption theoretically (criminologically) is a manifestation of *White Collar Crime*, crimes committed in connection with legitimate employment and involving abuse of office. Another factor that gave rise to this corruption crime is that it has happened before. So many people who work in an environment where it is possible to commit corruption think it is normal to do this because the individual has difficulty adjusting to social interactions. Whereas the factor of the criminal act of corruption, abuse of authority in office, is influenced by the weak self-control of the perpetrator who cannot resist the urge from within or the desire to get wealth in a fast way which makes him commit acts of corruption to fulfill his needs without regard to the applicable laws and regulations.

2. Efforts to Overcome Corruption Crimes, Abuse of Authority in Office

Authority, often called authority *gezag*, is power formalized unanimously over a certain group of people and a particular field of government. This power can come from legislative or executive power, while authority only concerns certain parts or fields. Thus, authority means a collection of authorities. In this case, according to Prajudi Atmosudirdjo, it is called a delegation of authority.²² In *Black's Law Dictionary*, authority or authority is defined as legal power, the right to govern or act, the right or power of a public official to comply with the rule of law within the scope of carrying out public obligations. When viewed from its nature, the nature of government authority can be distinguished as express, implied, optional, and *vrijbestuur*.²³ Expressive government authority has clear aims and objectives, is bound to a specific time, and is subject to written and unwritten legal restrictions. In comparison, the contents can be general (abstract) and individual-concrete. Governmental authority is optional, namely authority whose basic regulations determine when and under what conditions an authority can be used.

Substantially, Indonesia has a set of laws and regulations to eradicate criminal acts of corruption, and structurally, it also has many agencies that should be utilized to eradicate corruption. Law enforcers in Indonesia have attempted to eradicate corruption by forming new legislation, namely Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of corruption. From both of these laws, corruption is classified as an extraordinary crime. Without efforts to change perceptions and behavior regarding corruption, no effort can overcome the problem of corruption. One of the efforts that law enforcement officials can make is to motivate the public to participate. The government or law enforcers can disseminate criminal acts of corruption to the public so that the community can carry out its social control function to oversee the law enforcement process and fulfill the sense of social justice.

Free authority is where the basic regulations provide loose or free scope for State administrative bodies/officials to use the authority they have to refuse or grant a request. The abuse of authority/authority in acts of government according to the concept of Constitutional Law or State Administration law is always paralleled by the concept *de'tornement de pouvoir*. In *Verklared Woordenboek Openbar Bestuur* formulated the use of authority for another purpose that

²¹ Putera Astomo, "Perbandingan Pemikiran Hans Kelsen Tentang Hukum Dengan Gagasan Satjipto Rahardjo Tentang Hukum Progresif Berbasis Teori Hukum," *Hukum* 1, no. 2 (2007): 5-15.

²² Dany Andhika Karya Gita and Amin Purnawan, "Kewenangan Kepolisian Dalam Menangani Tindak Pidana Pertambangan (Illegal Mining) Menurut Undang-Undang Nomor 4 Tahun 2009 (Studi Di Kepolisian Negara Indonesia)," *Jurnal Daulat Hukum* 1, no. 1 (2018): 23-30, <https://doi.org/10.30659/jdh.v1i1.2561>.

²³ Henry Campbel Black, *Black Law Dictionary*, 1990.

deviates from the purpose given to that authority. Thus, officials violate the principle of specialists.²⁴

Criminal acts of corruption can be enforced through countermeasures that law enforcers must carry out. There are 2 (two) legal approaches that can be used as a means to eradicate criminal acts of corruption, namely:²⁵

a. Preventive Efforts

Using penal facilities as criminal sanctions against crime perpetrators has also experienced significant development. Other preventive actions that are quite strategic in the context of preventing criminal acts of corruption in Indonesia include:

- 1) Improving the effectiveness of policies and institutions.
- 2) Increasing supervision of government services so that a transparent and accountable public can access them.
- 3) Improving regional financial management, including government procurement of goods/services.
- 4) Strengthening anti-corruption commitments (including through educative educational institutions) related to national integrity for community members, business actors, and government/state apparatus.
- 5) Bureaucratic Reform attempts to carry out fundamental reforms and changes to the government administration system, especially regarding the apparatus's institutional aspects, management, and human resources.

Dadang Iskandar and Abdul Manap work to deal with the abuse of authority in office. It was carried out with a preventive approach channeled through provisions of state administrative law, which regulate and direct state administration mechanisms to reduce and prevent various forms of fraud or abuse of authority.

b. Repressive Efforts

This approach is channeled through the operation of criminal law provisions. Enforcement and handling of criminal acts of corruption are carried out professionally and proportionately. These efforts can be practical if their implementation is carried out effectively to achieve the goals of sentencing theory. Based on the explanation above, efforts to deal with criminal acts of corruption and abuse of authority in the office can be carried out through preventive and repressive efforts.²⁶ Preventive efforts can be carried out by building a clean morale and work ethic in government agencies regarding a clear separation between private property and state property and carrying out supervision. So that positions are not abused, choose clean leaders with high integrity, are honest, work professionally and responsibly in public policy-making and control, and give people a space for participation. Repressive efforts to impose severe penalties, to create a deterrent effect, and to create fear for others to commit the same corruption can be carried out by imposing criminal sanctions or criminal penalties. It is stipulated in Law No. 31 of 1999, as amended by Law No. 20 of 2001, concerning the Eradication of Corruption Crimes.

D. CONCLUSION

Based on the problems and discussion above, it can be concluded that the factors that cause the crime of corruption and abuse of authority in the office can be analyzed using the theory of differential association (which systematically describes the acceptance of crime patterns). The

²⁴ Leo Putra Dirgantara, "Analisis Yuridis Perbuatan Melawan Hukum Dalam Tindak Pidana Korupsi," 2021, 2-8.

²⁵ Ni Made and Trisna Dewi, "Perlindungan Hukum Hak Merek Dalam Persaingan", *e-Journal Komunitas Yustisia Universitas Pendidikan Ganesha Program Studi Ilmu Hukum 4*, no 1 (2021): 397-404.

²⁶ *Ibid.*

second is the theory of anomie, which emphasizes the loosening of social supervision and control, which affects moral decline, making it difficult for individuals to adjust. Evil behavior is not inherited but is learned through intimate association. The factors of someone committing a criminal act of corruption, namely internal factors, include personalities, such as human greed, poor morals, and dishonesty. The second is external factors, including opportunity and economic factors (consumptive lifestyle). Efforts to deal with criminal acts of corruption and abuse of authority in the office can be carried out through preventive and repressive efforts.

The suggestions in this article are the efforts that can be made by law enforcement officials, namely conducting socialization to the public about criminal acts of corruption. So, the community will carry out a social control function to oversee the law enforcement process and fulfill people's sense of justice. In applying sanctions to perpetrators of corruption, the punishments that should be given are more burdensome following the objectives of the sentence so that it will provide a deterrent effect in implementing sanctions later. The government or law enforcers must socialize the Law on Corruption Eradication nationally to all levels of society because it requires the support of the broader community to deal with criminal acts of corruption.

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