Culture of Abuse of Power in Indonesia from the Perspective of Criminology and Law

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Abstract: The cultural anatomy of abuse of power in Indonesia from the perspective of criminology and law impacts deviant actions not only in the depressions of power and moral behavior of public officials. In fact, many public officials abuse of power is performed by being corrupt or punished, even by severe law, even the perpetrators of power abuses continue corruption or it can be seen that there is no clear effects for corruptors. However, it is a wrong system in the life of nation and state, when public officials who depart from the people do not have a view of life as a nation and state as they should. Therefore, according to the views and suggestions of the author, this nation and country need to return to a system of joints of the life of the nation and state of Indonesia, that is carrying out the points of practice and appreciation of the precepts of the Pancasila with the truth not just mere rhetoric, because the state ideology of Pancasila has been built since the country was founded by the founding father.

Keywords: Culture, abuse of power, criminology, law, Indonesia.

1. INTRODUCTION

Cultural criminology tries to integrate the fields of criminology and cultural studies or to import insights of cultural studies into contemporary criminology. In view of this, cultural criminology is taken as a basic perspective to match criminal dynamics with subcultures, and the importance of symbolism and style in shaping the meaning and identity of subcultures.

Sutherland, in David, sometimes asserts that abuse of power is a white-collar crime committed by people with high status, while at other times he stresses that it is carried out on one's journey. In his major empirical contribution studying white-collar crime, he focused on crimes committed by organizations or individuals acting in organizational capacities. Although he used various explanations, the most frequently cited explanations were both to the established social standing of white-collar criminals and the special opportunities for crime that came from distinguished occupational positions.[1]

The FBI's opinion that abuse of power is a white-collar crime is “categorized by deceit, concealment, or violation of trust and is not dependent on the application or threat of physical force or violence. Such acts are committed by individuals and organizations to obtain money, property, or services, to avoid the payment or loss of money or services, or to secure a personal or business advantage.[2]

Soekanto's opinion in W. Riawan Tjandra states that, the state is only seen as an instrument of power, then the impact of the streams regarding the state as an agency of service, so that the concept of welfare state arises, especially looking at humans not only as individuals, but also as members or citizens of collective and that humans are not merely tools of collective interest but also for their own ends.[3]

Power in the management of state finances as an instrument to realize the welfare of the people by attribution is given by public officials, in this case it is based on Article 6 paragraph (1) of Law Number 17 of 2013 on State Finance. The governance of state finances carried out by the state in the administration of government functions which include regulatory, service, development, empowerment, and protection functions must be based on the principles of legality, general principles of good governance (AUPB) and good governance that have been contained in various regulations in Indonesia. One of them is Law Number 30 of 2014 on Government Administration.

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[1]David Weisburd & Waring (2004) Elin, *White-Collar Crime and Criminal Careers* New York: Cambridge University Press p 8

[2]Federal Bureau of Investigation (FBI): White Collar Crime,” Available online. URL: *http://www.fbi.gov/libref/factsfigure/wcc.htm.* Accessed in May, 30, 2020

[3]W Riawan Tjandra, (2008) State Administrative Law, Yogyakarta: Publisher of Atma Jaya University, p. 11

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According to Law Number 30 of 2014 on Government Administration, it is stated that the Government Administrative Law guarantees basic rights and provides protection to the citizens and guarantees the implementation of the duties of the state as required by a rule of law in accordance with Article 27 paragraph (1), Article 28 D paragraph (3), Article 28 F, and Article 28 I paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Based on this provision, citizens are not objects, but subjects actively involved in the administration of government.

Government Administration Arrangement in Law Number 30 of 2014 guarantees that decisions and / or actions of government bodies and / or officials towards citizens cannot be carried out arbitrarily. With Law Number 30 of 2014, citizens will not easily become the object of state power. In addition, this Law is a transformation of the General Principles of Good Governance (GPGG) which has been practiced for decades in the administration of government, and is concreted into binding legal norms[4].

The administration of government must be based on the principle of legality, the principle of protection of human rights and the General Principles of Good Governance (GPGG), especially in this case the principle of not abusing power. The principle of not abusing one's own authority is regulated in Law Number 30 of 2014, namely Article 10 paragraph (1) letter e and its explanation. This principle requires every agency and / or government official not to use his authority for personal or other interests and is not in accordance with the purpose of granting such authority, not to exceed, not to abuse, and / nor to mix authority.[5]

According to the provisions of Article 17 of Law Number 30 of 2014, government agencies and / or officials are prohibited from abusing authority, the prohibition includes a prohibition in exceeding authority, a prohibition on confusing authority, and / or prohibition of arbitrary actions. Government agencies and / or officials are categorized as exceeding authority if decisions and / or actions taken exceed the term of office or the time limit for the exercise of authority, exceeding the limits for the area in effect of authority; and / or contrary to statutory provisions. Government agencies and / or officials are categorized as a confusion of authority if decisions and / or actions taken are outside the scope of the field or material authority given, and / or are contrary to the purpose of the authority granted. Government agencies and / or officials are categorized as acting arbitrarily if decisions and / or actions carried out without a basis of authority, and / or in conflict with court decisions that have permanent legal force.[6]

2. RESEARCH METHODS

Heuristics (Discovered). The first stage is searching for and gathering resources related to the topic to be discussed. Gathering the resources needed in this writing is the main work that can be said to be tricky, so patience is needed from the writer. According to Notosusanto (1971: 18) heuristic comes from the Greek Heuriskein meaning the same as to find, which means not only finding, but searching first. At this stage, the activities are directed at the exploration, search and collection of sources to be studied, both those located at the research location, the findings of objects and oral sources

Source Criticism at this stage, resources have been collected on the heuristic activities in the form of; books that are relevant to the relevant discussion, as well as the results findings in the field about the evidence in the field about the discussion. After that evidence or the data is found, then carried out screening or selection with reference to existing procedures, that is, a factual and original source guaranteed.

This stage of criticism certainly has a specific purpose in its implementation. One of its goals can be obtained at this stage of criticism is authenticity. According to Lucey (1984: 47) in Sjamsuddin (2007: 134) says that: A historical source (diary, letter,book) is authentic or original if it's really a product of that person considered the owner (or from a period believed to be his time) if it's not possible to mark the author) or if that's what the author intended.

3. DISCUSSION

3.1. Culture of Abuse of Power In Indonesia

Power in Indonesia is in the hands of politicians who are in the bureaucrats, executive and legislative and even the judiciary. They get that power through political party channels. The founders and administrators of the political parties as a political broker have the tendency

[4]Abuse of Power Judging from the Law https: //www.djkn. kemenkeu.go.id/ 2016/artikel/baca/11296/Useuse.accessed 30 January 2020- DJKN-
[5]*Ibid.*

[6]Abuse of Power Judging from the Law, *Ibid.*

to receive some funds to be able to pass a prospective politician in the bureaucrats, executives and parliament through an election contestant. Or else, they get a position in a strategic position in a state-owned enterprise to be able to influence a regulatory policy that tends to benefit the political broker, so they can be said to be in corruption, collusion and nepotism.

The holders of power in the history of human civilization are to hold a power, determining a situation and condition, and the morality of politicians as public officials determines control social. The morality of the politicians holding the power develops for the sake of personal interests and groups in a system, it will have an impact of conflicts of interest.

The behaviour of the culture of abuse of power to conduct community service programs exhibited by state officials and companies in the case of “papa asking for shares of PT. Freeport Indonesia”, cannot be separated from the structure and social culture that has been passed down from this generation for generations. The culture of abuse of power to commit corruption in Indonesia grows and develops through 3 historical phases, namely; the Kingdom era, the Dutch Colonial period and the modern era now. During the royal era, a culture of corruption was noted in the intrigue over the power struggle that was carried out during the era of Singosari Kingdom, Demak Kingdom, Banten Kingdom and so on. The royal era had a big role in instilling the nation's embryo of opportunism. For example, the existence of "courtiers" who tended to be nice to attract the sympathy of the king or sultan. These circles were suspected to be embryos of opportunists who had a corrupt character in the order of our current government[7].

During the Dutch colonial period, the practice of abuse power culture to carry out community service learning had begun to enter the socio-political cultural system of the Indonesian people. The culture of abuse of power was built by colonialists for 350 years. They deliberately chose local figures to be used as clowns of public officials in controlling the administrative area of their power, such as Demang, Tumenggung, and other officials who incidentally were Dutch colonial colonizers to guard and supervise certain territorial areas. Those who were appointed and employed by the Dutch to harvest tribute or taxes from the people were used by the Dutch colonizers to enrich themselves by exploiting the rights and lives of the Indonesian people. Explicitly, the culture of abuse of power in the colonial era practicing hegemony and domination had educated the Indonesian people not to hesitate to oppress their own people through the behaviour and practice of abuse of power[8].

Furthermore, in modern times, the development of the practice of culture of power abuse began when the Indonesian people were free from colonial shackles. However, the culture of abuse of power inherited since the kingdom and colonial times does not necessarily disappear. The culture of abuse of power to corruption, collusion, and nepotism has become increasingly clear in the era of democracy. This is reflected in the behaviour of government officials starting from the Soekarno's Old Order, Suharto's New Order to the current presidential reform era.[9]

The historical depiction of the culture of power abuse in Indonesia above explains how the culture and social behaviour of the community, in this case, white-collar crime behaviour that is part of the culture or previous social behaviour can influence and encourage the same behaviour in society afterwards. This means that the current criminal behaviour cannot be separated from the influence of culture and social behaviour of the previous community. The culture and behaviour of the community beforehand became learning for the culture and behaviour of the community afterwards.

The culture of abuse of power behaviour that occurs never escape from the motives and goals of the implementation of a crime of politicians as public officials. In the case of politicians' corruption, making regulations in the form of laws and regulations, there are a lot of conflicts of interest, both individual, group, corporate, political party and government interests. The interests of the government itself have an inevitable relationship with the interests of individuals, groups and political parties. Abuse of power by politicians involving government officials will become a political crime if the government officials involved become the main role in playing the law to protect their interests.

A conflict of interest occurs when the responsibilities of bureaucrats, executives and legislators as public

[7]Bambang Slamet Riyadi and Muhammad Mustofa. (2020) "Corruption Culture on Managing Natural Resources: The Case Political Crime" Papa asked Stock of PT. Freeport Indonesia. " International Journal of Criminology and Sociology, Volume 9 of 2020. Pages 26-36

[8]Bambang Slamet Riyadi and Muhammad Mustofa. (2020), *Ibid*

[9]Bambang Slamet Riyadi and Muhammad Mustofa. (2020), *Ibid*

officials clash with their personal and party economic affairs. In a narrow sense, a conflict of interest refers to an environment where a politician uses his position or position in government, either openly or secretly, to gain personal financial gain. Conflicts of interest between public duties and personal interests have been the cause of many scandals involving public officials with very serious consequences.

Conflict of interest contains three important elements. First, there are economic and financial interests of individuals and their parties, and this can happen to other types of interests, for example, guaranteeing benefits for family members. Basically, there is nothing wrong in pursuing personal interests. The problem arises when these personal interests conflict with the second element, namely, "public duties / responsibilities".

The politicians as public officials at the beginning of the election depart from an idea that idealism upholds the interests of the people of Indonesia who are prosperous. If they are elected, they will make social changes, accept authority, give authority to make public policy, so they are called agents of change. However, the behaviour of these politicians tend not to carry out the commitments of those promises and even to make a justification and rationalization of a policy that is detrimental to the state, for the personal, group, and party interests. and conflicting interests of political power and moral corruption as public officials will also be corruption, collusion and nepotism, if they serve as officials who are tasked with public policy abuse their power, to restore political costs or promotion of position through the political broker. Abuse of power as a public official implies harm to the interests of all people in an institution and even harms the state, because the public official has a conflict of interests for individuals or groups.

Abuse of power as a public official to make public policy is only seen as procedural and administrative errors, but if it is done with the aim of benefiting yourself or others or corporations that result in economic losses and state finance, then in fact it is a behaviour of social deviation and white-collar crime behaviour, as regulated in Law Number 31 of 1999, which has been amended by Law Number 20 of 2001 on the Eradication of Corruption[10].

The implementation of public officials should be based on the principle of legality, the principle of protection of human rights, especially in this case the principle of not abusing power and authority. The principle of prohibiting the abuse of power and authority is regulated in Article 10 paragraph (1) letter e of Law Number 30 of 2014 on State Administration[11]. This principle requires every government agency and / or official not to use its authority for personal or other interests and is not in accordance with the purpose of granting such authority, not to exceed, not to abuse, and / or not to confuse authority. And, the provisions of Article 17, that government bodies and / or officials are prohibited from abusing authority. The prohibition includes a prohibition to exceed the authority, a prohibition on confusing authority, and / or prohibition to act arbitrarily.

Abuse of power and authority carried out by government officials should not be examined through a criminal process because in accordance with Law Number 30 of 2014 as long as the abuse of authority does not contain an element of criminal conduct, it is an administrative domain whose settlement is carried out by the official's supervisor and the sanction against officials who have been proven to have misused authority in the form of revocation of authority, sanction of reprimand or dismissal[12].

Regarding legal implications of abuse of power to the administration of public officials that harm state finances, the opinion of Philipus M Hadjon, administrative law is known as the term of authority, which is aligned with the term "bevoegdheid". The difference between authority and the term of bevoegdheid is that they are used both in the concept of public law and private law, whereas in Indonesia it is always used in the concept of public law that the use of authority is intended to control the behaviour of legal subjects. Authority must have the legitimacy and conformity of the law, containing interpretation of authority standards, namely general standards and special standards.[13]

Of the abuse of power or unreasonableness, both of which are the main parameters of whether there is a deviation in the use of government authority, of course, in addition to the principles of other administrative law.

[10]Law of the Republic of Indonesia Number 20 of 2001 concerning Corruption Eradication

[11]Law of The Republic of IndonesiaNumber 30 of 2014 on State Administration

[12]Abuse of Power Judging from the Law, Ibid.

[13]Philipus M. Hadjon *et al*, (2011) Administrative Law and Corruption, Yogyakarta: Gadjah Mada University Press, p. 11

In the event that there is an element of abuse of authority and arbitrariness, then there is an element of maladministration and of course there is an element of unlawful conduct, and the act becomes the personal responsibility of the official who commits it. Abuse of power is broader in understanding than unreasonableness, but in the study of administrative law both are necessary to determine the presence or absence of corruption, collusion, and nepotism of public officials[14].

The aforementioned statutory regulations have occurred conflict (conflict norm) after the enactment of Law Number 30 of 2014 on Government Administration, namely Article 17 to Article 21 which regulates the prohibition on the abuse of power and authority by Government Agencies and/or Officials as well as granting authority to the Government Internal Oversight Apparatus and the State Administrative Court to conduct supervision and testing regarding whether or not there is an element of abuse of power and authority carried out by Government Officials. Meanwhile, previously there were provisions in Article 3 of Law Number 31 of 1999 on Eradication of Corruption, as amended by Law Number 20 of 2001 on Eradicating Corruption in conjunction with Article 5 and Article 6 of Law Number 46 of 2009 on Corruption Criminal Court, which one of the elements regulates Corruption due to abuse of power, where absolute competence to examine the problem is given to the Corruption Court.[15]

In Krisna Harahap's opinion, of the Supreme Court Judge of the Supreme Court of the Republic of Indonesia, it is explicitly stated that the government administration law impedes efforts to eradicate corruption. It is because the provisions contained in the law are clearly not in line with the eradication of corruption, particularly Article 3. Worse yet, the provisions in the government administration law can even reduce the authority of the criminal act of Corruption in assessing the element of "abusing power and authority" in criminal acts of corruption. This is evident from the policy of President Jokowi who instructed the Attorney General and the Chief of the Indonesian National Police to prioritize the government administration process in accordance with government administrative laws before investigating public reports regarding alleged abuse of authority, particularly in the implementation of the National Strategic Project.[16]

The authority to examine and decide upon the element of abuse of power and authority because of a position in a criminal act of corruption is an absolute competence of the Administrative Court. It is because the concept of abuse of power and authority in government administration law and the concept of abuse of power and authority in the law on the eradication of corruption theoretical and practical are the same concepts. When there are two laws (legislation policy) with the same level regulating the same aspects, based on the principle of "lex posteriori derogate legi priori", the established law then applies.[17]

The root of the problem arises the potential for power and authority disputes to adjudicate between the Corruption Court and the Administrative Court in dealing with the abuse of power and authority in the Corruption Act due to differences in concepts, theories, and arrangements regarding power, authority and authority in Indonesian law[18].

The legal implications of abuse of power by public officials in the state administration law on the abuse of power and authority that have an impact on state financial losses due to administrative errors becomes an individual responsibility by returning the state financial losses incurred as a result of the actions of the public official.

3.2. The Culture of Abuse of Power Impacts the Culture of Corruption

At the first decade of the Indonesia since its independent, The First Vice President of Indonesia, Mr. Hatta (Lubis and Scott, 1985: ix), asserted that corruption has become a culture for some Indonesian. According to Zimring and Johnson (2000 and Brasz (1985) that there is a relationship between power (authority) and corruption. Brasz for instance, asserted that the corruption (abuse of power) used silently by authorities based on the authorities embedded in their official position, that inflict a financial loss of the organization. They rationalized that their official position and its decision is legal (Brasz, 1985). Historically, according to historian Ong Hok Ham, the Javanese Rulers (during colonial era) did not separate

[14]Philipus M. Hadjon dkk, (2011). Ibid, p 49
[15]M. Sahlan (2016). Elements of Abusing Authority, Journal of Law IUS QUIA IUSTUM NO. 2 VOL. APRIL 23, , p 271-293
[16]M. Sahlan (2016). Elements of Abusing Authority, *ibid.*
[17]*Ibid.*
[18]*Ibid.*

their official properties as rulers with their private ownership (1985).

The understanding of power and the abuse of power in Indonesia. The use (and abuse) of power in Indonesia could not be understood based on the experience of other culture, but should be based on the Indonesian own experience.

Culture of abuse of power do to suppress the risk of a novel coronavirus disease (Covid-19) outbreak in prisons, the Indonesian government has decided to grant early release to 30,000 inmates. While the public was still debating the merits of the decision, Minister of Law and Human Rights Yasonna Laoly quickly moved to announce plans to revise a 2012 regulation so that corruption convicts could be included among those granted early release.[19]

Releasing inmates from overcrowded prisons has been recommended by the World Health Organisation (WHO) as a measure to combat the spread of coronavirus. It has already been taken up by several countries around the world – especially those where inmates are subject to unhealthy conditions such as cramped cells, poor ventilation, and inadequate nutrition, water, and sanitation. While these are sound reasons for the early release of general inmates, Yasonna's plan to release corruptors is much harder to defend.

As the law stands, the government cannot grant early release to those convicted of what the Indonesian justice system considers "extra-ordinary crimes", including terrorism, corruption, and narcotics offences.

Government Regulation No. 99 of 2012, passed under President Susilo Bambang Yudhoyono, states that these categories of inmates are not eligible for remissions or early release unless they satisfy several requirements. Terrorists, for example, must confess their wrongdoings, participate in a deradicalisation program, and pledge loyalty to the Indonesian state and its ideology, Pancasila. Meanwhile, corruptors and drug dealers must act as "justice collaborators", that is, they must assist law enforcement agencies to bring other corruption or narcotics offenders to justice.[20]

Yasonna proposed revising the 2012 regulation on humanitarian grounds. He claimed that regardless of their crimes and the damage they had caused to society, corruptors were also entitled to protection from Covid-19, and they should therefore be eligible for remissions and early release. He pointed out that most corruption convicts are old, and at greater risk of more serious illness if they contract coronavirus.[21]

But the public accused the minister of using the pandemic as a cover to dispense favours to corruptors. Following a public backlash, both Coordinating Minister for Politics, Law and Security Mahfud MD and President Joko "Jokowi" Widodo said they did not support the plan, and confirmed that the government had no intention of revising the 2012 regulation to allow corruptors to be released.[22]

This is not the first time Yasonna has tried to grant leniency to corruptors. In fact, he has made at least five attempts in his role as minister. As early as April 2015, just six months into his term, Yasonna submitted a plan to the president to revise the 2012 regulation. Following public complaints, which were particularly heated as they came on the back of conflict between the Corruption Eradication Commission and the National Police, Jokowi rejected the plan.[23]

In September 2016, Yasonna again proposed revising the 2012 regulation to lift restrictions on early release for corruptors. He claimed it was important to make sure corrections were fair and non-discriminatory in rehabilitating corruptors. This plan also failed to gain support. He tried, and failed, again in April 2017.

The 2012 regulation is not perfect. In fact, there are reasonable grounds for concern over some of its provisions. First, as noted, the regulation requires convicts obtain "justice collaborator" status before they are eligible for early release. But the Indonesian Criminal Procedure Code contains no provision defining what one must do to be considered a justice collaborator. Law enforcement agencies can therefore exercise discretion in granting justice collaborator status.

Second, the 2012 regulation was designed in part to make early release harder for major drug dealers, but set the threshold too low: anyone sentenced to more

[19] Will Covid-19 help corruptors get out of jail? (2020), Indonesia at Melbourne - https://indonesiaatmelbourne.unimelb.edu.au/corruptors-look-to-covid-19-crisis-to-get-out-of-jail-free

[20] Will Covid-19 help corruptors get out of jail? (2020 *ibid*

[21] *Ibid*

[22] *Ibid*

[23] Will Covid-19 help corruptors get out of jail? (2020 *ibid*

than five years in prison is considered a major dealer. The 2009 Law on Narcotics has a mandatory minimum sentence of five years in prison for anyone caught in possession of "Category II" narcotics. This means most drug convicts, not just big-time dealers, are ineligible for parole or remissions (unless they obtain justice collaborator status), which has been a major contributor to overcrowding.

Therefore, there is a need to better define the status of a "justice collaborator", possibly in the KUHAP, and to vastly increase the threshold for narcotics convicts so that only actual drug kingpins are prevented from accessing parole or remissions.

But rather than pursuing these solutions to the problems with the 2012 regulation, the ministry has instead made the argument that corruptors should be entitled to the same rights as other prisoners. This position seems particularly hard to defend given the repeated reports of corruptors bribing their way into luxurious cells and other special treatment in Indonesian prisons.

Concerns about leniency toward corruptors was one of the main sticking points for students and civil society when revisions to the 1995 Law on Corrections proposed by the national legislature (DPR) in September last year. There was an orchestrated attempt at that time by legislators to kill the 2012 regulation. In the final days of their term in office, legislators inserted a new article (Article 94) into the revised corrections bill, which stipulated that Government Regulation No. 32 of 1999 (which had been revoked when the 2012 regulation was passed) would be reinstated.[24]

This was highly unusual. First, laws don't usually determine which implementing regulation is the one that takes effect for the obvious reason that government regulations have shorter lifecycles than laws. Second, the bizarre intent of the revised corrections bill was that a cancelled regulation should take precedence over an existing one. However, third, it was not really clear whether reinstating the 1999 regulation would actually cancel the 2012 regulation, leaving the possibility that two conflicting regulations would be in force. In any case, there is little doubt corruptors and their allies would argue strongly for application of the looser 1999 regulation.

Facing the largest student and civil society protests since the fall of Soeharto, the DPR eventually postponed deliberations on the corrections bill, along with the controversial revisions to the Criminal Code and several other problematic bills. Colleagues working as expert staff at the DPR have mentioned that the legislature may attempt to deliberate the bills on revising the KUHP and the 1995 Law on Corrections while energies are focused on combatting the coronavirus pandemic. The proponents of the bills are clearly hoping to avoid resistance from students and civil society, as protests cannot be held under strict social distancing restrictions now in place.[25]

Without a strong online campaign from the public, this time, attempts to grant privileges to corruptors may finally succeed. Instead of allowing the early release of corruptors, legislators should exercise their law-making powers to reduce overcrowding. After all, this is the primary cause of suffering for inmates in Indonesian prisoners, including (so they say) for the corruptors they want to help.

The culture of abuse of power do to by a senior member of the National Awakening Party has been caught up in a bribery case involving infrastructure projects. The party could be charged with corruption. This is an opportunity for the Corruption Eradication Commission to show its teeth once more. Investigators need to get to the bottom of the confession from convict Musa Zainuddin, who has agreed to become a justice collaborator. The National Awakening Party has revealed the alleged involvement of senior party members in an infrastructure project bribery scandal.[26]

Musa is now incarcerated in Sukamiskin Penitentiary, West Java after being sentenced to nine years in jail. In the judges' verdict two years ago, he was also ordered to repay Rp7 billion received in bribes. Musa was found guilty of taking bribes from the winner of a 2016 ministry of public works projects for Maluku and North Maluku.[27]

The member of the House of Representatives for the previous period officially stated his willingness to help Corruption Eradication Commission investigators in July. He told them that the rules for allocating

[24]Will Covid-19 help corruptors get out of jail? (2020 *ibid*

[25]Will Covid-19 help corruptors get out of jail? (2020 *ibid*

[26]Cleaning Up the Party (2019) Tempo - October 25, https://en.tempo.co/read/1264279/cleaning-up-the-party. Access, May, 22, 2020 :11.am

[27]Ibid

infrastructure projects were drawn up on the orders of the The member of the House of Representatives Finance Commission deputy chairman Jazilul Fawaid, who is also from the PKB. He told Musa to 'secure' the allocation of projects from the member of the House of Representatives Infrastructure[28]

Musa stated that he only personally received Rp1 billion in bribes from the project contractor. He gave the balance, Rp6 billion, to be passed on to PKB Chairman Muhaimin Iskandar. Musa then asked PKB Faction chairman Helmy Faishal Zaini to inform Muhaimin about the handing over of the money.The KPK must take advantage of this valuable confession. Investigators should not hesitate to uncover the involvement of senior PKB members even if they occupy important positions. Jazilul is now the deputy speaker of the People's Consultative Assembly (MPR), while Muhaimin is deputy speaker of the DPR[29].

Muhaimin appears to have played a role similar to that of Justice and prosperity party president Luthfi Hasan Ishaaq when he was involved in bribery over beef imports in 2013. Luthfi peddled his influence. The Corruption Eradication Commission can use the same methods to ensnare him. Like Luthfi, Muhaimin was a member of the DPR as well as the party leader when the scandal unfolded. If the infrastructure project bribes were paid to the PKB as an institution, investigators should not hesitate to apply the provisions related to corporate crime. Supreme Court Regulation No. 13/2016 provides a clear definition of a corporation, namely an organized assembly of people and/or assets that can be a legal entity or not. The PKB is clearly included in this category.[30]

The culture of abuse of power do to the infrastructure project bribery case also shows the complex process of uncovering corruption. KPK prosecutors even had to ask for an appeal in the case of Abdul Khoir, the infrastructure project contractor who bribed Musa Zainuddin and a number of other politicians. The problem is that Abdul Khoir, another justice collaborator, received a sentence that was deemed too severe from the first level court. In November 2016, at the appeal level, Khoir's sentence was reduced from eight years to two and a half years[31].

There is no need for investigators to wait for President Joko Widodo to take action on the revision to the Corruption Eradication Commission Law before completing their investigation of the infrastructure project bribery. Given that it is not long since the regulations to weaken the body came into force, investigators should make use take advantage of Musa's confession to investigate those senior PKB members.

The culture of abuse of power do to the state-owned enterprises (SEO) Ministry plans to sell State-owned insurer PT Asuransi Jiwasraya's assets, including a shopping mall and a collection of mutual funds in an effort to pay clients' claims. The ministry's spokesperson Arya Sinulingga said it would start selling the assets once the Jiwasraya taskforce in the legislature agreed to the plan. "We are going to make an insurance holding company, and it can buy Jiwasraya's office so that the assets stay within SOEs," he said on Thursday as reported by kompas.com.[32]

Cilandak Town Square (Citos), a shopping mall in South Jakarta, is also going to be offered for sale. Arya said that the mall would be sold for between Rp 2 trillion (US$136.2 million) and Rp 3 trillion but that no bidders had yet appeared. He added that the ministry would prioritize other state-owned enterprises in buying the assets. However, interested state-owned enterprises would need to offer competitive prices as the ministry would not sell the assets below market price. Jiwasraya was investigated for corruption and asset mismanagement after the insurer failed to pay out more than Rp 16 trillion to its customers in matured insurance policies as of January. 2020.[33]

Arya added that personal assets from those who allegedly took part in the Asuransi Jiwasraya corruption case would not be available for sale unless there was a court ruling to that effect. "If the suspects lose at the District Court, maybe they will appeal to the Supreme Court, and this process may repeat itself several times," he said. "It can take two to three years to reach a court ruling."[34]

The government, therefore, had decided to sell Jiwasraya's assets in advance to repay customers'

[28]Ibid
[29]Cleaning Up the Party (2019) Tempo, Ibid
[30]Cleaning Up the Party (2019) Tempo, Ibid
[31]Cleaning Up the Party (2019) Tempo, Ibid

[32]Government to sell Jiwasraya assets, including Jakarta mall, to pay back creditors (2020)
Source Jakarta Post - March 14, 2020 https://www.thejakartapost.com/news/2020/03/13/ govt-to-sell-jiwasraya-assets-including-jakarta-mall-to-pay-back-creditors.html Access, May, 25, 2020 :03.am
[33]Government to sell Jiwasraya assets, including Jakarta mall, *ibid*
[34]Government to sell Jiwasraya assets, including Jakarta mall, *ibid*

claims because a legal decision would take a long time, Arya said. Previously, the Attorney General's Office (AGO) seized Rp 13.1 trillion worth of assets from six suspects in the alleged corruption case of PT Asuransi Jiwasraya. The AGO has confiscated jewelry, land certificates, vehicles, coal and gold mines and even captive Arowana fish from the six suspects. The suspects include PT Asuransi Jiwasraya's former finance director, Harry Prasetyo, its former director, Hendrisman Rahim, and its former investment and finance head, Syahmirwan. (eyc)[35]

Crimes are created by the government to protect and maintain its power. Special crime laws, such as conspiracy law and traditional law, are designed to control and punish those who threaten the country. Perpetrators of political crimes generally do not feel themselves as criminals. They even receive support for their behaviour from certain segments of society. Government political crime is related to its belief in political sovereignty. Public acceptance of political crimes depends on the level of government policy that considers such actions to be legal. This means that a crime can be accepted by the public if the policies of the ruling government consider it a legitimate action.

Therefore, political crimes committed by political elites and powerful government officials will always take cover behind their political sovereignty. Consequently, some people will judge correctly or justify political crimes committed by political elites or government officials in power, even though the policy is in violation of the law. In essence, it aims to get its interests by utilizing its position and power.

This fact illustrates that in theory the strain of power abuse culture behaviour in society is not born from individual behaviour. Current community behaviour is a response to or from a social situation that they experienced before. Deviant social conditions can be a driver of deviant behaviour by individuals or society. Abuse of power by politicians as state officials, is a white-collar crime in the form of corruption, which is a reflection of social behaviour that has been done by the community before.

Of the rise of rationalizing abuse of power, the impact of committing the white collar crime of these public officials, is caused by the Indonesian people's inconvenience in dealing with two basic components: First, the component of sudden change, due to global changes and the modernization of people's tendency to comply with materialism and consumerism as well ignoring the values of the philosophy of life of the principles of Pancasila as a mirror and a guide to living as a nation and state. Second, social structure components (social structure) for the people of Indonesia mostly get and feel the injustice in national and state life from public officials, not trust in the people's trust. In conducting public policies, there is a tendency of personal interests and certain groups, because public officials are born from the first component, not born in the joints of life based on the view of life or the philosophy of the founder of this nation, that is the philosophy of the principles of Pancasila.

The author finds the anatomy of culture of power abuse in Indonesia, in this realm, the problem of countries in the world, especially for the nation and state of Indonesia. The writer's opinion on the problem of abuse of power is not only the description of power and moral behaviour of public officials. In fact, many public officials are punished for abuse of power by conspiracy to jointly engage in corruption, collusion, nepotism, even any heavy law. Still, the perpetrators of abuse of power carry out continuously or there is no clear effect for the perpetrators of corruption, collusion and nepotism. However, it is a wrong system in the life of nation and state, when public officials who depart from the people do not have a view of life as a nation and state should be.

- Author's opinion the abuse of power can be broken down into five elements; **first,** abuse of power related to the lack of authority of the public officials concerned to commit an act; **secondly**, abuse of power related to not achieving a public decision in the interests of the welfare of the people in general; **third,** the abuse of power associated with an act or decision detrimental to the state; **four;** weak moral and mentality of public officials as someone given the authority or high position but they have the moral and mentality to enrich himself and his class, therefore, they will not be able to carry out the mandate and carry out duties according to his authority; **five,** weak supervision, that is, very minimal even indifference to public participation in the supervision of the lifestyle of public officials, because the public cannot reach from where the sources of funds of public officials get it, so that the occurrence of public officials'

[35]Government to sell Jiwasraya assets, including Jakarta mall, *ibid*

abuses have caused misuse of power with committing crimes of corruption, collusion and nepotism.

- In the ignorance of the public towards the abusive behaviour of the abuse of power by public officials, the tendency to harm the state and conduct corruption, collusion and nepotism is considered a habit so as to cultivate the abuse of power in Indonesia.

- The abuse of power can impact corrupt behaviour, collusion and nepotism, at this time, there has been a positive legal conflict between Law Number 30 of 2014 on Government Administration, Article 17 to Article 21 which regulates the prohibition of abuse of authority by the Agency and / or Official Government and the granting of authority to the Government Internal Oversight Apparatus and the State Administrative Court to conduct supervision and testing regarding the presence or absence of an element of abuse of authority carried out by Government Officials.

- With Article 3 of Law Number 31 of 1999 on Eradication of Corruption, as amended by Law Number 20 of 2001 on Eradication of Corruption, in conjunction with Article 5 and Article 6 of Law Number 46 of 2009 on Criminal Court Corruption, in which one of the elements regulates the criminal act of corruption due to abuse of authority, the absolute competence to examine the problem is given to the Corruption Court.

- The authority dispute adjudicates between the Corruption Court and the Administrative Court in the misuse of the authority of public officials in Corruption are because there are different arrangements regarding "power" and "authority" in law in Indonesia.

4. CONCLUSION

Anatomy of the culture of abuse of power, impacting acts of corruption are no longer seen as something that is prohibited by law and religion. The public response to the culture of abuse of power is a continuum, from those who don't care to the people who hate it. But it seems that they do not care anymore, because it is proven that the community is less enthusiastic in fighting the culture of abuse of power, it might assume that the impact is not immediately felt by the people. This means that the culture of abuse of power is accepted by society as something that cannot be denied. There is greed from bureaucrats, executives and legislators and even law enforcers who want to take advantage of opportunities for corruption, collusion, nepotism for their own and their group's interests.

Every crime must have a negative impact, especially the culture of abuse of power by committing corruption. More macro the impact of corruption, where corruption is increasingly revolutionary. Changes in patterns or styles of abuse of power to commit corruption can lead to the fragility of building a rule of law, especially if the predecessors are law enforcement officers, and the discretion of decision makers, and the lack of accountability of power can lead to a proliferation of acts of corruption, so that corruption is always associated with the nature of monopoly , flexibility and accountability. The more centralized power, the stronger the chance of corruption at the center of power. Vice versa culture of abuse of power to do corruption is followed in parallel with autonomy. . Therefore, eradicating the culture of abuse of power for corruption is not only the application of the Article, the legal reasons for a decision, or the interpretation among legal experts, but must be at the point of political-business oligarchy.

Therefore, according to the views and suggestions of the author, this nation needs to return to the identity of the Indonesian people, that is morality and way of life, the philosophy of nationhood, and the state carries out and practices the points of the principles of the Pancasila with the truth, not just mere rhetoric. It is because the ideology of Pancasila has been built since the country was founded by the founding father.

The true spirit of reform and the true spirit of amendment to the 1945 Constitution, in every life activity in the nation and state, reflects moral and ethical values and practices the precepts of the Pancasila, and not just mere rhetoric. The implementation seriously as a moral and ethical mirror to the ideology of the Indonesian nation and state; the first precepts of the Almighty God, Civilized Justice, Indonesian Unity, Society Led by Wisdom, Consultation and Representation and Social Justice for the Indonesian People, will be realized. Furthermore, it will eliminate from this motherland the forms of feudalistic, capitalistic, monopolistic, bureaucratic, authoritarian, repressive and power abuse cultures in societies, that lead to corruption, collusion and nepotism in Indonesia.

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