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POLITICAL CORRUPTION MODEL IN INDONESIA: A REVIEW OF WHITE COLLAR CRIME IN PARLIAMENT AND POLITICAL PARTY

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ABSTRACT

The uproar of political corruption that involved the parliament and political parties members in Indonesia was depicting the form of extra-ordinary white collar crime. This article is study of some research reports, journals and literatures on political corruption as white collar crime as happened in Indonesia parliament and political Parties. The results found five political corruption models: 1) official policy framing model, 2) development plan passage model, 3) project budget mark-up model 4) buying and selling votes model and 5) bribe/money political model. The efforts to eradicate corruption in the parliament and political parties was initiated from formulation of laws, establishment of Corruption Eradication Commission (KPK) to ratified UNCAC. However, there are attempts in weakening KPK performance by the parliament through amendment of corruption statute. This proves that corruption still get protection and support from the parliament members. Based on criminology analysis, the cause of political corruption crimes in Indonesian parliament due to society inability in two factors: First, the sudden change caused by negative effects of modernization that tends subject to materialism and consumerism as well as ignoring tradition values, culture and religion; second, unfair social structure factors, between goals and ideals of society that not counterbalanced by legitimate means as well as the government control.

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INTRODUCTION

Corruption has been a chronic problem that struck Indonesian nation. Although efforts to eradicate corruption has been done by government since reformation era, but has not seen a convincing signs that this problem will be resolved immediately. Indonesia was still among the top ranks number of corruption in the world. Eradicating corruption in Indonesia is not as easy as turning the hand, it take high integrity of law enforcement and government through a long process, since the corruption has become a culture that is deeply rooted in all areas of community life. Corruption has affected the government system as well as community life massively. The most severity of corruption in Indonesia, so to overcome it required very strong legal instrument on overcoming this situation (Muladi, 2005). The criminal act of corruption have contaminated the behavior of public officials from the highest to the lowest level. Therefore, Bung Hatta said that corruption basically has rooted in the culture of Indonesia (Supeno, 2009).

The forms of corruption is vary, ranging from common to extraordinary practices. The corruption happens are most linked to various violations by individuals or groups against the public policy or regular procedure (Kurniawan, 2009). The term "corruption" comes from the Latin word *corruptio* or *corruptus* copied into various languages. In English, corruption or corrupt, and Dutch *coruptie*. Literally the term is interpreted as evil, rot, or dishonesty. Black's Law Dictionary (Black; 1979) defining corruption:

"... an act done with an intent to give some advantage inconsistent with official duty and the rights of other. The act an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others".

World Bank and Transparency International (TI) defines corruption as the misuse of public office for private gain. Under the definition, Petter Langseth explains:

"As such, it involves the improper and unlawful behavior of public-service officials, both politicians and civil servants, whose positions create opportunities for the diversion of

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money and assets from government to themselves and their accomplices (Langseth; 1999)

'Corruption' represents normative perception of capitalist 'excess': the culmination of systemic process of collusion among economic and political elites that resulted 're-confusion' of public and private spheres (Girling, 1997). Corruption is understood, and referred to, as the private wealth seeking behavior of someone who uses state and public authority, or misuse of public goods by public officials for private ends. Corruption is when individual are misusing public authority they are bestowed for private benefit (Amundsen. 1999). Thus, corruption involves breaching the trust, by a person in a position of trust, who acts on private basis illegitimately (Kaye, 2007). In Indonesia, the juridical term of corruption has been stipulated and regulated in the Law No. 31, on Eradicating Corruption. It is the acts causes financial loss of the state in a way against the law or abuse of the authority, bribery, embezzlement in office, extortion, cheating, conflict of interest in procurement and gratification. The criminal act that have similarity on breaching the law like corruption is "collusion", and "nepotism", hence come up the term KKN (Corruption, Collusion and Nepotism). The Law No. 28, 1999 on Implementation of Clean Government Free from Corruption, Collusion and Nepotism amended by the Law No. 20. 2001 on Implementation of Clean Government Free from Corruption, Collusion and Nepotism. Therefore, it can be said that corruption is a criminal systemic process of abusing the power or authority to get improperly advantage for himself or his group benefit that against law and cause financial loss of the state. The crime act of corruption in Indonesia has become so chronic and has even been done overtly either in the legislative, executive and judicative level in the government structure. The most concerned this corruption acts is actually supported and protected on the mutual interests basis.

According to Norman Johan Powell, (Grossman, 2008) there is four understanding on political corruption. First, "political corruption is patently illegal behavior in the sphere of politics." Second, "political corruption relates to government practices that, while illegal, may be improper or unethical." Third, "political corruption involves conflict of interest on the part of public officials." and fourth, "political corruption also has an ethical, rather than a legal, basis; it related to political behavior that is nonresponsive to the public interest." Gerring and Thacker (2004) said that political corruption, is an act by public official or with the acquiescence of public official, that violates legal or social norms for private or particularistic gain. Political corruption involves political decision makers. It takes place when the politicians and public official, who are entitled to make and enforce the laws in the name of the people, are themselves corrupt. Political corruption is when political decision-makers use to sustain their power, status and wealth. Political corruption leads to resources misallocation and affects the way in which decisions are made. Political corruption is to manipulate political institutions and procedural rules, affects the government institutions and political system, and frequently leads to institutional decay (Amundsen. 1999)

The political corruption crime acts is always associated with the political constellation situation and conflict of interests arise among the central and local parliament members (DPR/D) and political parties or in bureaucratic structure of government. The political corruption in this context is

corruption done by parliament and political parties members who are caught in the criminal acts of corruption. The forms of their corruption behavior is from planning process in parliament, budgeting to implementation of planning result. It includes bribery occurred during the process (Dasahasta, *et al.*, 2013) This situation is called Lord Scod (Kaye, 2007) as "gerrymandering".

The gerrymandering constitutes the manipulation of constituency boundaries for party political advantage, it is a clear form of political corruption. So, it would be any misuse of municipal powers, intended for use in the general public interest but used instead for party political advantage. The term of parliaments and political parties in the political corruption study in Indonesia related to high state institutions, i.e., regional and local House of Representatives (DPR/D) and political parties members involved in parliament or the government bureaucratic structure. In Constitution 1945, Indonesia adopting unicameral parliament. This unicameral is symbolized by the existence of the People Consultative Assembly (MPR) as the holder of people's sovereignty. Based on the amendment of Constitution of Republic of Indonesia 1945, unicameral system was converted into bicameral parliament system, which consists of House of Representatives (DPR) and Regional Representatives Council (DPD). This means that legislative power is in the Hands of House of Representatives (DPR) and Regional Representatives Council (DPD) (Rochmawanto, 2016). DPR members are parliament members representing the people promoted by political parties, while DPD is parliament representing the region not from community or party in the region, but figures that could represent all elements existed in the regions. Furthermore, political parties involved in the political corruption case are members of political parties representing the interests in political parties' policies (Legowo, 2005).

The fact is consistent with the notion of John Emerich Edward Dalberg Acton, that "power tends to corrupt and absolute power certainly corrupt". Acton called the political corruption as "corruption of power", namely, the corruption caused by the abuse of public interest for personal or group benefit. For example, someone who sign up as a candidate of parliament member or regional head election, then they will count the accumulation of capital issued and when in the positions of political office will attempt to recover the capital cost in various ways, including the ways that actually breaking the rules (Girling, 1997). This article will describe and analyze the models of political corruption in Indonesia, especially the corruption among the parliament and political party members that held the public official of post-reformation as well as analyzing why many parliament and political party members are actually involved in the crimes act of corruption and efforts as well as what challenges encountered by Indonesian government in the framework of eradicating the corruption, especially those committed by political actors in the parliament and government, both individual and congregation.

Defining White Collar Crime and Political Corruption in Indonesia

Before defining white-collar crime, it is urgent to first understand the definition of crime itself. Sociologists said that "[a] crime is held to be an offense which goes beyond the personal and into the public sphere, breaking prohibitory rules or laws, to which legitimate punishments or sanctions are

attached, and which requires the intervention of a public authority (the state or a local body)." (Marshall, 1998) Black's Law Dictionary defines crime as "[a] positive or negative act in violation of penal law; an offense against the State." (Black, 1999). Crime is harm or wrong prohibited by statute and committed against society that regulated by the criminal justice system. The Saxon concept of "breaching the King's peace"—the crime is considered harmful to the king and society. Even when a crime committed against individual, such as when person murders other, the action considered to be offense to society. That why when someone is charged with crime act, he or she is charged by government not the victim directly. If convicted a criminal person may be punished with monetary fines or confinement in jail. In some case, the punishment may be death penalty (Knight, 1996).

In relation to the white-collar crime, Federal Bureau of Investigation (FBI) defines white collar crimes as crimes categorized by deceit, concealment, or violation of trust and are not leaning on the threat of physical force or violence. Such acts are conducted by individuals or organizations to get money, property, or services, avoiding payment or loss of money or services, and securing personal or business benefit (FBI, 2016) Some author state that white-collar and corporate crime involve events that are committed by pen or computer rather than revolver or knife. Some have argued that white-collar crime is marked by the absence of violence (Geis, 2011) Sutherland (1983), a sociologist and pioneer of white-collar crime, defining this term as "a crime committed by respectability person and has high social status in his occupation." Sutherland used the term of white-collar crime to differentiate the crimes committed by professionals and those in the upper echelons of society (who typically wore white shirts with their business suits) from common or "street crimes" such as robbery, murder, or assault. (Ferguson, 2010)

White-collar crimes in Indonesia corruption context many committed by public officials or state officials, beginning from New Order to Post-Reform period. White-collar crimes typically involve the parliament and political parties members in the government. They betray the trust that people given through actions breaking the law by abusing his power to enrich themselves and/or struggling the interests of group This is consistent with the Amundsen's statement (1999) that political corruption is when laws and regulations are systematically abused by the rulers, side-stepped, ignored, or even tailored to fit their interests. Political corruption in Indonesia is not only occurred in the executive and judicative sphere, but also in legislative. Transparency International said that Indonesia was among the most corrupt state in the world and corruption many committed by public officials or state officials who hold the power running the government wheel. Political corruption in Indonesia is proved most detrimental to state, and the fact many committed by the state official who has important authority in controlling the government functions.

The greater the corruption committed by public officials or state officials in stealing the state property, there is often the possibility of undue sentence, even the corruptor could avoid the meshes of law. The public officials or state officials involved in corruption can manipulate the law as well as public opinion for his defense. (Masduki, 2016). Political corruption that lively occurs among the parliament or political parties members in Indonesia during this past decade was

committed to reap personal or party benefits through decision-making of policy was basically most alarming. The corruption practice controlled by this political corruptor was not much different from what is called as the *kleptocracy* government, a government led by the thieves. The political actors in parliament or political parties no longer voicing the people interests they represented, but it depends on who is brave to pay anyone, or dependent on the political bargaining between the political parties (Masduki, 2016). The shift of power from executive, which took place during the old order and new order administration to the legislative after reformation, has created conflict of interest characterized by political bargaining, so making implementation of clean government free from corruption do not becomes main agenda. In the politics context, the issue of eradicating corruption just used as tool to build political alliances or threatening opponent then makes short and long term political bargaining to share the power. Political parties do not make state administration free from corruption became one of main political agenda, since they still rely on financial support from outside party, which often done by violating legal provisions concerning limits in amount of funds might be accepted (Irwan, 2002).

According to Transparency International, Indonesia's Corruption Perception Index in 2012 reached assessment number of 32. Using scale of 0-100, where 0 means the most corrupt state, while 100 means the cleanest state, number 32 means that Indonesia is a quite corrupt state. So even with data shown in two years before in which Indonesian Perception Index in 2011 got score 3 using scale of 0-10, while in 2010, Indonesia got 2,8. In addition, based on data from KPK, the amount of corruption case in political institutions was not have decline tendency each year. The corruption that still always regarded merely as criminal problem, many committed by those in the ministry. From 2004 to 2011, there are 91 corruption cases in the ministry, followed by 49 cases in the regency/municipal, 27 in provincial government and Parliament, as well as 22 in BUMN and BUMD (Qorib, 2012). In addition, data from Global Corruption Barometer of Transparency International, which surveyed 11 institutions in 2010/2011 claim that parliament/legislative institution was the most corrupt instance in Indonesia with score of 3.6, followed by political parties and police, with respective value of 3.5. Meanwhile, the judicial institutions get score of 3.3; public officials/civil servants with value of 3.2; the education system with value of 3.0; as well as private/business sector, military and media, with its respective value of 2.8. Lastly, non-governmental organizations (NGOs) and religious institutions, with respective value of 2.5 (Izzati, 2013).

Furthermore, the Reports Center and Transaction Analysis (RCTA) mentions as much as 69.7 per cent of Parliament members were indicated corruption. Then, the note from Ministry of Home Affairs (MOHA) found during 2004 to 2012, there are 431 the provincial parliament members and 998 members of the District/Municipal parliament involved various legal status, and the most are corruption cases. (Izzati, 2013) In relation to the political party corruption, Indonesia Corruption Watch (Batamtoday, 2013) notes that in 2012, Golkar Party is the political party in which its cadres most involved in corruption. About 14 cadres of Golkar Party was caught in corruption cases. In addition to Golkar, 10 cadres of Democratic Party was caught in corruption case. Followed by PAN and PDIP each 8 cadres, PKB 4 cadres, Gerindra 3 cadres, as well as PKS and PPP each 2 cadres. The cadres

involved are those of executive and legislative official. Moreover, ICW has also noted that there are 24 regional heads of various political parties are handling by KPK, Judiciary and Police. As for legislature, there are 25 people from DPR and DPRD.

Conflict of Interest Endorsing Political Corruption in Indonesian's Parliament and Political Party

Conflict of interest in the political corruption context denotes situation in which the public official has private financial interest sufficient to influence the implementation of his or her public duties. A primary reason why political corruption related to conflicts of interest is that it reduce public trust and confidence in the integrity and impartiality of public official. The rise of conflict of interest can be as damaging as an actual conflict (Mafunisa, 2003) Conflicts of interest in both of public and private sectors have become a major problem of public concern in the worldwide. An increasingly commercialized public sector that works closely with the business and non-profit sectors gives rise the potential for new forms of conflict between the individual private interests of public officials and their public duties. In the private sector conflicts of interest have been identified as a major cause behind corporate governance shortcomings. When conflict-of-interest situations are not properly identified and managed, they can seriously endanger the integrity of organizations and result in corruption in the public sector and private sector alike. (OECD, 2003).

Although conflict of interest is not *ipso facto* corruption, there is increasing recognition that conflicts between private interests and public duties of public officials, if inadequately managed, can result in corruption. A conflict of interest involves conflict between the public duty and private interests of public official, in which the public official has private-capacity interests that could improperly influence to their performance and responsibilities as public official. The weakening performance of public service task could result from public officials who abusing power for personal interests/group (OECD, 2008). According to Frier (Mafunisa, 2003) conflict of interest occurred when the responsibilities of public official clash with his or her private economic affairs. In its narrowest sense, conflict of interest refers to circumstances in which public official uses his or her government position, either overtly or covertly, to achieve personal monetary gain. Conflict of interest between public duty and private interest has been the cause of numerous scandals involved the public official with serious repercussions. Conflict of interest contain three key elements. First, there is economic interest or private financial, which could also be another kind of interest, viz., securing advantage for family member. In fact, there is nothing wrong in pursuing private interest. The problem arises when this private interest clash with second element of, "public duties/responsibilities". Public employees have responsibilities to discharge by virtue of their offices.

They must put their public duties before their private interest. Third, conflict of interest interferes with public duties of public official in that objectivity and judgment are likely to compromise (Mafunisa, 2003). Conflict of interest involves someone in position of trust, including politicians competing in professional or personal interests" (COE 2007, Gençkaya, 2009). In Article 13 of Council of Europe's Committee of

Ministers Recommendation No. 2000 (10) (Gençkaya, 2009) explains what the conflict of interest is:

- Conflict of interest arises from situation in which public official has private interest to influence an impartial and objective performance of his public official duties.
- The private interest of public official includes any advantage to himself, his family, his close relatives, friends and persons or organizations with whom he has had business or political relations.
- Public official is the only person who knows whether he is in that situation. It has a personal responsibility to avoid it.

Conflict of interest generally falls into two categories: *pecuniary* and *non-pecuniary* interests. (ICAC, 1996; see Gençkaya, 2009). *Pecuniary interests* involve the interest to get actual or potential financial gain. It can result from staff member, or member of his or her family, owning property, holding shares or position in company bidding for government work, accepting gifts or hospitality. The benefit could be an increase in property value because of favorable rezoning decision, or the selection of particular tender for a contract. While *non-pecuniary* interests do not have a financial component. It may arise from personal or family relationships, or involvement in sporting, social or cultural activities. Different categories of conflict of interest can be identified include: the use of inside knowledge and influence (use official information for personal gain or the gain of others), self-dealing (situation where one takes action in official capacity which involves dealing with oneself in private capacity and get benefit for oneself), the misuse of government property (using the government property for any kind of activities which not associated to the implementation of their duties), outside employment (work or activity in which person engages outside normal working hours for additional remuneration but the outside employment of public employees clashes with the implementation of their official duties), post employment (conflict of interests for public official that arise on retirement or resignation, where there is potential opportunities of using confidential information or expertise obtained in public office for their own benefit or his prospective employer), gift-giving traditions and entertainment (seeking or accepting gifts and hospitality that might influence an impartial discharge of his duties from public official), influence peddling (practice of soliciting some form of benefit from individuals or organizations in exchange for the exercise of one's official authority or influence on their behalf) and personal conduct (OECD, 2008). Most of corruption cases dragged Indonesian politicians due to the influence of conflict of interest.

Conflicts of interest are based on personal interests or group encourages corruption behavior. Someone who has conflict of interest usually realize he was in conflict of interest position, without involve directly in corruption acts. As Reed's (2008, Gençkaya, 2009) opinion, "In reality, the conflict of interest is properly understood as a situation, not an action, and it is clear that a public official may find him or herself in a conflict of interest situation without actually behaving corruptly." But, conflict of interest is actually has close relationship with corruption acts committed by the culprit. Conflict of interest is a situation, such a plan or desire, which is only known by a person and not an act, while corruption is a concrete manifestation of conflict of interest someone does. Thus, it can be said the difference of role between conflict of interest and

corruption are very thin and cannot be separated, like the life and body. Corruption will not occur if the corruptor does not have a conflict of interest and otherwise conflict of interest will not be achieved without corruption. Conflicts of interest and corruption have similarities in violation of legal norms and rules as well as the existence of conflict of interest between personal interests/ groups with public interest.

Political Corruption Model as White Collar Crime in Indonesian's Parliament and Political Party

Nowadays, Indonesia nation has been increasingly aware that entire life of its people caught in the corruption snare network. Beginning from wake up in the morning until ready to sleep at night, from birth until being escorted to the grave, corruption has controlled the whole life of Indonesian people. Corruption committed from still primitive models to highly sophisticated. The form is diverse, from stealing money in the safes, cutting project money, increase the price, demanding commission from contractors, citing money from the licensee or even trafficking licenses, rewarding blank stock to the officials. A more sophisticated corruption is money laundering, bank fraud against the property himself, issuing regulations that favor certain groups, and establishing mutually benefit relationship between political power and large companies (Basyaib, *et al*, 2002). The political crime of corruption in Indonesia was actually the most alarming crime for nation exalting democracy values and against all corruption forms. The political corruption happens among parliaments and political parties member as one form of white collar crime has enliven Indonesian politics in post-reform. It was revealed due to the concrete step of government, though impressed slowly in eradicating the corruption crime in government institution. In addition, because the rapid support of community to realize clean government and dignified, free from the corruption, collusion and nepotism crimes.

Indonesian political corruption model that occurred in parliament and political parties can be seen from disclosure of the cases are involved the suspected of corruption either in parliament or political parties. The uncovered political corruption model, among others:

Official Policy Framing Model

Corruption committed by politicians is always use cover of official policy. In this case, the business group may affect formulation of national budget or legislation that profitable to their business interests. During President Soeharto came into power, at least since the early 1980s, when Soeharto's sons and daughters grow up and enter to the business sector, a lot of president's policies or ministers was overtly issued to facilitate the interests to build the Cendana business empire. Whether it is giving a monopoly, licensing, soft loans, tax holiday and the ease of other business facilities. (Masduki, 2016) This situation was still found in the post reformation government today.

Development Planning Passage Model

Political corruption in parliament can also be seen in the involvement of parliament members at various government projects either at national or regional levels. These involvement form are occurred since implementation of budgeting function that is since the discussion stage of

National or Regional Budget Plan (APBN/APBD) proposed by Budget Committee in National and Regional House of Representative (DPR/DPRD) or discussions at commission level of parliament. In planning process, the parliament members "set" that certain budget accommodated in the budget project plan. The corruption occurs when the budget project is directed to win the private partners who have close relations with government officials as well as became colleague or business cronies of parliament or political parties' members (Dasahasta *et al.*, 2013).

Project Budget Mark up Model

This corruption model is just understood when the project won in tender process/ government procurement with allegation of budgeting mark-up or the loss of *bestek* or project quality resulted in procurement. In addition to occur in the cronyism framework or using the oligarchy power of entrepreneurs-ruling party, others corruption modes also occur in parliament, i.e., bribes to get support for the project approval. The bribery case also occurred in the implementation context of functions, legislation authority and supervision. (Dasahasta, *et al.*, 2013).

Sell-Buy Vote Model

Sell-buy vote in parliament, in some cases such as the selection of regents, mayors, or governors in some district was proved have been perpetuating status quo. The corrupted old officials have succeeded to extend its power even though their political party's basis in parliament has collapsed and shifted by reformist political parties. Politicians are fond to change people mandate with money, usually argue for the sake of political parties. It's no secret that a candidate must grope pockets deeply in order to succeed in the list of legislative candidates. Many people who succeed sitting in parliament supported by entrepreneur or because of nepotism. These representatives most potential to commit political corruption to recollect its costs incurred.

Bribe/ Money Political Model

The parliament member apart of which party they came from has a lot of opportunities to make money politics is form of bribery crime. Money politics is going into a political process involve DPR proved that these institutions became a means of negotiating the interests. The more vocal of parliament members in questioning various measures and policies in government circle, to conduct their duties in supervising the government performance, the more open the opportunity to play money politics to cover the existing problems. There are at least three political forums in parliament that allows the money politics practice. First, forum for conducting discussion. Second, Hearing (RDP) and Third, selection of public officials (Irwan, 2002)

Indonesia Government Measures on Eradicating Political Corruption: Why and What the Challenges is?

Political corruption has very extraordinary impact in life, so it is categorized as extraordinary crime. To address it can not only with application of penal (criminal law) but should be integral to non penal effort, viz., removing the factors conducive underlying the corruption. The eradication ethos of corruption should be a commitment of government and society, both national and international scope. Eradicating

political corruption should be priority because the consequences are very distracting and impede the nation development, hindering the achievement of national goals, undermining the use of national resources, threatening the entire social system, damaging the state apparatus in fostering good governance and dignified. According to Ferguson (2010) political corruption requires a joint response from the government. The government's response should ensure that citizens are protected from offenders. One of the most effective ways to do government in the political corruption context is to ensure that businesses and individuals are susceptible to white-collar crime is regulated and given supervision necessary to protect the community. Since the reformation era the measures of eradicating corruption was implemented by Law No. 31, 1999 on Corruption Eradication, as amended by Act No. 20 of 2001. Then ratified and implemented of Law No. 30, 2002 on Corruption Eradication Commission (KPK) that becomes spearheading to eradicate the corruption. Another legislative policy in order to eradicate corruption is to ratify UNCAC through Law No. 7 Year 2006 which is believed can strengthen Indonesia's efforts to eradicate the corruption (Dasahasta, 2013). UNCAC mandates to party state in order to take strategic role related to efforts to eradicating the corruption in accordance with the national legal system. One of the government roles was to publish National Strategy on Prevention and Eradicating Corruption (Stranas PPK) under Presidential Decree No. 55 2012. Nastra PPK focused in increasing prevention and prosecution so that expected may continue, consolidate and complete the policy of eradicating corruption that have significant impact for the improvement of public welfare, sustainability of development, and consolidated democracy system. In prosecution of the political corruption crimes in parliament, it has formulated Law of *Susduk* set some elements can be the prevention base of the parliament political corruption (Dasahasta, 2013):

Code of conduct: stipulated in Article 207 *Susduk* which are translated through DPR Regulation No. 1, 2010 on Code of Conduct of DPR RI. Under this rule is set a few things directly related to corruption. Article 2 on priority the public interest in which DPR RI members have to priority public interest than personal interests, political parties, and group (paragraph (1)). Article 3, paragraph (4) explains that DPR RI Members must report personal wealth and family in accordance with legislation. Article 3, paragraph (8) DPR RI Members are prohibited from using his position to seek convenience and personal gain, family, relatives and his group. Article 4 paragraph (4) on prohibition of receiving gratuities. Article 5 and Article 6 on the accountability and openness. Article 8 regulates conflicts of interest.

Prohibition: *Susduk* Statute about prohibition. In Article 208 regulates three important things; double position (paragraph 1), doing job that has conflicts of interest potential (paragraph 2) and corruption, collusion and nepotism (paragraph 3). In Article 209, sanctions against the ban, DPR members may be dismissed as member if violates the paragraph (1) and paragraph (2). For acts of corruption (paragraph 3) DPR members can be investigated by relevant institutions without President Permission in accordance with Article 287, Rules of Parliament Procedure paragraph (3) letter c. for entry in the category of special criminal act.

Honorary Board: the Honorary Board in DPR gives hope to people who find indications or allegations to violations code of

conduct. In *Susduk* Statute the Honorary Board can reports in accordance its duties under Article 127; implementation of members obligations (Article 79), obstruction and presence, the fulfillment the requirements as DPR member in accordance with Election Law No. 10, 2008 (Pileg Statute), and violate the prohibition (Article 208). Honorary Board also tasked to uphold Code of Conduct in accordance with DPR statute No. 2, 2011 on Proceedings Procedures of Honorary Board.

Public Information Disclosure: Under the Law on Public Information (Law No. 14, 2008) DPR issued decree of Parliament on Public Disclosure No. 1 in 2010. This statute provides guarantees for public information disclosure and mechanism regarding procedures for requests information to DPR RI. In the corruption eradication context the political parties discuss its linkages with this system. Political Parties Statute No. 2, 2008 which renewed by Law No. 2. 2011 set several things are closely related to Political Parties integrity; 1) Function mainly related to political recruitment, 2) Liabilities primarily related to political parties finance, 3) Political Parties Finance mainly related to transparency and accountability, 4) the rules on sanctions imposition. Meanwhile, to suppress the political corruption crimes in political parties, there are provisions of financial integrity regulated by Article 40 paragraph (3) and (4) set ban for political party (Dasahasta, 2013).

Political parties are prohibited: a) receive or giving to outside party the donations that is contrary to laws and regulations; b) receive donations of money, goods, or services from any party without notifying a clear identity; c) accepts donations from individuals/ companies exceed the limits specified in legislation; d) solicit or receive funds from state-owned enterprises, region-owned enterprises, and village-owned enterprises or other designations; e) use fractions in People's Consultative Assembly, provincial DPRD, Regional DPRD, as a source of funding the Political Parties. Political parties prohibited from establishing business entity and own shares of an enterprise. The numerous of political and bureaucratic corruption are revealed and handled by KPK has impact on the elite inconvenience to the performance of eradicating corruption. The inconvenience expressed in counter-attack against the law enactment and weakening attempts to regulation. It is becomes severe challenge of KPK. These weakening efforts are committed in two ways, through legislative process in DPR and testing process in Constitutional Court (Dasahasta, 2013).

First, specifically for testing in Constitutional Court against KPK statutes, it has so far performed 17 times. In testing process, starting from Asshiddiqie to Mahfud MD era, in overall MK reject the petition as weakening effort to KPK statutes. Second, related to legislative process in DPR until today revision effort to KPK statutes continued to do. The revision attempts accordance with Parliament decision No. 02 B/DPR RI/II/2010 on Legislation, 2011. In the files of Legislation Bill 2010 to 2014, KPK draft contained in order no: 79 compiled by DPR/Government. It should to note, since the second period of SBY government never prepared KPK revision draft or academic paper. Therefore, there is strange why DPR so eager to revise KPK statutes. The imposed revision effort was reinforced by the Vice Head of DPR from Golkar Party, Priyo Budi Santoso H. PW No. 01/0554/DPR RI/2011 dated 24 January 2011 that Commission III DPR prepared KPK statutes draft and Academic Paper. If analyzed,

the revision efforts related to instruments weakened i.e., related to legal action (investigation, investigation, and prosecution). This is done through the revision of Law 30, 2002.

The weakening efforts including: (i) authorizes in KPK prosecution will be trimmed by DPR (ii) DPR will also questioning the tenure of KPK substitute leadership and Termination Instruction of Investigation (SP3); (iii) establishment plan of KPK Supervisory Board formed by DPR just open potential for political intervention to KPK as well enlarging DPR authority; and (iv) KPK tapping should upon trial permit, whereas corruption is extraordinary crime, but, this efforts have drawn from *Prolegnas* (Dahasta, 2013) Various weakening efforts undertaken by DPR have cut KPK authority on eradicating corruption. This suggests that corruption is extraordinary crime. Not only of modes and systematically techniques, as a result of the corruption crime parallel and ruin the whole system of life, both in economic, political, socio-cultural and even to moral damages and community mental (Rukmini, 2009; See Halif, 2011), Economic losses due to corruption can clearly be felt by public, it is reflected by not optimal of economic development, increasing poverty, social injustice and minimal acquisition of economic activity tax. Losses in politics fields, corruption leads to public service discrimination or award as the political rights of society. While losses in socio-cultural and moral field the corruption has generate social ills, since such actions is considered as lawful and reasonable act (Hamid and Sayuti, 1999; See Halif, 2011).

The weakening efforts of political corruption by parliament members show clearly that corruption is still maintained by state officials. According to Amundsen (1999) corruption is regarded as the regime model, and power holder's mechanisms to enrich themselves. In this government corruption not considered as disease to avoid, corruption is practice applied, desirable and deliberate as well as a way to enrich themselves and controlling economy. But in a democratic country like Indonesia, political corruption is essentially incidental, and can be handled by means of reform, strengthening and reviving checks and balances of the existing political institutions. The corruption indifference in the state or government's attitude that not serious on eradicating corruption would sociologically cause turmoil in society due to increasing the poverty figure and unemployment caused by the theft of state social budget by personal or group interests. Raimon Aron (Simanjuntak, 1981; See Halif, 2011) states that corruption crime in a state will eventually invite turmoil of revolution, and became very powerful tool to overthrow a government. This proved as the reign of president Soeharto and Abdurrahman Wahid, both dropped from governance due to tripping of corruption cases

The corruption crimes basically cannot be solved just by penal criminal policy, but needs to integrate with non-penal policy i.e., by removing conductive factors causes the crime. As a science examining the crime, criminology has important role in helping find the conductive factors of corruption crimes. Sutherland insists that one of the objects of criminology besides sociology of law and penology is etiology of crime, a criminology study that seeks to analyze the causes the rise of crime (Sutherland and Cressey, 1960; see Halif, 2011). Samuel P. Huntington states that one causes of corruption crime is modernization. Corruption in a society, sometimes more common than other and in developing countries corruption is more general in a period of government than others. The facts

show the corruption development related to social and economic modernization rapidly (Halif, 2011) Modernization causes the loss of traditions, thereby creating "deregulation" situation in society. This called Durkheim as anomie or normlessness or destruction of social order as a result of the loss of standards and values, so that causing individual loss of grip (Atmasasmita, 2010). The corruption crime can be caused by changes in cultural values towards materialism resulting from modernization process, so people think that success is only seen from succeed in economic sector. Indonesian society vying to achieve it, Merton's anomie theory called culture aspiration or culture goals. The state is required capable of providing institutionalized means, container or means to achieve these goals. Normatively the state guarantees their means and the goal set out in Constitution 1945. The constitution given assurances that "every citizen has right to work and a decent living for humanity" as such is one example contained in Constitution 1945 Article 27 Paragraph (2). The modernization demands eliminate religious values, culture and law.

Though this value becomes fundamentals of Indonesian society social interaction, if those values missing, the Indonesian people are in a situation of "anomie". In situation of anomie, the corruption crime as an extraordinary crime is rampant in Indonesia to date. According to Durkheim's anomie theory the deviant behavior is caused by the sudden economic change in modernization process. Sudden changes cause society crashed in unfamiliar way of life. The rules as behavior supervisors is no longer held. Modernization has changed Indonesian society characteristics which traditionally socio-agrarian into socio-modernist industrialist. This quickly and suddenly changes has delivered Indonesia people to unfamiliar way of life. Finally, the religion value, culture and law as the Indonesian behavior source was disappeared, so the corruption crime becomes rampant, especially in government institutions, due to the anomie condition on Indonesian society, although they has high intellectual capacity (Halif, 2011). Durkheim's anomie theory reinforced by Robert K. Merton still associate the problem of evil with anomie, but Merton anomie theory different from Durkheim. The real cause of crime is not caused by sudden change, but social structure. Substantially still relationship between Durkheim's anomie theory with Merton, it can be seen from sudden change not only causes stress generating an anomie, but also resulted in paradigm change towards cultural values, will finally arrive at anomie condition in certain situations.

Merton analyzes paradigm change of cultural values that succeed can be seen from the success in economic field. This paradigm applied in ideals (Goals). To achieve that, people establish the certain ways (means) should be done, but not all people achieve the justified ideals. Therefore, many people trying to achieve the ideals in a way of violating law (illegitimate means). This situation occurs due to inequalities of social conditions caused by formation process of community itself, society structure led to anomistic structure. Individuals in an anomistic state are always faced with psychological pressure because its inability to adapt aspirations as well as possible in very limited opportunities. (Atmasasmita, 2010; see Halif, 2011). This situation is caused social structure has limited access to the destination through legitimate means. The lower class will choose illegitimate and because unable to obtain through legitimate means. Likewise, the society in high social status, when unable to face social

change and social structures that prevail then they will strive to achieve its objectives by using illegitimate means. This has resulted into anomie state so to achieve their goal the society tend to use illegitimate means by breaching law such as in the crime acts of corruption

Conclusion

Political corruption are involved the parliament and political parties members in Indonesia can be categorized as extraordinary white collar crime for the most extraordinary impact to the nation life. Eradicating corruption in Indonesia cannot be done just in the criminal law term but must be followed by non penal efforts, i.e., removing factors lie behind them. Criminology has important role in analyzing conductive factors of corruption crimes. Criminology analysis against corruption asserted that political corruption is form of crime, legally, socially and its consequences. Various political corruption models of the parliament and political parties members in Indonesia are: a) official policy framing model, b) development planning passage models, c) project mark-up budget model, d) buying and selling votes model e) bribes/money political model, basically works behind the power or as corruption of power. This corruption exploited power for personal or parties' interests through misusing official functions entrusted by public. The rampant of political corruption crime in Indonesian parliament in the criminology analysis can be caused by the society inability in two factors, firstly, sudden change factor caused by negative influence of modernization that subject to materialism and consumerism as well as ignoring traditional values, culture and religion; secondly, unfair social structure factors, between the purpose or ideals (goal) of society, does not offset by legitimate means as well as strict control of government. The consequence of this situation led to the public including parliament and political parties' members tend to engage in corruption by using illegitimate means.

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