
Criminalization of Corruption in Public Services in Government Institutions

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ABSTRACT

Weaknesses in a state administration system are a reproach for committing an evil act by taking advantage of a position or position. This research aims to describe the criminalization of corruption in public services in government institutions. We hear news about criminal acts of corruption almost every day, whether those who are caught red-handed (OTT) or those who are criminalized for committing corruption. Both the Government and the DPR have established joint regulations to prevent and prevent criminalization in public services that are transparent, accountable and accountable. Public Service is a pillar of a nation's progress which aims to improve the welfare of the people and is a reflection of good and authoritative good governance. This research uses The Gone theory put forward by Jack Bologne which views that the causes of corruption are opportunities, greed, needs, discovery or exposure. This study uses descriptive and library methods (library data collection) by conducting systematic analysis of all collected data as well as Normative Law, both statutory and conceptual approaches. The criminalization of corruption can be minimized with strict policies in public services by: 1. Using theories about Crime Prevention, such as Situational Crime Prevention. 2. Cultivate bureaucratic services, and always improve the time limits for processing permits, 3. Massively and systematically socialize the dangers of corruption to the public and State Civil Apparatus, 4. Establish an online-based integrated licensing system, 5. Strengthen ethics and morals in governance bureaucracy through good corporate governance, 6. Giving awards to honest bureaucrats, and finally giving strict sanctions to bureaucrats who receive gratuities according to the severity of their mistakes in carrying out their duties.

Keywords: Criminalization, Corruption and Government institutions

INTRODUCTION

Criminalization is a term often heard in discussions among officials, academics, and ordinary people (Haugh, 2016; Palidda, 2016). The term criminalization is linked to allegations that lead to acts violating the applicable laws and regulations in a country (Farmer, 2016; Hinton & Cook, 2021). Literally, criminalization refers to a malicious act that is frequently associated with corruption, where individuals in positions of power, both in the government and private sectors (entrepreneurs), become vulnerable to acts of corruption (embezzlement) (Rahman & Al-Yousuf, 2021; Kurniawan & Mustika, 2020; Harahap, 2020). The criminalization of corruption can occur at all levels of office, from the lowest to the highest. Corrupt behavior typically arises when a person occupies a strategic position that influences decision-making (Lestari & Haris, 2019; Mulyani & Sarwono, 2021; Ginting et al., 2020). This happens in both the public and private sectors, which has become a common

phenomenon in daily life (Suryani & Mahfud, 2020; Wibowo & Budiarto, 2022; Setiawan, 2019).

The criminalization of corruption can take place in various positions within the public sector, where opportunities are exploited by officials who interact with the community (Arianto, 2021; Priyambodo et al., 2020; Sembiring & Abdullah, 2020). In Indonesia, the criminalization of corruption is a phenomenon often heard in different regions, especially in areas related to permit management and projects that use the tender process. These processes can be manipulated in various ways, creating opportunities for officials to exploit these situations for personal and family gain (Hasan & Nasution, 2021; Kurniawan & Prihatin, 2021; Siregar et al., 2020). Corruption can occur in any area of life, and its effects are far-reaching, potentially harming the economy, damaging morale, and undermining the country's development. Ultimately, it may even lead to bankruptcy (Ginting & Fadli, 2020; Martono & Ibrahim, 2021; Pratama & Syamsul, 2020).

According to economist Barda Nawawi Arief, the criminalization of corruption in public services is frequent, especially where illegal levies are made, both at the lowest level, such as in villages, and at the highest level, such as in ministries. This often happens due to unclear rules that are designed in such a way that resolving the issue becomes difficult (Abdullah & Taufik, 2020; Prihadi et al., 2020; Supriyadi, 2021). On one hand, there is no law that effectively deters corrupt individuals from repeating their actions. Corruption perpetrators can manipulate the legal system to their advantage, and even after being jailed, they are often provided with luxurious accommodations (Rina & Maulana, 2021; Tirtayani & Sari, 2020; Fariz & Yani, 2020). Law Number 48 of 2008, which deals with judicial power, is often held hostage by corrupt individuals (corruptors). Judges, as officers who decide on a person's guilt, are supposed to be impartial, prioritizing the principle of presumption of innocence, not influenced by the powers or orders of external parties (Ramadhani & Irwan, 2021; Saleh & Kurniawan, 2020; Putra & Rachman, 2021).

The criminalization of corruption in public services presents an opportunity for the Corruption Eradication Commission to oversee and monitor the actions of officers who serve the public, which is, of course, highly vulnerable to corruption. The public service sector is a two-way relationship, where both officers and the community depend on each other. As the saying goes, "where there is demand, there is opportunity." This creates a blemish in the form of corruption because both parties rely on one another, and this opportunity is not wasted by officers involved in public sector services. This study explores the criminological aspects of the criminalization of corruption in fields related to public services at both the central and regional levels.

METHOD

This study employs a qualitative descriptive method, accompanied by a *literature study* approach. The author views this method as highly appropriate because it is believed that the criminalization of corruption cannot be immediately considered a violation of the law or an act of corruption. It must first be substantiated with strong facts as evidence.

RESULTS AND DISCUSSION

A. Criminal Acts

Corruption is an act or act that violates religious norms and laws, this is considered corruption to take what is not his right or property. In Latin, corruption comes from a foreign language, interpreted as an act that is destructive or an act that severely destroys the joints of life where corruption no longer recognizes the sense of humanity and without mercy suppresses people who are in need of help as an opportunity to be blackmailed or pressured to follow the will of the officer who serves or the officer who is in power because of his position. Corruption is called "Corruptie" (in Dutch)

Criminalization of corruption is a term often spoken by someone who feels suspected of committing corruption or abusing his power in order to get additional money to fulfill greedy desires without any guilt in doing so. And usually the officials who do it will argue and deny that "I did not commit corruption" before it is proven in front of the judge who hears it and shown authentic evidence that leads to evil acts in the form of corruption in public services.

Many corruption perpetrators reason that they feel criminalized, this is conveyed to give the impression that the official did not commit unlawful acts, covered up his mistakes and did not admit to committing corruption at all with the aim of maintaining his personal dignity or family in the eyes of the public so that he would be impressed as an honest and trustworthy human being. Such people do not feel guilty, lie to themselves and can be said to be hypocrites without feeling guilty.

Another thing from not deterring someone from committing acts of corruption is that the law is considered unfair and unfirm, the law can be compartmentalized according to the tastes of those who have money and power. So that committing corruption is an ordinary act and is seen as easy to solve either through restoration of justice or the return of corrupted money or receive a light prison sentence. Corruption perpetrators will mushroom with the indecisiveness of the applicable law, so that to make this country clean from corruption is considered very difficult and will even increase from day to day and the money that is corrupted will also increase and the perpetrators will also increase.

B. Definition of several Experts:

Many expert opinions have expressed their opinions on acts of corruption, including Jeremy Pope As an activist from New Zealand, Guy Benveniste who detailed corruption with 3 types, namely illegal corruption (in the form of the act of disrupting certain legal rules or regulations), mercenary corruption (a type of corruption used for personal gain), and ideological corruption (corruption committed due to group interests as a result of one's ideological commitment).

Meanwhile, from Indonesia there is a Philosophy lecturer from Sanata Dharma University, Haryatmoko, who defines that corruption is an effort that involves a position to misuse information, decisions, influence, money, or wealth for the interests and benefits of individuals, groups and families. In contrast to Gunnar Myrdal's opinion, corruption is an attitude of dishonesty that commits the habit of bribery and requires a harsh action in the punishment of the offender. In contrast to the opinion expressed by a sociologist from Malaysia (Syeh Hussein Alatas) who views corruption from the perspective of sociology, according to him, corruption is an act that prioritizes personal interests over public interests that violate norms, duties and public welfare by means of fraud and theft. This opinion focuses on "Autogenic Corruption and Nepotism".

In contrast to the views of other experts, the opinion of a religious expert who views corruption in terms of Islam (Hafidhuddin), that Corruption is what destroys the order of life (Fasad) where the perpetrators of corruption are categorized as committing "Jinayah Kubro or the so-called "Great Sin" so he said that corruption is contrary to the principles of Justice (Al'-Adalah), Accountability (Al-Amanah), and Responsibility.

C. Authority

Considering that what is prohibited is "abusing the authority, opportunity or means that exist in him because of his position or position", then of course such a crime can only be carried out by people who have a position or position who has access to state finances or the state economy. So that actually the provisions of Article 3 regulate the delicacy of positions in general (broad), where it is not specifically stated what position is held by the perpetrator, but nevertheless based on systematic interpretation it can be known that the perpetrator is a civil servant who has a structural or functional position, or even an individual who is not a civil servant but has a functional position.

V. RESULTS

Handling Corruption Cases of Indonesian Government Apparatus

Opportunities for corruption can occur everywhere, both in terms of managing papers to licensing, many modes are used to get improper sustenance. Sometimes the rules that have been made can be violated for various reasons, ranging from seduction to blatantly asking for fees for the sake of smooth administration. Bureaucrats take advantage of opportunities made up of their own, all affairs will run smoothly if there is vitamin D, any business will be completed if there is money.

Corruption committed by a handful of individuals who have positions or positions in collaboration with certain parties will eat away at the State's finances that should be used for the welfare of the people. Misappropriation for personal interests, many of his colleagues and families have reached the green table, one example: the case of the Minister of Agriculture who uses state money to finance the needs of his family, wives, children, grandchildren and younger siblings as well as other people such as midwives who are given fictitious honorariums and other needs.

Likewise, in terms of the management of letters, both letters for personal interests and family interests at the level of the State civil apparatus at the village level, people always complain in terms of costs, where the cost in the management of land name return duties or transfer letters will incur costs that are not in accordance with the tariff (If there is a tariff), if there are no tariff rules, the officer who makes the letter will complicate the requirements or delay the completion time with the aim of getting additional money beyond the official fees that have been set.

The KPK as an institution that is trusted in terms of eradicating corruption in Indonesia is also overwhelmed in terms of eradicating corruption perpetrators due to the limited number of credible human resources and of course many enemies, especially for corrupt perpetrators (Corruptors) and their colleagues and families who will constantly terrorize KPK officers. At all times, there are always reports that come to the KPK that complain about corrupt behavior, both on a small scale and on a large scale from public complaints, which of course are accompanied by accurate data. Meanwhile, to verify and observe each report, the KPK must work hard and coordinate with other law enforcement parties. Because the KPK is aware that

corruption will harm the community, this corruption also has a considerable impact on the entire life of the state.

Early prevention includes:

1. Using theories about Crime Prevention, such as Situational Crime Prevention.

Situational crime prevention focuses on the situations in which crimes occur, not on those who commit specific criminal acts. The emphasis is on managerial and environmental changes that reduce the chances of crime (Clarke, 1997).

A similar concept to situational crime prevention is crime prevention through environmental design (CPTED). CPTED and situational crime prevention are both related to environmental change to reduce the chances of crime occurring. CPTED is associated with design solutions that often focus on architecture and planning, and is also known as 'designing crime' (Cozens and Love, 2015). Situational crime prevention tends to be broader in nature, referring to any opportunity reduction action that has the potential to increase the difficulty or risk of violation (Clarke, 1989).

2. Cultivate bureaucratic services, and always improve the deadline in processing permits.

Bureaucratic services seem to be very slow, long-winded and limited, this is an obstacle in public service affairs to do business. These delays can occur in any country that often delays services for various reasons and legal conditions. In Indonesia, the provision of inappropriate public services as a form of maladministration, the Ombudsman has regulated procedures, starting from the receipt, examination and completion of a report.

The definition of Maladministration leads to acts that always delay work, protracted completions, protracted delays in service and provide a service that is not in accordance with the applicable standard procedures (SOPs). In addition, his behavior or actions are indicated to be against the law, exceed the authority for which he is responsible and use the authority for other purposes that are not in accordance with the authority inherent in the individual.

The negligence or maladministration is carried out with a certain intention so that public services are made as if they are difficult to complete, even though the behavior is deliberate so that it seems that the business is difficult to complete which in the end there will be transactions that lead to high costs in public services. This kind of culture occurs in various sectors and it is certain that the victims of these actions are the community. The public becomes a victim of the cunning of rogue bureaucratic officials, who are selfish without good ethics to help and improve public service affairs.

Cultivating fast (punctual), good and accountable service is an act that makes charity shaleh or a field of reward in action. Because every deed will be rewarded accordingly, both big and small. Any religion will prohibit an act that troubles others, both religion and the rules of law have explained a person's rights and obligations according to their respective roles.

2a. Punctuality Principle

In carrying out their duties as public servants, bureaucrats appointed by the State should carry out their duties with full responsibility and trust because the bureaucrats before being appointed are first sworn in before carrying out their duties and responsibilities. Every work he carries out will be accountable to the One God, the State and the community/people, The meaning of the principle of punctuality is to complete a work in accordance with the provisions that are already in force in accordance with article 21 of the Public Service Law.

This article is a standard in public service that must be adhered to in carrying out the duties of serving the public. The principles contained in article 21 contain the principles of timeliness and other principles such as the principles of equal rights, legal certainty, balance

of rights and obligations, professionalism, equal treatment/non-discrimination, openness, accountability, participation, facilities and special treatment for vulnerable groups, and speed, convenience, and affordability as well as prioritizing the public interest.

Article 21 of the Public Service Law does not reduce the superiority of a legal principle, but rather strengthens the binding power of the principle, such as the norm of the General Principles of Good Government into positive legal norms. Punctuality in carrying out duties as public servants will eventually lead to predictions of bility that are very beneficial for the community and the government. In a broader sense, predictability is defined as one of the elements of implementing good governance.

As a bureaucratic apparatus that provides services to the public, it must implement a timely service system that reflects predictability, good service is a reflection of the practice of Pancasila, especially the 2nd and 5th precepts. Where humanity is just and civilized in serving the people and social justice for all Indonesian people, fair in providing services, does not discriminate against each other and serves all the needs of the community regardless of one's social status.

By borrowing a legal adage that reads: "justice delayed is justice denied", the timely provision of public services is expected to avoid the birth of the adage "service delayed is service denied". It is hoped that it can make a culture timely that will become a person's habitus in carrying out their duties and responsibilities as an authoritative, respected, respected bureaucratic apparatus and far from the presumption of criminalization of corruption in public services, a clean apparatus reflects a healthy, prosperous and wise State in running a clean and authoritative government. It is far from maladministration and can avoid public dissatisfaction with the performance of the public service bureaucracy.

3. Socializing the dangers of corruption massively and systematically to the public and the State Civil Apparatus,

There are two factors that cause corruption. The first is the internal factor, which comes from the individual himself, this condition is very determined by the strength or strength of the anti-corruption values embedded in each individual. The second factor that causes corruption is external factors, which come from the environment or system.

The term corruption is familiar to the ears of the Indonesian people and also the younger generation today. We have found a lot of information related to corruption, such as in print media, television, radio, social media, and others. Corruption seems inseparable from our lives, certainly not something we should be proud of. But do we really understand the meaning of corruption and the eradication of corruption? Because there is not only theft of state money, but there are also other things that are also included in the category of corruption.

Corruption is basically an act that is generally done with the aim of making profits. In an effort to obtain profits, bad methods tend to be used, for example by bribery, extortion, gratuities and others.

Five anti-corruption principles that we must socialize to the community and the younger generation in daily life

The Principle of Accountability reflects the equality between a regulation and the implementation of work, applying the principle of prudence in managing finances in accordance with the rules that apply in an organization.

The Transparency Principle requires and makes reports openly and accessible to all parties and can be accounted for their truthfulness, so that the control function can run as it

should. Far from irregularities and criminalization of corruption, it does not raise suspicion from the authorities.

The principle of fairness is conformity or balance in making a financial report so as not to cause manipulation (unfairness) in terms of budgeting, Fairness in preparing a budget indicates that an organization is running well, there is little chance of opportunities for misappropriation, there is little chance of marking up and closing the flaws of waste. .

Policy Principles must heed all rules and regulations that apply in the realm of the organization that is carried out which plays a role in regulating the interaction system so that there is little possibility of deviations

The Principle of Control or also known as the supervisory function is to supervise the policies that have been implemented so that they are really effective and eliminate opportunities for corruption so that opportunities for fraud can be prevented before they occur.

4. Establish an integrated online-based licensing system.

Online Single Submission (OSS) is a business licensing system issued through Presidential Regulation No. 91 Th 2017 which aims to simplify the management of business licenses. OSS is also intended to cut time and bureaucracy in the business licensing process. OSS is a web-based application that functions to help with the process of submitting complaints and permits. OSS is used for all registration and business license applications and other licensing applications. Business licensing services are in accordance with Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services.

After successful registration at OSS, business actors will get a Business Identification Number (NIB) or Single Identity Number (SIN) within a maximum of one hour at the Central and Regional Integrated Services (PTSP) levels. This NIB will be valid as a Company Registration Certificate (TDP) and an Importer Identification Number (API). OSS allows business actors to immediately start their production process simultaneously while completing other technical documents, such as location permits, building permits, environmental permits, as well as other obligations such as Indonesian National Standards (SNI) which are all processed with a checklist system. Meanwhile, business permits will be issued automatically.

OSS is useful for:

1. Simplify the management of various business licenses
2. Facilitate business actors to be able to connect with all stakeholders
3. Facilitate business actors in reporting.
4. Facilitating business actors to store licensing data
5. Strengthening ethics and morals in bureaucratic governance through good corporate governance,

Talking about ethics and morals is often said by officials who are and will be in power, who feel holy and clean because they have just been inaugurated. . Acts of corruption clearly violate ethics and morals, corrupt perpetrators do not know ethics let alone morals, corrupt perpetrators only think "how to get as much money as possible for the happiness of themselves and their families" Mareka will do it without considering ethics and morals, it can be said that they no longer have ethics and morals.

To strengthen ethics and morals as well as the prevention of corruption crime, the above 5 anti-corruption principles must be really applied to all lines, from the lowest level to the highest level, increasing self-defense with faith and living a simple lifestyle. For officials who

have authority, do not set a bad example, do not adopt a hedonistic lifestyle and keep away arrogant traits that boast of worldly wealth. By strengthening ethics and morals, the State will be strong, the bureaucracy will be authoritative and good corporate governance that can be trusted will be formed. Both in terms of economy, politics, law, culture, and so on.

6. Give rewards to honest bureaucrats.

Giving awards to honest bureaucrats is an attitude of appreciating loyalty and determination to maintain one's honesty even though there are many things that are tempting in carrying out their duties and responsibilities. This will be a reflection or example for others to do the same. Awards do not need to be luxurious and expensive, a form of praise is also an award that will certainly arouse enthusiasm in working and maintain a moral attitude to be honest.

As we know the word Corruption is familiar to us, whether we know from social media, print media and electronic media such as news on radio or television, the term corruption itself is very attached to our lives. Corruption itself is not only related to something that smells of politics or business but also our daily lives, be it the smallest thing to the most egregious thing. Sometimes without us realizing it, we also commit corrupt behavior. Of course that's not a good thing and we can be proud of it. The question is whether we really understand what corruption and anti-corruption are?

However, it turns out that there are still a lot of people who are not aware of the acts of corruption around them, therefore many people feel lost in acts of corruption and finally regret it. To avoid corrupt behavior.

There are several tips that must be done, including.

Honesty, The value of honesty from within is very much needed in life. Because without honesty one will not gain trust in various things. Just a small example of honest behavior that we can do every day is not cheating during exams, being honest in carrying out all tasks, and always telling the truth about what is more important.

Concern, the value of concern for the surrounding environment is also one of the supporting factors for anti-corruption actions. So if there is an act of corruption around us, make sure we reprimand it and don't just be silent, because if we are silent, it is the same as supporting the act of corruption.

Discipline, our discipline towards life minimizes our ability to commit acts of corruption, such as corruption when we have promises, corruption of regulations that have been provided at home, workplace or school. Discipline makes our lives feel organized.

Independence, meaning that we should not always depend on others for the work we have. Because it will cause laziness that leads to undisciplined and dishonest actions.

A person who can fulfill his responsibilities no matter how small it is will gain the trust of others by not underestimating the tasks we get.

Hard Work, By working hard and earnestly we will get what we want. If we have a privilege, then use it as well and wisely as possible without anything that feels harmful.

Simplicity, By being simple and stylish in accordance with what we have, we will be kept away from corrupt behavior.

Courage, Courage can be manifested in any matter such as courage in saying and defending the truth. Dare to admit mistakes and dare to take responsibility for what has been done.

Justice, Clearly justice is included in the 2nd and 5th precepts of Pancasila and the 1945 Constitution justice is a right and obligation for anyone by acting proportionally and not

violating the law. So as a good citizen, of course we must remove or prevent behavior that can cause corrupt behavior.

7. Finally, the provision of strict sanctions to bureaucrats who receive gratuities according to the severity of the level of error in carrying out their duties.

Sanctions range from the light in the form of reprimands to the heaviest in the form of dismissal and criminal penalties. This must be done for the sake of achieving a clean and authoritative bureaucracy that can protect people in need as well as a respected and respected state civil servant.

CONCLUSION

The misuse of office for personal and family interests involves individuals taking advantage of their positions, living in a hedonistic, extravagant, and celebrity-like style, while seeking praise and flattery. The applicable law is not firm in educating the public about the dangers of corruption and does not take swift action when corruption is reported through public complaints.

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Hugo S Franata, Faisal Santiago

▪ Criminalization of Corruption in Public Services in Government Institutions

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