

# THE IMPLEMENTATION OF STATE DEFENSE EDUCATION FOR THE HEADS OF LOCAL GOVERNMENT AS AN EFFORT TO PREVENT CORRUPTION

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## ABSTRACT

*Corruption is an extraordinary crime that has become a major problem in Indonesia. Most of the perpetrators of corruption are the heads of local governments. In general, they commit corruption because they have authority and power. Based on the Corruption Perception Index 2016, Indonesia is ranked 4<sup>th</sup> in ASEAN. This index shows that corruption is still one of the state biggest problems in Indonesia. This paper uses descriptive qualitative method and the data collection is conducted using library research. The recommendation put forward through this paper is that the Heads of Local Government in Indonesia should join State Defense Education and Training. In addition, the Heads of Local Government should be able to become the role models for the people.*

## 1. INTRODUCTION

According to the Association of Certified Fraud Examiners (ACFE)<sup>1</sup> fraud consists of several classifications known as Fraud Tree, such as asset misappropriation, fraudulent statement, and corruption. Meanwhile, according to Arthur W. Holmes and David C. Rolls, fraud is a deliberate misstatement of a material fact or presenting statements by ignoring the principles of truth with the intent of deceiving others and causing other parties harmed.<sup>2</sup> Corruption is a case of fraud commonly found in the government sector.

As defined in the Black's Law Dictionary, corruption means illegality; a vicious and fraudulent

<sup>1</sup> The Association of Certified Fraud Examiners (ACFE) is the largest Anti-Fraud Organization in the world that provides anti-fraud education and training and is based in Austin, Texas, United States. Currently ACFE members account for nearly 70,000 people and the largest in more than 150 countries. With the Motto "Together Reducing Fraud Worldwide", ACFE seeks to reduce fraud in the business world around the world and gives people confidence that this profession has high integrity and objectivity.

<sup>2</sup> Holmes, Arthur, W. and David C. Burns. 2005. Auditing : "Standard and Procedures" 9th Edition

intention to evade the prohibitions of the law. The act of 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.

Article 2 of Law no. 20 of 2001 on the Amendment to Law Number 31 of 1999 concerning the Eradication of Corruption states that any person who unlawfully commits an act of enriching himself or others or a corporation that could harm the state finance or the economy of the state shall be punished with a minimum of 4 years and a maximum of 20 years imprisonment and a fine with a minimum of IDR 200 million and a maximum of IDR 1 billion. In addition, Article 3 states that any person with the intention of profiting himself or others or a corporation, misusing the authority, opportunity or facilities available to him or her due to title or position which may harm the state finance or the economy of the State shall be punished for life; or imprisonment with a minimum of 1 year and a maximum of 20 years and or a fine with a minimum of IDR 50 million and a maximum of IDR 1 billion.

Lately a lot of corruption cases have been revealed in Indonesia, both at the central and at the regional level, ranging from members of the House of Representatives, court apparatus, former ministers, governors, mayors, regents, to the officials of SOE's. Corruption occurs because there is an opportunity. The state officials use their power to gain illegal profit.

According to Harkristuti Harkrisnowo, the perpetrators are not ordinary people because they have access to commit corruption by misusing their authority, opportunities or facilities available to them.<sup>3</sup> Marella Buckley states that corruption is a misappropriation of

public office for personal gain by means of illegal bribes or commissions<sup>4</sup>.

There are several causes of corruption in Indonesia, one of which is the internal factor of the perpetrator of corruption. Most corruptors have a very poor understanding of the values of Pancasila and state defense. This is one of the causes of the many cases of corruption in Indonesia, especially those committed by state officials. State officials should be able to become role models for many people, but on the contrary, they have even committed unlawful acts.

Based on the Corruption Perceptions Index 2016, Indonesia is ranked 4<sup>th</sup> in the ASEAN region. The country with the highest Corruption Perceptions Index in Southeast Asia is Singapore with a score of 84, and is ranked 7<sup>th</sup> in the world level, followed by Brunei Darussalam ranked 2<sup>nd</sup> with a score of 58, and Malaysia ranked 3<sup>rd</sup> with a score of 49.

Based on the research conducted by Transparency International (TI), the Index score for Indonesia is 37, up 1 point from the previous year, or 36. Indonesia is ranked 90th out of 176 countries surveyed. The rise in the Corruption Perception Index indicates that corruption eradication is still running in Indonesia. But it is so slow that it is hard enough to reach 50 as targeted.

From the above explanation, the author presents this paper entitled "The Implementation of State Defense Education for the Heads of Local Government as an Effort to Prevent Corruption"

## 2. FORMULATION OF THE PROBLEM

Based on the above description, the problems can be formulated as follows:

2.1 How can the implementation of state defense education affect the Heads

<sup>3</sup> Harkristuti Harkrisnowo, "Korupsi, Konspirasi dan Keadilan di Indonesia", Jurnal Dictum LeIP, Edisi I, Jakarta, Lentera Hati, 2002, p. 67.

<sup>4</sup> Marella Buckley, in Hans Otto Sano, et.al., "Hak Asasi Manusia dan Good Governance, Membangun Suatu Ketertiban", (translation by Rini Adriati), Jakarta, DepKumHam, 2003, p. 157

of Local Government not to commit corruption?

2.2 What causes the Heads of Local Government to commit corruption?

### 3. OBJECTIVES AND BENEFITS

#### 3.1. Objectives:

The purposes of study are:

- a) To describe the implementation of state defense education in the prevention of corruption.
- b) To explain what causes the Heads of Local Government commit corruption.

#### 3.2. Benefits:

This study is expected to provide benefits, among others:

- a. Academically, this study is expected to be a useful contribution of idea on the implementation of state defense education in preventing corruption. Furthermore, this study is also expected to be developed in subsequent research so as to be able to provide sustainable benefits.
- b. Practically, this study is expected to be consideration and input to the government in formulating a state defense policy for the Heads of Local Government.

### 4. LITERATURE REVIEW

#### a. Theory of Implementation

According to George Edward III, *“policy implementation as we have seen is the stage of policy making between the establishment of a policy such as the passage of a legislative act, the issuing of an executive order, the handling down of a judicial decision, or the promulgation of a*

*regulatory rule and the consequences of the policy for the people whom it affects”*

According to George Edward III, the success of policy implementation is determined by the following factors:

#### 1) Communication

Communication determines the success of achieving the objectives of the implementation. Effective implementation occurs when decision makers already know what to do. Knowledge of what will be done can work if the communication goes well so that every decision and implementation rule must be communicated to the appropriate personnel.

#### 2) Resources

According to George C. Edward III, the existing resources can determine the success of the implementation of a program, because the existing resources are the driving source. Humans are the most important resource in determining the success of the implementation process, while resources are the success of the implementation process that is influenced by the utilization of human resources, cost, and time.

#### 3) Disposition

According to George C. Edward III, disposition or attitude of the implementer is an important factor in the implementation approach. In order for the implementation to be effective, the implementers must have the ability to implement it. The quality of a policy is influenced

by the quality or characteristics of the implementer. The success of the policy can be seen from the disposition (Characteristics of the implementing agent).

If the attitude of the implementers to be good after accepting a policy, the implementers will likely carry out their duties seriously as intended. Conversely, if the perspectives and behavior of the 35 implementers are different from those of the policy makers, the implementation process will have difficulties.

4) Bureaucratic Structure

According to George C. Edward III, although resources for implementing a policy are available or the implementers know what to do and have a desire to implement a policy, it is unlikely that the policy cannot be implemented or realized because there are weaknesses in the bureaucratic structure. Bureaucracy as the implementer must be able to support the policy that has been decided politically by doing coordination well.

b. State Defense Education

Law No. 3 of 2002 on State Defense mentions that in the administration of national defense, every citizen has the right and obligation to participate in the defense of the state as a reflection of the life of nationhood which ensures the rights of citizens to live equally, fairly, safely, peacefully and prosperously. Meanwhile in Article 9, it is affirmed as follows:

a) Every citizen shall have the right and obligation to participate in

the defense of the state embodied in the conduct of state defense;

b) The participation of the citizen in the defense of the state, as referred to in paragraph (a) shall be held through:

- (1) Civic education
- (2) Compulsory basic military training
- (3) Serving as a soldier of the Indonesian Army voluntarily or compulsorily
- (4) Serving according to profession.

c) Provisions on civic education, compulsory basic military training and serving in accordance with the profession shall be regulated by law.

c. Corruption

Article 2 of Law no. 20 of 2001 on the Amendment to Law Number 31 of 1999 concerning the Eradication of Corruption states that corruptor is any person, both public and private official, who unlawfully commits an act of enriching himself or another person or a corporation that could harm the state finance or the economy of the state. Corruption is defined as an act of enriching oneself or others, not performing the mandate and misusing power for self-interest or a particular group that violates the law and causes harm to the state.

Corruption is a contemporary crime which is different from conventional one. The difference lies in the level and social, economic, or educational status of the perpetrator. The causes of corruption are not solely determined by the internal factor of the perpetrators

but also by the opportunities provided by the public or the prevailing system.

Corruption occurring in Indonesia not only harms the state finances but also violates the social and economic rights of the community widely, so corruption should be classified as an extraordinary crime, and its prevention and eradication must be carried out extraordinarily.

## 5. RESEARCH METHOD

This study uses descriptive qualitative method. Data collection is conducted using library research.

## 6. CONCLUSION AND SUGGESTION

### a. Conclusion:

Given the large number of the Heads of Local Government who have been arrested by law enforcement officials, especially by Corruption Eradication Commission (KPK), it can be concluded as follows:

- 1) The lack of awareness of the function of the Head of Local Government as a role model for the citizens indicates that the Head of Local Government does not apply the values of State Defense Education in the behavior of daily life
- 2) The existence of opportunity for the Head of Local Government to gain personal benefit outside of his or her authority.

### b. Suggestion:

- 1) The elected Head of Local Government needs to be included in the State Defense Education and Training.
- 2) It is necessary to revive special research related to the candidates who will follow the election of

the Head of Local Government. The special research is projected to an understanding of the values of statehood and nationality as well as the background of the candidates of the Heads of the Local Government.

## 7. REFERENCES

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