

## **The Role of Law Politics on Creating Good Governance and Clean Governance for a Free-Corruption Indonesia in 2030**

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**Abstract:** Corruption in Indonesia is a disease that must be eradicated as Indonesia in 2020 will reach 271 million inhabitants and in 2030 estimated there will be an increased chance of state revenue to 1.8 trillion dollars from many sector such as services, agriculture, fisheries, resources and educational that needs at least 113 million workers ready-made to work that means Indonesia should already prepare a clean government (clean governance) by 2030 to be able to compete well with other countries. This study uses normative juridical (legal normative research) is the study of the principles of law. The study concluded that: the political role of law in realizing the good governance and clean governance towards Indonesia that clean from corruption in 2030, law politics serves as a means of government in regulating a variety of things including creating the conditions in which the legal position dominate the other aspects including the condition running of the government clean encourage good development for the purpose of the state. Law initially considered as a political product can in fact be transformed as a force that raises government system improvements to better direction. Efforts to do to eradicate political corruption with the law in realizing the good governance and clean governance towards Indonesia clean of corruption in 2030, namely such as the harmonization of legislation, so that, the division of tasks and powers of law enforcement officers can be done well coordinated, completion and the renewal of legislation that is progressive.

**Key words:** Law politics, good governance, clean governance, free-corruption Indonesia in 2030, inhabitants, renewal

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### **INTRODUCTION**

Based on data obtained from the Corruption Perception Index (CPI) 2014, published globally by Anonymous (2014) ranked Indonesia as a country with high levels of corruption. In the 2014 CPI, Indonesia ranks 117th out of 175 countries in the world with a score of 34 on a scale of 0-100 (0 means highly corrupt and 100 means very clean). Corruption is specifically referred on top of the list of 18 factors halting the ease of doing business in Indonesia. In light of the fact that rise the necessity of good governance, the system needs to be applied in Indonesia because its not only able to bring a positive impact to the government system but also able to bring a positive impact on non-governmental entities, namely the birth of good corporate governance. With a strong foundation it can be expected to bring the Indonesian people into a government with the clean governance.

Nevertheless, there are still many weaknesses owned by public organizations such as irregularities that occur in the body of the Indonesian bureaucracy, particularly the corrupt practices that show that the government has not entirely clean. Corruption that has grown for decades

seemed to have become a culture and ingrained (entrenched corruption) in the body of Indonesian bureaucracy as a result of lack of accountability of public administration. This fact requires systematic efforts and comprehensive to address the weaknesses and problems that exist in government bureaucracy in order to clean government to be realized.

Various legislation that has already been made to combat corruption, namely Law No. 31 of 1999 Jo Act No. 20 of 2001 until now is no longer able to apply an effective combat on corruption. It is very dangerous considering that Indonesia is already pretty much been in the world international cooperation in this globalization era. ranging from the framework agreement on comprehensive economic co-operation between the Association of South East Asian Nations and the People's Republic of China ("Framework agreement"), signed in Phnom Penh, on 4 November 2002 and also the Asian Economics Community (AEC) whereas according to an estimation published by trading economics population states that Indonesia in 2020 will reach 271 million inhabitants (Trading Economics, Indonesia Population Forecast 2016-2020, 2016) and in 2030 it is estimated that there will be an

increased chance of state revenue to 1.8 trillion dollars from the services sector, agriculture, fisheries, resources and educational in need of at least 113 million workers ready-to work (Oberman *et al.*, 2012), so that, if the corruption problem is not immediately solved then in 2030 the country's stability will be hindered.

Birth of variety of laws that regulate the fight against corruption in practice influenced by the political conditions at the time the law was born. The function and role of law is strongly influenced and interfered with by political forces because in practice the law is born as a reflection of the political configuration that background in other words, politics determine the working of the law. So that, if no immediate political improvement of law for the creation of good governance and clean governance then in 2030 Indonesia will be hit by crisis.

**Problem formulation:** From the description stated in the Introduction, the formulation of the problem in this study is as following:

What does the law politics role in realizing the good governance and clean governance towards indonesia clean from corruption in 2030?

What efforts can be done to eradicate political corruption using law politics in realizing the good governance and clean governance towards Indonesia clean from corruption in 2030?

## MATERIALS AND METHODS

The research are made using normative juridical research method (legal normative research). According Soerjono Soekanto normative juridical research is a study on the principles of law. This study are conducted by normative approach to discuss the role of law politics and its effort in achieving good governance and clean governance towards Indonesia clean from corruption in 2030.

## RESULTS AND DISCUSSION

**Law politics role in realizing the good governance and clean governance towards Indonesia clean from corruption in 2030:** In recent years, it has become a trend among various governments around the world to invite international corruption ratings agencies to declare their commitment on combating corruption. The problem is the two assessment instrument (which produces descriptive anatomy of corruption) and the resulting anti-corruption strategy seems to be just replicated from one country to another. Many ideas have sprung up in the

anti-corruption meeting but everything is still in the same strategy. An impressive effort has been made to formulate a theory of corruption better to develop a comprehensive strategy to combat it and to review the anti-corruption efforts worldwide. But we still can not diagnose corruption. A prompt diagnosis means that, we understand the cause of the disease in the context of a particular organism (Mungiu, 2006).

Corruption is a very serious problem in many countries as observed through the data transparency international's Corruption Perceptions Index (CPI). To fight against corruption many countries depend on three things: the creation of legislation against corruption without law enforcement institution, specifically dealing with corruption, involved the implementation of anti-corruption laws with help from some anti-corruption agency, formed a special bureau of anti-corruption such as the first carried out by Singapore (Quah, 2007).

Corruption in various countries seemed to have become a global problem. Corruption only occurs when a public official wants to obtain a personal benefit from the transaction. Thus, the success of anti-corruption program will be the scourge of the perpetrators of corruption, increasing the penalties for the corrupt. If income or salary received larger than expected profit, the officials will not hesitate to engage in corruption. In an effort to combat the global problem and change the calculation to support corruption, the international community has developed a framework for the deadly corruption to its roots and punish those involved in it (Ventner, 2011). The United Nations Convention Against Corruption (UNCAC) entered into force on Indonesia Since, December 14, 2005 and is the first to legally binding Internationally. UNCAC recognizes the negative effects of corruption, noting that corruption leads to violations of human rights, distorts markets, allowing organized crime and terrorism to flourish and undermining democracy and the rule of law (Anonymous, 2004). In Finland for example, the government's efforts to tackle corruption may seem ordinary but there are two remarkable things: first to facilitate the creation of a dynamic area of diverse civil society, second, offering an effective and efficient channel of communication which allows citizens to reach policy makers directly and to hold them accountable for their actions. What makes Finnish politics clean is not because they are intrinsically clean and principled behavior of politicians Finland not because none of them are tempted by the profits of corruption but Finland's ability to monitor what the politicians doing and to take effective action when something deviates happen (Zook, 2009).

Corruption is not only known in Finland but when it happens in Finland, the public reaction is very fast, positive and without compromise. The very clean politics in Finland due to its citizens who do not have the slightest tolerance towards corruption is also supported by the government's policy to keep the system open and transparent. High levels of public confidence, coupled with efficient and responsive political institutions is translated into the political culture in which corruption may not develop.

As already stated, politics influenced the birth of a legal product. The function and role of law is strongly influenced and often interfered with by political forces. In the meantime to establish a legal and orderly procedures to minimize political influence "Judicial review" can actually be used as a tool of controls. Autonomy law in Indonesia tend to be weak, especially when dealing with the political subsystem, then one of the efforts to eradicate corruption in Indonesia in fact hard to do (Yusyanti, 2015).

Claims against the Constitution Law of 1945 rose because of the absence of a constitutional system that is described as perfect, since, its of birth, the Constitutional Law 1945 was but a product of its time, the result of the thinking of the statesmen which then formulated by the leaders of the nation more than half a century ago. It turns out that in its development requires changes in accordance with the needs of the times and the dynamics of society. Something similar that is happening and needs to be examined too is the development of society and its dynamics requires reformation in all fields, especially in combating corruption by bureaucrats. The development of combating corruption in Indonesia is currently still running on tidal wave from the domination of political power (Kusumaatmadja, 1976). In that conditions the behavior of corruption has spread in various Bodies of Government that runs on a systemic and organized starting from the level of the central government to the regional governments (Primanto *et al.*, 2014).

Therefore, it takes a more comprehensive and integrated efforts to increase the performance of the bureaucratic state apparatus. The demand to create a clean and accountable governance is a trust given by all the people of Indonesia. Political law should be used as a powerful weapon to realize a good and clean governance but the problem is that can law politics can be used as a means to realize the demands of the people of Indonesia. Because the complexity of the problems must first realize a good governance. Reality of the matter is today with the political laws that have been executed apparently not also be able to realize a clean government.

Basic urgency of political reconstruction laws to eradicate corruption in Indonesia is based on indicators of effectiveness of the law that consists of aspects of the substantive law in this case is the legislation that opens up opportunities for applying force investigators and public prosecutors of independent commission, the structure of law enforcement in this case is the weakness of police institutions and prosecutors in combating corruption (Arrsa, 2014).

Laws are needed to organize a clean government and vice versa a clean government is a government that can uphold the supremacy of law as a guideline in carrying out the mandate and the will of the people that held constitutionally. Therefore, the ongoing legal reform at this time will only be successful and have a effective people wellness when the next administration is a clean government.

Law politics as a tool of government in regulating a variety of things including creating the conditions in which the legal position dominate the other aspects including conditioning the running of the government clean encourage good development to the purpose of the state. Law initially considered a political product can now in fact transform as a force that raises government system to a better direction.

In this position, the law politics existence on th legal system according to roscoe pound is skin in system that states that the law is very dominant in giving patterns or colors on other phenomena in this case a clean government. Law engineered such that it can be a rule (rule of play) in the administration of government and then in the end not only the problems are arising from the issuance of a legal product but it would be the creation of a legal product that makes all problems can be resolved.

National law politics must be guided by the values of Pancasila as the state that is based on religious morals, respect and protection on human rights without discrimination, putting power under the rule of the people and build social justice. If it is associated with the ideals of the Indonesian legal political national law must be guided by the need to protect all elements of the nation for the sake of integration or unity of the nation that includes idedologi or territory, realizing social justice in the economy and society, realize democracy and nomocracy as well as creating tolerant religious life based on civility and humanity (Risnain, 2014).

In an effort to support the establishment of clean governance and authoritative through application of the principles of good governance have been made to enforce the implementation of laws or regulations which are the product of political law itself. In this case there

should be a monitoring system of sustained action against the bureaucrats who become actors in running the government corruptly. The government should be entitled as a part in creating a perfect conditions to run a government. In running the government in reality there are many issues related to enforcement. Therefore, therole of law politics should be balanced with law enforcement. With good law enforcement will raise the stability of the other aspects on government. Law politics in its application can not stand alone but must also run in conjunction with law enforcement as its guardian.

**Efforts needed to eradicate political corruption using law politics in realizing the good governance and clean governance towards Indonesia clean from corruption in 2030:** According to Kusumaatmadja (1976), law as a means of renewal of society, acts as a human activity conduit to the desired direction of development. Every society is organized which can find patterns that are fixed relationship between the members of people who have a clear objective. While politics is a field in the community related to the purpose of its community. Has a goal preceded by a process of choosing the destination among the possible destinations. Therefore, politics is also the activity of choosing a particular purpose.

In relevancy with Satjipto (1986) which gives the sense that the law is a political activity to determine a choice of the purpose and the means to be used to achieve the purpose of law in society. Speaking about the objectives to be selected, L.J. Van Apeldorn interpret law politics as a political legislation, the intention is that the law politics means setting objectives and content of the legislation. Political understanding of the law is more limited to the written law alone.

Corruption starts with the urgency of the efforts to desirable development while relatively slows bureaucratic process, so that, any person or entity who want shortcuts faster rewards them by giving bribes (baksheesh). This practice will take place continuously throughout the lack of control of the government and society, so that, the resulting group of employees that includes the new rich who enrich themselves. In order to achieve national development goals, then inevitably corruption must be eradicated. There are several ways of corruption prevention, starting the preventive and repressive nature.

The political direction of law proclaimed by the Government of Indonesia to focus on efforts to combat corruption and acceleration of bureaucratic reforms. Given the corruption is very detrimental aspects of life of society and state, anti-corruption efforts must be done systematically, so, it does not give the slightest opportunity for corruption to steal people's rights. Through Presidential Decree No. 17 of 2011 on the

Prevention and combating of corruption action year 2012 and Presidential Decree No. 55 Year 2012 on Corruption Eradication of National Strategy, efforts to reform the legal system must be a manifestation of acceleration of the eradication of corruption itself.

In order to accelerate the eradication of corruption need to be made to harmonize legislation, so that, the division of tasks and powers of law enforcement officers can be done well coordinated. Completion and renewal of the legislation that is expected to help accelerate the progressive eradication of corruption which is an extraordinary crime, so, it is necessary to study the legal, social, political and cultural challenges of its own to answer corruption eradication efforts globally and nationally. Handling and settlement of corruption cases that need to be addressed quickly and appropriately to be supported by the legal system that accommodates the interests of the process because the system of procedural law (criminal code) has not been possible in the implementation.

The danger of corruption was described explicitly by AtnolNoffit, a criminologist from Australia as quoted by Jaya *et al.* (2008) that "All the corruption carried out by especially by the officials of higher, then the corruption will grow better". There is no greater weakness in a nation rather than corruption that seeps into all levels of public services. Corruption weakens the back line either in peace or in war. Corruption related to various problems, not only the lack of legislation and enforcement but also a matter of moral/mental attitude, problem lifestyles as well as cultural and social environment, the problem needs/demands of economic and socio-economic disparities, structural problems/economic system, a system problem cultural/political culture, problems of development mechanisms and weak bureaucratic/administrative procedures (including monitoring systems) in the field of finance and public services.

## CONCLUSION

Based on the results of research has been carried out can be concluded that: the role of law politics in realizing the good governance and clean governance towards Indonesia clean from corruption in 2030, law politics serves as a means of government in regulating a variety of things including creating a conditions in which the legal position dominate the other aspects including the conditions the course of good governance, encouraging good development to the purpose of the state. Law initially considered a political product can in fact be transformed as a force that raises government system improvements to better direction.

## RECOMMENDATIONS

Efforts should be made to combat corruption with law politics in realizing the good governance and clean governance towards Indonesia clean from corruption in 2030, namely the harmonization of legislation, so that, the division of tasks and powers of law enforcement officers can be done, well coordinated by Improving and renewing the license of a progressive legislation.

Building a clean government and good in order to realize Indonesia corruption-free in 2030 through the law politics is not an easy job. It will mobilize all aspects of life of state and society. Also, the need of support of all the government agencies, the community and a good system is a must. Only with the best system, efforts to build a good government will find a clear path.

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