

December 9th 2016



The 2nd Proceeding "Indonesia Clean of Corruption in 2020"



"Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe"



IMAM AS SYAFEI BUILDING
Faculty of Law, Sultan Agung Islamic University
Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

UNISSULA PRESS

ISBN. 978-602-1145-41-8

TABLE OF CONTENTS

Front Page	i
Information of the International Seminar	ii
Committee Composition	iii
Preface.....	iv
Greeting From The Dean Faculty of Law	vi
INDONESIA’S KPK AND NSW’S ICAC: COMPARISONS AND CONTRASTS	
Prof. Simon Butt	1
CAN INDONESIA FREE ITSELF FROM CORRUPTION IN 2020?	
Prof. Dr. Hikmahanto.,S.H.,LLM	4
AN ACT TO ESTABLISH THE ANTI-CORRUPTION AGENCY, TO VEST POWERS ON OFFICERS OF THE AGENCY AND TO MAKE PROVISIONS CONNECTED THEREWITH.	
Rohimi Shapiee.....	7
STRATEGY TO CREATE INDONESIA FREE CORRUPTION IN 2020	
Dr. Jawade Hafidz, S.H., M.H	11
THE NETHERLANDS INGLOBAL CORRUPTION	
Siti Malifah Marlou Feer, M.A.	28
ROBUST YET FRAGILE: EFFORTS IN COMBATING CORRUPTION IN INDONESIA	
Laras Susanti.,S.H., LLM.....	33
LEGAL STATUS OF AKTOR’S FOR CORRUPTION (In the Perspective of Islamic Law)	
Sumarwoto Umar	37
THE ROLE OF LAW IN THE POVERTY REDUCTION STRATEGY	
Lantik Kusuma Aji	46
THE INDEPENDENCY OF THE INSTITUTION FOR THE PROTECTION AND THE ESTABLISHMENT OF HUMAN RIGHTS TOWARDS THE GLOBALIZATION ERA 2020	
Khalid	55
THE URGENCY OF ANTI CORRUPTION EDUCATION FOR COLLEGES IN INDONESIA	
Siska Diana Sari.....	62
THE PROBLEMS OF DIVORCE IN CUMULATION AT THE RELIGIOUS COURTS BASED ON THE PRINCIPLES OF SIMPLE, FAST AND LOW COST	
Elis Rahmahwati.....	78
DISPARITIES DECISION RELATED TO INTERPRETATION OF ARTICLE 2 AND 3 CORRUPTION ERADICATION ACT	
Agung Widodo.....	87
DIVERSITY ADULT AGE LIMITS POSITIVE LAW IN INDONESIA (Studies in Multidisciplinary Perspective)	
Muhammad Andri	102

THE APPLICATION OF BALANCE IDEA IN SETTLEMENT OF DOCTOR MALPRACTICE CASE THROUGH PENAL MEDIATION Yati Nurhayati.....	111
MODERNIZATION LAW AS A CRIME CORRUPTION VERY EXCEPTIONAL THROUGH ENFORCEMENT OF ETHICS Dr. Sukresno, SH, M.Hum	118
CORRUPTION POTENCIES IN LAND USE POLICY (A Case Study in Kuningan Regency) Haris Budiman	126
CORRUPTION PREVENTION AND CONTROLS INP Budiarta	133
ISLAMIC LAW VALUES TRANSFORMATION IN THE RECONSTRUCTION OF THE LEGALITY PRINCIPLE OF INDONESIAN CRIMINAL CODE Sri EndahWahyuningsih	145
JUSTICE AND CHARITY IN JAKARTA’S NORTH COAST RECLAMATION PROCESS THAT WILL LEAD TO INDONESIA CLEAN OF CORRUPTION Untoro	155
CORRUPTION CRIMINAL SANCTIONS WITH VALUES OF JUSTICE-BASED Zulfiani.....	162
THE REFLECTION OF ISLAMIC BANKING IN THEORY AND PRACTICE Anis Mashdurohatun	171
THE IMPLEMENTATION OF LOCAL WISDOM SIRI’NA PACCE AS AN EFFORT OF CORRUPTION ERADICATION IN INDONESIA Muh. Afif Mahfud	181
DISCOURSE POLITICAL LAW IN INDONESIA ON A COMPLETION OF PLATO PHILOSOPHY Adrianus M. Nggoro,SH.,M.Pd.....	189
STUDY OF INDONESIA’S PARTICIPATION IN ICSID Agus Saiful Abib.....	202
NOTARY ROLE IN THE IMPLEMENTATION OF EXECUTION PROCUREMENT OF GOODS AND SERVICES ARE FREE OF CORRUPTION BASED ON THE PRINCIPLE OF GOOD GOVERNANCE Aris Yulia	211
ANALYSIS WIRETAPPING AUTHORITY UPPER KPK LAW ENFORCEMENT IN THE PERSPECTIVE OF HUMAN RIGHTS Ariyanto,SH.,MH.....	221
SOCIAL WORKING PENALTY AS SOLUTION IN ERADICATING CORRUPTION IN INDONESIA Desy Maryani.....	232
LEGAL POLITICSOF EMPLOYMENT IN TERM OF PART OF TASK HANDOVER TO OTHER COMPANIES IN INDONESIA Endah Pujiastuti.....	244

RESOLUTION OF DISPUTES OF OUTSOURCING WORK FORCE IN THE COMPANY EMPLOYING OUTSOURCING SERVICE Pupu Sriwulan Sumaya	256
THE APPLICATION OF CORRUPTION LAW TO WARD CRIMINAL ACT IN THE FIELD OF FORESTRY Ifrani	267
THE EFFORTS OF ERADICATION OF CORRUPTION THROUGH INSTRUMENTS OF MONEY LAUNDERING LAW AND RETURN ACTORS' ASSETS Yasmirah Mandasari Saragih.....	276
AFFIRM ROLE OF EXISTENCE <i>RECHTSVERWERKING</i> TO ACHIEVING LEGAL CERTAINTY IN LAND REGISTRATION Rofiq Iakamana, Setiono, I Gusti Ayu Ketut Rachmi Handayani, Oloan Sitorus.....	287
ANTI-CORRUPTION EDUCATION AT AN EARLY AGE AS A STRATEGIC MOVE TO PREVENT CORRUPTION IN INDONESIA Ida Musofiana.....	304
FREED INDONESIA'S CORRUPTION BETWEEN HOPE AND REALITY Dr. Tongat, SH., M.Hum., Said Noor Prasetyo, SH., MH.....	313
UTILIZATION OF INDONESIA MARINE RESOURCES IN AN EFFORT TO REALIZE INDONESIA TOWARDS THE SHAFT OF THE MARITIME WORLD Dr.Lathifah Hanim, SH.M.Hum., M.Kn. and Letkol (mar) MS.Noorman, S. Sos., M.Opsla.....	319
POTENTIAL CORRUPTION IN THE VALIDATION POLICIES ON ACQUISITION TAX OF LAND AND OR BUILDING Lilik Warsito.....	325
THE EFFORT OF LAW ENFORCEMENT IN COMBATING CORRUPTION IN SOUTH SUMATERA Sri Suatmiati.....	334
ETHICAL PERSPECTIVE AND THE MAPPING OF NORM IN CORRUPTION ACT Siti Zulaekha.....	344
AN EXPANSION OF CONCEPT THE STATE ECONOMIC LOSS IN CORRUPTION IN INDONESIA Supriyanto, Hartiwiningsih, Supanto.....	354
JURIDICAL STUDIES ON SUBSTANCE AND PROCEDURE OF THE DISMISSAL OF THE PRESIDENT AND/OR VICE-PRESIDENT AFTER THE REFORMATION Siti Rodhiyah Dwi Istinah.....	364
THE ROLE OF THE SHARIA SUPERVISORY BOARD IN THE FRAMEWORK ENFORCING SHARIA PRINCIPLES AT THE INSTITUTE OF ISLAMIC BANKING IN SEMARANG Aryani Witasari.....	376
SEMARANG CITY GOVERNMENT ROLE IN CONSERVATION AND ENVIRONMENTAL PROTECTION TO THE CAPITAL OF THE NATIONAL HERITAGE IN INDONESIA Achmad J Pamungkas (<i>Indonesia</i>), Carlito Da Costa (<i>Timor Leste</i>)	390

STUDYING THE WISDOM OF ZAKAT Moch. Gatot Koco (Indonesia), Basuki R Suratno (Australia)	398
HOMOLOGATION RECONSTRUCTION IN BANKRUPTCY THAT IS BASED ON DIGNIFIED JUSTICE Agus Winoto	410
RECONSTRUCTION OF EXECUTIVE AND LEGISLATIVE AUTHORITY IN MAKING GOOD GOVERNANCE (GOOD GOVERNANCE) VALUES BASED ON WELFARE Mohamad Khamim	420
THE TASK RECONSTRUCTION AND BPKP'S AUTHORITY IN THE CASE OF JUSTICE VAUE BASED CORRUPTION Sarbudin Panjaitan	429
THE RECONSTRUCTION OF MADLIYAH AND IDDAH MAINTENANCE AND MUT'AH IN DIVORCE CASE FOR JUSTICE AND WELFARE Mustar	438
JURIDICAL ANALYSIS OF THE ALLEGED CRIMINAL OFFENSE TO MANUFACTURE A NOTARY DEED Subiyanto	446
REVITALIZATION DEAL IN AKAD HYBRIDS IN SHARIA BANKING VALUE BASED ISLAMIC JUSTICE Masduqi	452
RECONSTRUCTION OF LEGAL PROTECTION DISTRICT HEAD IN THE ELECTION IMPLEMENTATION OF VALUE-BASED JUSTICE Kukuh Sudarmanto Alugoro	462
ABUSE OF AUTHORITY OFFENSE THEOLOGICAL RECONSTRUCTION LAW ERADICATION OF CORRUPTION (LAW NUMBER 31 OF 1999 JO. LAW NUMBER 20 OF 2001) BASED ON VALUE OF JUSTICE As'adi M. Al-ma'ruf	472
RECONSTRUCTION OF THE DAILY PAID WORK AGREEMENT IN THE EMPLOYMENT LAW BASED ON JUSTICE Christina N M Tobing	479
THE LAW AND THE IMPACT OF MARRIAGE SIRRI Sahal Afhami	489
CRIMES AGAINST CHILDREN AS ACTORS Muhammad Cholil	503
RECONSTRUCTION OF CRIMINAL PROCEDURAL LAW (KUHP) ABOUT THE DETENTION Muhammad Khambali	512

BASED ON JUSTICE PROBLEMS OF DISPUTE RESOLUTION REGIONAL CHIEF ELECTION (GOVERNOR, REGENTS AND MAYOR)	
Esti Ningrum	520
RECONSTRUCTION REGIONAL MINIMUM WAGE (UMR) IN RENEWAL OF EMPLOYMENT LEGAL REMEDIES BASED INDONESIA THE VALUE JUSTICE PANCASILA	
Urip Giyono	531
IMPLEMENTATION OF LAW AS TO MAINTAIN SECURITY IN THE CONTEXT OF PROFESSIONAL POLICE POLMAS (CASE STUDY IN LAMPUNG POLICE)	
Muhammad Yaman	539
RECONSTRUCTION OF CRIMINAL SANCTIONS PENAL CODE ACTORS ON ABORTION CRIME BASED ON THE VALUE OF JUSTICE	
Hanuring Ayu Ardhani Putri	549
REGISTRATION FIDUCIARY GUARANTEE REALIZE LEGAL PROTECTION OF CREDITORS AND DEBTOR	
Ansharullah Ida	556
RECONSTRUCTION OF LEGAL DISPUTES MEDIATION IN HEALTH CARE FOR PATIENTS HOSPITAL BASED ON THE VALUE OF JUSTICE	
Teguh Anindito	569
RECONSTRUCTION OF CRIMINAL SANCTIONS AGAINST CRIME OF ACTORS AND MURDER MURDER IN PLAN BASED ON VALUE OF JUSTICE CRIMINAL CODE	
Maria Marghareta Titiek Pudji Angesti Rahayu Teguh Anindito	579
IMPLEMENTATION OF PENAL MEDIATION IN CRIMINAL LAW	
Aji Sudarmaji	587
FAIR SETTLEMENT RECONSTRUCTION OF PROBLEMATIC CREDIT DISPUTE AT BANK RAKYAT INDONESIA (STUDY CASE AT MEDAN-SINGAMANGARAJA BRI BRANCH OFFICE)	
Bachtiar Simatupang	594
RECONSTRUCTION OF THE WASTE MANAGEMENT LAW BASED ON WELFARE VALUE	
M. Hasyim Muallim	616
RECONSTRUCTION LAW OF PUNISHMENT AGAINST CHILDREN NARCOTICS ABUSE-BASED PROGRESSIVE LAW	
Salomo Ginting	625
LEGAL PROTECTION PROBLEM OF WIFE AND CHILDREN OF POLYGAMY SIRRI IN INDONESIA	
Muhlas	639

IDEAL RECONSTRUCTION OF REHABILITATION PUNISHMENT FOR NARCOTICS ADDICTS AND ABUSER'S VICTIMS JUSTIFIED BASED ON THE LAW OF THE REPUBLIC OF INDONESIA NO. 35 YEAR 2009 (CASE STUDY IN SUMATERA UTARA PROVINCE) Ahmad Zaini	648
IMPLEMENTATION OF ACCELERATION SYSTEMATIC LAND REGISTRATION FULL IN HUMBANG HASUNDUTAN DISTRICT Ruslan	658
RECONSTRUCTION OF STATUS AND AUTHORITY OF THE SHARIA COURT IN THE NATIONAL JUDICIAL SYSTEM BASED ON JUSTICE Jufri Ghalib	667
RECONSTRUCTION OF LIABILITY NOTARY PUBLIC OFFICERS TO ACT AS A VALUE-BASED JUSTICE Elpina	679
RECONSTRUCTION OF CONSUMER PROTECTION LAW IN MAKING THE BALANCE BUSINESS BASED BUSINESS AND CONSUMER VALUE OF JUSTICE Ramon Nofrial	693
RECONSTRUCTION OF LAND USED RIGHT EIGENDOM VALUES BASED ON JUSTICE AND LEGAL CERTAINTY Hakim Tua Harahap	706
RECONSTRUCTION OF DIVERSION CONCEPT IN CHILD PROTECTION OF CONFLICT WITH THE LAWS BASED ON THE VALUE OF JUSTICE Ulina Marbun	726
RECONSTRUCTION OF PARATE EXECUTION MORTGAGE RIGHTS TO LAND BASED ON THE VALUE OF JUSTICE Zaenal Arifin	740
THE RECONSTRUCTION OF DIVORCE DUE TO MARITAL STATUS UNDER THE UNAUTHORIZED GUARDIAN AS VALUE OF JUSTICE Abdul Kholiq	751
THE RECONSTRUCTION OF LEGAL AID LAW FOR CHILDREN WHO GET CONFLICT WITH LAW IN PROCESS OF JUSTIFICATION FOR CHILDREN BASED ON THE VALUE OF PANCASILA Adi Mansar	767
MEDIATION RECONSTRUCTION AS ONE OF THE ALTERNATIVE SETTLEMENT OF DECLINE IN THE COURTS BASED ON THE VALUE OF JUSTICE (Study at the Simalungun District Court) Mariah S.M. Purba	778
POLYGAMIC POLICY IN INDONESIA (Analysis of Polygamic Arrangements and Practices 1959-2015) Warman	790

LAW ENFORCEMENT AGAINST CORRUPTION IN PERSPECTIVE OF HUMAN RIGHTS IN INDONESIA Sekhroni	798
THE PRINCIPLE OF NATURAL JUSTICE AND HUMAN'S RIGHT PROTECTION FOR CITIZENS IN ERADICATION OF CORRUPTION IN INDONESIA Indriyana Dwi Mustikarini	809
PREVENTING LAND MAFIA USING POSITIVE LAND REGISTRY SYSTEM Bambang Sulistyowati	816
UNRULY PASSENGER IN AVIATION: THE REGULATIONS AND CASES IN INDONESIA Adya Paramita Prabandari	826
EDUCATION ANTI-CORRUPTION IN INDONESIA: PROBLEMS, CHALLENGES AND SOLUTIONS Alwan Hadiyanto	839
SPIRITUAL URGENCY OF RELIGIOUS AND EXPENSES OF EVIDENCE IN COMBATING CORRUPTION IN INDONESIA Sulistyowati	852
SUE FOR THE STATE ADMINISTRATION OF JUSTICE IN INDONESIA Sarjiyati	863
CONSISTENCY MODEL OF COURT DESIGNATION TO FOSTER PARENT RIGHTS AUTHORITY DUE TO DIVORCE ON CHILDREN Erna Trimartini	873
AN INVESTIGATION AUTHORITY OF CRIMINAL ACT ON CORRUPTION IN CRIMINAL JUSTICE SYSTEM IN INDONESIA Sukmareni	885
PRO CONS THE EXISTENCE OF DEATH PENALTY IN CORRUPTION ACT OF 1999 IN INDONESIA Anis Rifai	903
PENAL MEDIATION IN SOLVING MEDICAL MALPRACTICE CASES AS AN ALTERNATIVE OF PENAL SANCTIONS BASED ON LOCAL WISDOM Sri Setiawati	913
SPECIAL PROTECTION OF CHILDREN IN CRIMINAL JUSTICE SYSTEM Achmad Sulchan	922
MORAL REFORM BUREAUCRACY AS PREVENTION OF ILLEGAL PAYMENTS TO INDONESIA CLEAN OF CORRUPTION Herwin Sulistyowati	932
STANCE AND AUTHORITY OF PEOPLE'S CONSULTATIVE ASSEMBLY DURING REFORMATION ERA 1945 Ahmad Mujib Rohmat	944

TAXES AND ALMS SEEN FROM ISLAMIC LAW	
Mohammad Solekhan	954
DIVERSION IN COURT (Case Studies in Karanganyar District Court)	
Anita Zulfiani	964
International Seminar	
Photos.....	971

JUSTICE AND CHARITY IN JAKARTA'S NORTH COAST RECLAMATION PROCESS THAT WILL LEAD TO INDONESIA CLEAN OF CORRUPTION

Untoro

Doctoral candidate at law science doctoral program Diponegoro University Semarang and
lecturer at faculty of law Jakarta Islamic University

E mail : untoro_uid@yahoo.co.id

ABSTRACT

The success of implementing development is one factor to assess the progress of a nation. Development as a process of change that is planned to cover all aspects of community life. Reclamation north coast of Jakarta is one form of development implementation. First aim of this study is to determine the factors that cause bribery in the reclamation of the northern coast of Jakarta. The second aim, to find out how the concept of justice and charity in the upcoming reclamation able to realize Indonesia clean of corruption. The method used the normative juridical approach (doctrinal approach). Reclamation north coast of Jakarta cause legal problems as their alleged bribery related to the discussion of the draft law and the Zoning Plan for Coastal Zone and the North Coast Jakarta revision of Regulation No. 8 of 1995 on the Implementation of Reclamation and Spatial Planning of North Coast Jakarta. A main characteristic in this case is the behavior of public officials who violate separation principle between personal interests and the interests of society, the separation of personal finance with the community. The first conclusion, the factors that led to the occurrence of cases of bribery in the reclamation of the northern coast of Jakarta is the failure of religious education and ethics; opportunities (opportunities). Second conclusion, the concept of justice and charity in reclamation to realize Indonesia clean of corruption, as there is the relevance of faith with charity. The term *ihsan* (charity) always linked with the terms of faith and Islam. *Ihsan* has meaning making good, smarten, do good. *Ihsan* is witnessing the implementation of worship on the basis of the presence (*rububiyah*) of divinity in the eyes of the heart. Divinity in the eyes of the heart. *Ihsan* higher than of justice, because justice is limited to providing rights to someone who has the right, while the charity gives the person more than the right. Thus, justice is only releasing obligations, while *ihsan* (charity) exceed liabilities, so becomes better.

Keywords : Fair ; *Ihsan* (Charity) ; Indonesia clean of corruption.

CHAPTER I

PREFACE

A. Background

The success of implementing development is one main factor in order to measure the national growth. Development, as a planned process of national change, will cover all aspects of community life. Reclamation of Jakarta's north coast is one kind of development execution which raises legal problems on its implementation, including suspected case of bribery. It is related to the discussion of Zoning Plan and Coastal Zone for Jakarta's North Coast Law Draft, and revision of DKI Jakarta Local Regulation No. 8 of 1995 on the Implementation of Reclamation and Spatial Planning for Jakarta's North Coast.

It is undeniable that bribery spoils community and national order, because bribe is basically an attempt to eliminate the existence of the right stuff, to trade or even eliminate with another false replacement. It is aligned with the definition of corruption which comes from Latin language, *corruptio-corrumpere*, that can be means as rotten, corrupt, destabilizing, twisting or bribing.

Bribe can be classified as one of corruption acts. Other acts which also can be classified as corruption are:

1. Any acts that brings harm to the State finances;
2. Bribing;
3. Misappropriate in position;
4. Blackmail;
5. Fraud;
6. Conflicts of interest in procurement;
7. Gratification.

Those seventh actions can be classified into corruption act, since it is done by breaking the law, enriching themselves, another person or corporation, abuse the authority, misappropriating their position, opportunity, or facility because of the power they have, that could harm the state finances or national economy.

World Justice Project, based on their survey result at the end of 2011, revealed that Indonesia was the worst country in Asia Pacific in terms of corruption acts, and this also puts Indonesia in 47th position for the global world rank in corruption act. In 2009, based on Pacific Economic Risk Consultancy data, Indonesia was having the corruption

value of 1:8,32, Cambodia on 1:9,1, while Singapore has the lowest value 1:42.1 (lower is better).

From the description above, we can formulate two issues:

1. Factors that lead bribery case on Jakarta's north coast reclamation process.
2. How the concept of justice and charity on the upcoming reclamation process could contribute in making Indonesia clean of corruption.

CHAPTER II DISCUSSION

1. Factors Contributing Bribery Case Occurrences On Jakarta's North Coast Reclamation.

As one kind of corruption act, bribery is influenced by factors that ignited by **desire and opportunity**. There is a survey shows that main factor which leads to corruption is not insufficient salaries. There are 62.60% of respondents agreed that main factor which leads to corruption is not the insufficient salaries. The rest 34.96% of respondents said that corruption is caused by insufficient salaries.

If salary has to be linked with bribery case, let's take the case sample of Zoning Plan and Coastal Zone for Jakarta's North Coast Law Draft, and revision of DKI Jakarta Local Regulation No. 8 of 1995 on the Implementation of Reclamation and Spatial Planning for Jakarta's North Coast, it is clear that we can't put this case into the category of corruption which is caused by insufficient salaries.

This bribery case involving one of Jakarta Parliament member, President Director of PT. Agung Podomoro Land Tbk. (APLN), and an employee of PT. Agung Podomoro Land Tbk (APLN). It is revealed after Corruption Eradication Commission (KPK) successfully caught one of Jakarta Parliament member on the act at Thursday night, 31st March 2016 while he was receiving Rp. 1.14 billion amount of money. It is suspected that this money was linked with the Zoning Plan and Coastal Zone for Jakarta's North Coast Law Draft, and revision of DKI Jakarta Local Regulation No. 8 of 1995 on the Implementation of Reclamation and Spatial Planning for Jakarta's North Coast.

Some experts have given an explanation of the factors that can cause corruption. In this case, the author of this analysis, classify two factors which can cause bribery. Both of them becomes the analytical base for the author. First factor is the failure of religious

education and ethics. Religion as a lifeblood for human life have a central role, since religion will form someone's personal integrity. In the absence of religion, it is hard for a person to perform the character of integrity. Franz Magnis Suseno says that religion has failed to become national moral grip to prevent corruption, due to people's behaviour who embrace their religion themselves. Actually, religion can play a greater role in the context of a social life than any other institution, because religion has a relation or an emotional connection with its adherents. If it is applied correctly, the strength of the emotional relationships possessed by a religion can bring people to a consciousness that corruption could bring some disastrous consequences.

Ethics comes from Greek word, ethos. Ethos means custom or habit. In this sense, ethics related to good living habits, either a person, people or groups. This means that ethics deals with values, the way of life that is good and all the habits adopted and passed on, from one person to another, or from one generation to another generation. Ethics contains values and norms that will guide human life and becomes grip for their life. It deals with real commands and prohibitions. In addition to that, ethics can be understood in a different sense of morality. In this sense, ethics has a wider meaning of morality and ethics, in accordance with the first definition above.

Ethics understanding that differs from morality is tend to normative, so that it binds every human personality. That's why ethics in this sense is a critical and logical reflection on:

- a. Values and norms, concerning how human beings should live as a person.
- b. The problems of human life by holding on to commonly accepted moral norms and values.

There are three theories of ethics, first one is deontology theory that emphasizes the human's responsibility to act well. Second one is theological ethics, which measures the merits of an action, based on the objectives to be achieved by doing so. Third one is utilitarianism ethics, which is understood as moral philosophy that emphasizes the usefulness or usability (the principle of utility) as the most fundamental moral principles for the benefit of majority.¹

The second factor is opportunities, and it is related to the condition of the organization, institution, or society in such a way, so that it creates chances for someone to commit fraud.²

1 *Ibid.* page 11.
2 *Ibid.* page 11.

2. The Concept of Justice and Charity For Upcoming Reclamation Process Could Lead to Achieve Indonesia Clean From Corruption.

According to Tafsir al-Maraghi, it is said that Adil comes from the word *al- adlu*, which means equality in all things, not more and not less, and intended equality in goodness and badness. The word fair is used in four cases, which are: justified/balanced condition; justice in the sense of equality against any differences; justice in preserving individual rights and giving people whatever they entitled for; justice in maintaining rights of continuing existences and not preventing continued existence as many as possible to exist and perform transformations. These four concept of justice is valuably needed to distinguish justice with injustice.

Ihsan has the meaning of doing something good, and make something into better condition. The term ihsan in Islam has two meanings, including:

- a. Ihsan, in general, is all the good things which is done by someone, and make it nicer, either to Allah or to human life, by always keeping the uluhiyah values;
- b. Ihsan in a special sense, is the appreciation in worshiping Allah Almighty presence.

Observing the concept of justice and ihsan as described above, then for Jakarta's north coast reclamation process, bribery case was not supposed to happen. But however, because Indonesia is a country whose based on law, so the State must guarantee that law is applied fairly. It is relevant to five characteristics of Indonesia whose based on Pancasila as constitutional base, which one of the characteristic states that with based on law and justice, the concept of Pancasila state in applying their law is done by combining good elements which is contained in the draft of *rechtstaat* and the rule of law, also by combining the principles from rule of law and justice, as well as concepts and other legal systems, such as customary law system and the system of religious law who live in this country, eventually will create a prerequisite that the rule of law must be underlined for the sake of justice in society, in accordance with the principles of Pancasila.

The second characteristic is religious nation state. By looking at the relationship between state and religion, the concept of Pancasila law state is not adhered to secularism and also not a religious state. The concept of Pancasila law state is a concept of state whose holding on belief and trust to God Almighty, so that it will create freedom for citizens to embrace any religion and belief as per their own respective faith.

Besides the concept of justice and ihsan, we also need to look after the rule of law. Through the rule of law, legal provisions are codified, regulating the disciplinary/penalty related to certain actions. The rule of law is there to ensure and guarantee the predictability, so that people not doing anything that could leads to penalty in the regulation.

BIBLIOGRAPHY

Books

- Fakultas Agama Islam. *Adil Dan Ihsan Dalam Pengamalan Pancasila*. Jakarta: Universitas Islam Jakarta, 2000.
- Febari, Rizki. *Politik Pemberantasan Korupsi. Strategi ICAC Hong Kong dan KPK Indonesia*. Jakarta: Yayasan Pustaka Obor Indonesia, 2015.
- MD, Moh. Mahfud.. *Membangun Politik Hukum Menegakkan Konstitusi*. Jakarta: Pustaka LP3S, 2006.
- Nugroho, Arisetyanto dan Agus Arijanto. *Etika Bisnis (Business Ethics). Pemahaman Teori secara Komprehensif dan Implementasinya*. Bogor: IPB Press, Tanpa tahun.
- Nurmala, Irma. *BATIK (Berani Aksi Tolak Tindak Korupsi)*. Bekasi: Gramata Publishing 2016.
- Purba, Bona P. *Fraud Dan Korupsi. Pencegahan, Pendeteksian, dan Pemberantasannya*. Jakarta: Lestari Kiranatama, 2015.
- Sulaiman, Abdullah. *Metode Penulisan Hukum*. Jakarta: Program Magister Ilmu Hukum Pascasarjana Universitas Islam Jakarta, 2006.
- Samekto, Adji. *Pergeseran Pemikiran Hukum Dari Era Yunani Menuju Postmodernisme*. Jakarta: Konstitusi Press, 2015.
- Triyono. *Vaksin Korupsi. Cegah Korupsi Sejak Dini*. Bekasi: Gramata Publishing, 2016.

Journal Articles

- Azhar,” Tindak Pidana Korupsi Di Indonesia Dari Persepsi Mahasiswa”, *Litigasi Jurnal Ilmu Hukum*, Vol. 15 N0. 2 (Oktober 2014).
- Latif, Abdul. Jaminan Negara Hukum Dalam Proses Hukum Yang Adil. *Varia Peradilan Majalah Hukum* Tahun XXVI N0. 310 (September 2011).

Online Data From Internet

Imam Mustofa, Et al, “Faktor-Faktor Penyebab Korupsi” (On line),
<http://sarfaraazyusuf.blogspot.co.id/2016/03/pendidikan-anti-korupsi-faktor-faktor.html> (5 December 2016).

Law and Regulation

Law No.31 Year 1999 about Criminal Acts of Corruption Eradication.

Law No.20 Year 2001 about Revision on Law No.31 Year 1999 about Criminal Acts of Corruption Eradication.