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



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THE IMPLEMENTATION OF LOCAL WISDOM SIRI'NA PACCE AS AN EFFORT OF CORRUPTION ERADICATION IN INDONESIA

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ABSTRACT

Corruption is one of development obstacle in developing countries include Indonesia. One of corruption factors is morality problem. To tackle this problem, the way can be used is implementation of siri'na pacce as a local wisdom. In this research, there are two issues namely *first*, how is the reality of corruption crime in Indonesia and *second*, how is the implementation of *siri'na pacce* as an effort to eradicate corruption in Indonesia. This is a normative research. Data is collected through literature research, analyzed qualitatively and depicted descriptively. Based on analysis, it can be concluded that corruption in Indonesia has been classified as an extra ordinary crime. One of the causes is number of state economical detriment because of corruption. Based on Corruption Eradication Commission data, number of state detriment because of corruption in 2014 is 5.9 Trillion Rupiahs. Corruption happen in executive, legislative and judicative sector. One of the ways used to eradicate corruption is implementation of local wisdom namely *siri'na pacce*. Siri'na pacce culture contains honest, social solidarity and obedience to regulation. The value of siri'na pacce must be implemented by people and government official. The purpose of siri'na pacce local wisdom implementation by people is to optimize social crime prevention in corruption eradication

Key words :morality problem, corruption eradication, siri'na pacce

Background

Corruption is one of the challenge for developing countries. Corruption can bother development process because money which must be used to promote people prosperity is taken through law violation for personal or group interest. Corruption is not a new phenomenon in a state and has been exist since Romaic and Athens period. Mac Mullen (1988) state that corruption is one of main factors causing Romaic deterioration and Wilson (1989) state that democracy in Athens is not free from corruption even it was internal problem tackled by a special institution namely *Council of Areopagus*.¹

The impact of corruption also can be seen in International Transparency and World Bank data. Based on International Transparency data, ten of one thousand people in the world see and experience corruption every day. Based on World Bank data in 2011, illegal money flow because of corruption, bribery, theft and tax embezzlement has caused big economical

¹ M.J. Farrales. 2005. What is Corruption? A History Of Corruption Studies And The Great Definitions Debate. Hlm. 87

detriment for developing country namely 1.26 billion American dollar per year and such number of money can be used to expense 1.4 billion world people whose income less than 1.25 American dollar for six years.²

Corruption as a phenomenon which hamper a state development also often happen in Indonesia as a developing country. Corruption in Act No. 31 of 1999 on Corruption Eradication can be defined as an action which violate the law which ends to personal or group or corporation profit by abuse of power, opportunity or facility because of authority which cause state finance and economic detriment. As a crime, corruption because of its character and impact has been classified as extra ordinary crime. There are four factors which cause corruption is considered as extra ordinary crime, namely *firstly*, corruption is an organized crime, *secondly*, corruption is done through difficult way which is not easy to be proven. *Thirdly*, corruption is always related to power. *Fourthly*, corruption is crime related to many people because of corrupted state finance actually must be used to create people prosperity.³

The fourth reason of corruption stipulation as an extra ordinary crime is very relevant with Indonesian condition. High number of corruption in Indonesia seem in Indonesian Corruption Eradication Commission data in 2014, number of corruption is 699 cases, number of suspects is 1.328 people and state economical detriment is 5.29 Trillion Rupiahs. Based on Corruption Perception Index in 2014, Indonesia is in 117 of 175 states in the world with score 34 from scale 0 to 100. It is also stated that corruption is one of eighteen factors which hamper business easiness in Indonesia.⁴

Corruption in public service context is done by authorized people whose potency and access to state finance and policy related to it. His authority is used to enrich himself or another person or group or corporation. Activity of authorized person sometimes related to private party. Relation between authorized person and private party related to activity with economic interest inside. In this relation, there is a potency of cooperation to do any wrongdoings include corruption between authorized person and private party. Based on this reality, corruption characteristic is power and authority use to personal or group interest which violate the law and other norms in society.⁵

² Ferdian Yazid.2014. *Upaya Pencegahan Korupsi Oleh Komisi Pemberantasan Korupsi (Tinjauan Dari Aspek Sosial Crime Prevention)*. Jakarta : Universitas Indonesia. Hlm. 1

³ Edward Omar Sharif Hiariej. 2013. *Pembuktian Terbalik Dalam Pengembalian Aset Kejahatan Korupsi, Pidato Pengukuhan Jabatan Guru Besar Pada Fakultas Hukum Universitas Gadjah Mada tanggal 30 Januari 2012 di Jogjakarta*.

⁴ Wahyudi Thohary. 2015. *Survey Persepsi Korupsi 2015*. Transparency International Indonesia. Hlm. 1

⁵ Soerjono Soekanto dan Mustafa Abdullah. 1980. *Sosiologi Hukum dalam Masyarakat*. Jakarta : Rajawali. Hlm. 281

Corruption in Indonesia happen in all power branches namely executive, legislative and judicative. The perpetrator include Head of High Body, Minister, Head of Local Government, member of House of representative, member of Local House, Law Officer and any other positions. Based on data from 2004 to 2012, there are 173 head of local governments which involve in corruption case or one third of 530 regencies/municipalities.⁶ Based on perpetrators, corruption can be divided into three divisions namely *firstly*, political corruption is corruption which involve legislators. *Secondly*, political corruption is bribery to decrease taxation fee or win good and service providing auction. *Thirdly*, institutionalized corruption is abuse of power done by authorized person to influence institutional process.

All of those data and opinion show that one of biggest challenge for Indonesia in this development process must be corruption so that government must take an effective step to eradicate corruption. One of the step to be taken in eradicating corruption must be identifying factors of corruption. In GONE theory stated by Jack Bologne, there are several factors of corruption namely greed, opportunities, needs and exposures. Greed is unsatisfactory feeling of his property. Opportunity is related to control and surveillance system in that institution. Need is related to fulfillment of someone necessity and desire. Exposure is related to action or consequence accepted by corruption perpetrator. The punishment for corruptor must create a deterrence effect.⁷

Selo Soemardjan state that there are several social factors which cause corruption in Indonesia namely : 1) disintegration (*anomie*) because of rapid change since national revolution time and unclear border between individual and state property. 2) the shifting of cultural focus, social orientation value shifts to property ownership, rich without property principle (*sugih tanpa bondho*) shift to rich with the property; 3) economical development is the leader not social or cultural development any longer; 4) abuse of power as short cut in getting property and 5) social control has been ineffective.⁸

Based on that explanation, corruption which happen in Indonesia is caused by several factors and one of which is morality aspect from corruptor. So that, it is necessary to change the system and morality. In term of morality aspect, one of the way to prevent the corruption crime is implementation of local wisdom. A kind of local wisdom in Indonesia is *siri'na pacce* prevailing in Bugis-Makassar society.

⁶ Wahyudi Thohary, Ibid. Hlm 6

⁷ Mughny Ilman Wali Rusdi dan Susanti Prasetyaningrum. 2015. *Nilai Budaya Siri'na Pacce Dan Perilaku Korupsi*. Jurnal Indigenous Vol. 13 No. 2, November 2015. Hlm. 72

⁸ M. Syamsuddin. 2007. *Korupsi dalam Perspektif Budaya Hukum*. Jurnal Unisia Vo. XXX. No. 64 Juni 2007. Hlm 187

Implementation of Local Wisdom *Siri'na Pacce* Values in Corruption Eradication

Prevention of corruption in Indonesia can not be separated from Indonesian obligation to create a bureaucracy reform. The importance of bureaucracy reform in corruption eradication also stated in United Nation Convention Against Corruption (UNCAC). UNCAC state that every country must increase integrity and responsibility of state official include operational standard which put forward integrity, respect and good competency. Eastern for Public Administration state that reformation of state administration not only structural fixing but also fixing of attitude and behavior of its official. Veloso Abueva stated that reformation of state administration stress on organizational system change and its official behavior.⁹

The fixation of official in legal system theory stated by Lawrence M. Friedman is legal culture aspect as an element of legal system. In Friedman's view, legal culture is attitudes or values of society on law. Friedman state that legal culture is a factor which determine how system take place in society culture. Legal culture can be divided into internal legal culture and external legal culture. External legal culture is legal culture of people in common and internal legal culture is legal culture of people with special task in society.¹⁰ Actually both of those legal culture have very important roles in corruption eradication. Internal legal culture contribute in eradicating and preventing corruption internally and external legal culture is related to control over corruption done by people in common.

There are several concepts of corruption prevention namely *first*, social approach, *second*, situational approach and *third*, society approach. Prevention over crime through social approach named social crime prevention. The purpose of this research is to tackle the source of this problem and opportunity to corrupt. Actually, social crime prevention concept is in accordance with community based crime prevention which ends to increase people capacity to decrease crime through social control function.¹¹

In context of corruption prevention, the implementation of local wisdom is very important to fix or increase internal and external legal culture. One of local wisdom which exist in Indonesia is *siri'na pacce*. Word *Siri* is always followed by word *pacce* and combined to *siri'na pacce*. Both of those words are inseparable. Terminologically, *siri* can be defined as shame, *pacce* can be defined as sympathy. Actually both of those concepts are combined in *siri'na pacce* phrase. *Siri'na pacce* also can be defined as feeling of shame because of violating the rule and high sympathy of difficulty experienced by people in common. *Pacce* is

⁹ Gerald E. Caiden. 1991. *Administrative Reform Comes of Age*. New York : Walter de Gruyter. Hlm. 19

¹⁰ Lawrence M. Friedman. 1975. *The Legal System : A Social Science Perspective*. New York : Russel Sage Foundation. Hlm. 223

¹¹ M.K. Darmawan 1994. *Strategi Pencegahan Kejahatan*. Bandung : P.T. Citra Aditya Bakti. Hlm. 46

emotional and spiritual quotient to sense the pity and difficulty of other people (solidarity and empathy). *Siri'na pacce* is living law in Buginese-Makassar society. For Buginese-Makassar society, *siri'na pacce* is an old and origin culture that has been core value in depicting buginese-makassar personality. *Siri'na pacce* contain value as well generally and specially. General values in *siri'na pacce* culture is acknowledging the same right and obligation among the people, respect of every human, promote humanity value, be brave to plead the truth, proud on his identity and work hard. Special values in *siri'na pacce* is a complex feeling bound to social sensitivity. *Siri'na pace* is Buginese-Makassar philosophy of life which influence every behavior, ethics, morality and etc. At the past, *siri'na pacce* had a very important role in regulating and border Buginese-Makassar action as well in morality and law. So that, there is a natural combination between morality and law in daily life as inseparable things. If *siri'na pacce* value be guidance of a person daily life, the person will be full of integrity and humanist.¹²

Based on explanation over the value in *siri'na pacce* vale, it is very relevant to be adopted in corruption prevention. As I have already stated above, there are several value in *siri'na pacce* local wisdom namely shame, dignity and social sensitivity. All of those values must be implemented by every human. In Buginese-Makassar belief, somebody will be lower from animal if not implement *siri'na pacce* in his life. It shows that for Buginese-Makassar, man will be considered as a man if that man implement *siri'na pacce*. In this context, if a man make any kinds of corruption action has lost his *siri'na pacce* and will not be considered as man for buginese-makassar. *Siri'na pacce* in personality system is concrete implementation in man mind which put forward the dignity, honest, balance, harmony, belief and hard effort to maintain man dignity.

In implementation level, there are four meanings of *siri'na pacce* and one of those is honest. Hamid state that honest in *siri'na pacce* local wisdom is harmony between mind, heart, statement and action which can make a man take action according to conscience and truth. In this context, *siri'na pacce* culture will make the official take action according to guidance. If every behavior and action of a man is based on *siri'na pacce* will avoid every kind of corruption and any other deviating actions in doing his duty or obligation. Even, the person will be resistant to corruption in his own institution. About the effect of *siri'na pacce* to prevent corruption psychologically has been already proved in research done by Mughny Iman Wali Rusdi and Susanti Prasetya Nigrum. The conclusion of this research is there is

¹² A. Hamid. 2003. *Siri' Dan Pesse : Harga Diri Orang Bugis, Makassar, Mandar, Toraja*. Makassar : Pustaka Refleksi. Hlm. 8

negative relationship or reciprocal between *siri'na pacce* and corrupt behavior. The higher of *siri'na pacce* value, the lower of corruption potency. On the contrary, the lower of *siri'na pacce*, the higher of corruption potency. Based on this research, *siri'na pacce* can be one factor to stress on corruptor. It is caused *siri'na pacce* can guide a man to do everything as good as possible by threading on his own self potency, obey the obtaining regulation and care to the society, commit in promise that has been already made and honest in everything.¹³

Doing everything honestly, good, avoid bad behavior as well from society perspective and law perspective is implementation of *siri'na pacce* local wisdom as symbol of shame and dignity. In Wahid's opinion, *siri'na pacce* is consistency or in Makassar language is *tu tinggi siri'na* is a person who can determine the behavior according to truth and conscience. Implementation of *siri'na pacce* in every man is hoped to create consistency in avoiding corruption. So that, a man can prevent corruption from his own self.¹⁴

Another value in *siri'na pacce* local wisdom is sensitivity to social condition. In this circumstance, an authorized person who based his behavior on *siri'na pacce* principle will not do any wrongdoings include corruption. Moreover, if this man realize about the high of poverty number in Indonesia. Based on statistic, until March 2016, the number of poverty in Indonesia is 28,01 million people. This high number of poverty must be also related to number of state finance detriment or loss because of corruption case which is 5.29 Trillion Rupiahs in 2014. If this sum is money is used to create program for people prosperity there will be a lot of program that can be made. This sum of money also can be used to create infrastructure. By making both of those program funded by that sum of money, there will be decreasing of poverty number in Indonesia. Another indicator of *siri'na pacce* is shame and sense of guilty because cannot obey the rule in society and cannot do something or participate in solving society problem.¹⁵

The culture of *siri'na pacce* also can be used in running social crime prevention over corruption case. It's caused, *siri'na pacce* not only has individual dimension but also social dimension which makes society possible to actively participate in social crime prevention over corruption. The purpose of social crime prevention is to strengthen social unity between a man and his society so that the man can behave according to value of that group and has a positive purpose. So that, socialization over *siri'na pacce* principle must be a good thing. If that socialization is done continuously, the man will be able to control his own self in order

¹³ Mughny Ilman Wali Rusdi dan Susanti Prasetyaningrum. *Op. Cit.* Hlm. 72

¹⁴ Mattulada. 1995. *Latoa : Suatu Lukisan Analitik Terhadap Antropologi Politik Orang Bugis-Makassar (Cetakan III)*. Makassar. Hasanuddin University Press. Hlm. 34

¹⁵ A. Hamid. *Op. Cit.* Hlm. 46

not do any corruption. In another side, social control based on siri'na pacce principle will also work to direct and control society life to avoid corruption. The combination of self control and social control based on siri'na pacce principle will be very effective in preventing corruption.

Conclusion

Based on analysis, it can be concluded that corruption in Indonesia has been classified as an extra ordinary crime. One of the causes is number of state economical detriment because of corruption. Based on Corruption Eradication Commission data, number of state detriment because of corruption in 2014 is 5.9 Trillion Rupiahs. Corruption happen in executive, legislative and judicative sector. One of the ways used to eradicate corruption is implementation of local wisdom namely *siri'na pacce*. Siri'na pacce culture contains honest, social solidarity and obedience to regulation. The value of siri'na pacce must be implemented by people and government official. The purpose of siri'na pacce local wisdom implementation by people is to optimize social crime prevention in corruption eradication

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