

# Analisa

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## INTRODUCTION FROM THE EDITORIAL BOARDS

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Analisa Journal of Social Science and Religion published a new edition vol.2.no.02.2017. This is the fourth volume issued in English since its beginning in 2016. This English edition is a part of preparation to be an International journal and as an effort from the editorial board to make this journal widely accessed and read by more people around the world. Analisa Journal has also consistently published both versions; the online edition through the Analisa website and the printed version. Many people have contributed in the process of this publication, so that this journal is successfully released as scheduled.

There are eight articles in this volume in which some of them discussed about religion and peace in various parts of Indonesia, while several of them talk about education and the rest are discussing about gender and *dakwah* (Islamic dissemination). The authors of those papers are also divers coming from different institutions and different countries.

The first article written by three authors namely Said Achmad Kabiru Rafiie, Amir Husni and Said Atah is entitled "Acehnese Wars and Learning from 12 Years of Peace in Aceh". This paper examined the history of Acehnese wars and the peace development after the signing of the Memorandum of Understanding between the Aceh Freedom Movement, or Gerakan Aceh Merdeka (GAM), and the Republic of Indonesia in Helsinki on August 15<sup>th</sup>, 2005. This article gives a deep explanation of what is really going on in Aceh from the era of wars until the recent time. The authors use a qualitative approach and the theory of inequality and conflict as well as Fanon's ideas in order to elucidate the data. Findings of this research show that there are various reasons which might encourage people involved in the battlefield including group motive, personal motivation, social contract and resource shortage. In addition, it shows that the social and economic condition in Aceh has not developed successfully.

The next article is written by Agus Iswanto talked about the receptions of religious aspects (ultimate truth/God, cosmological and religious ritual aspects) in the cultural products of Radin Jambat, a folktale from Lampung, Indonesia. This study is based on the Radin Jambat Folktale text. The results found that folktale contributes in building harmony among religion followers in Lampung. It also stated that religion and culture can go hand in hand in creating harmony, therefore it can be said that religion, in this case Islam, was accepted by people peacefully.

The third article discussed about Kolasara, a local wisdom from Southeast Sulawesi Indonesia. This paper argues that this tradition has contributed in building harmony especially in the Tolaki tribe in such area. This article was written by Muh Subair, he used an in-depth interview, observation and library research in order to collect data. He suggested that *kolasara* should be internalized in *lulo* dance as a way to strengthen such local wisdom. As it is the fact that *kolasara* has played role in mediating people in various conflicts.

How the manuscript called *Wasitawala* contained some education values was discussed by Moch Lukluil Maknun in the next article. This is an interesting paper in which the writer explained the content of the text and then analyzed it on how those embedded values might be used as a source for the national curriculum especially on the character education. He mentioned that this *serat* has many values of character education such as honesty, responsible, thinking logically, discipline, hard working, creative and so forth.

A.M Wibowo wrote the subsequent article entitled "Political view and orientation of the *roh* members toward the form of the state". This paper is based on his field research at schools in Temanggung Central Java Indonesia. He focused his study on the *Rohis* members' view on certain aspects so called political orientation. The results show that (a) religious teaching at the *Rohis* organization was conducted using one way communication, and they also used media social in disseminating their teaching, (b) *roh* member prefer to choose male and Islamic leader when they asked about their preferred leader. Meanwhile there are two distinct preferences in terms of state form, the first one is the Unified State of Indonesian Republic (NKRI, Negara Kesatuan Republik Indonesia), and the second is the Islamic state.



The sixth article written by Abdurrachman Assegaf was about how the anti-corruption policies and educational strategies enforced by Indonesian and Japanese Government. This is an important issue to be discussed since both countries have experiences some corruption cases, although Japan is less experience compared to Indonesia. This was indicated by some data issued by the Transparency International. Japan is categorized as the least corrupt country, on the other hand Indonesia has many and complex corruption cases. This paper stated that countries have laws on anti-corruption; Indonesia has Act Number 31 of 1999 and Japan has several interrelated law compiled in Penal Codes (PC). in addition, both of them have strategies in implementing strategy for anti-corruption education.

The next article concerns on the issue of hate speech in Kupang East Nusa Tenggara Province, how the Islamic preaching dealing with such phenomena. This is a significant study since in the last few months, there are hate speech occurrence everywhere either through oral or written media such as social media and flyers. In Kupang, Muslim are as a minority group in which most of people are Christian. Thus, during the Islamic dissemination, it is solely aimed for Muslim community and not for non-Muslim society. They do not use loudspeaker during their sermon (dakwah), except for *adzan* (calling for prayers). Furthermore, the clerics always avoid using hate speech during their teaching and sermon.

The last article written by Misbah Zulfa Elizabeth is about women in public space and how religion treats them. This paper argues that now days many women took part in public activities by engaging at some workplaces; however they are mostly put at the lower level compared to male workers. Even, religion also treats them differently. This is because there is such domination of globalization in which this situation might be called as women impoverishment

We do hope you all enjoy reading the articles.

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Analisa Journal of Social Science and Religion would like to sincerely thank to all people contributing in this publication namely advisory editorial, international editorial board, editors, language advisors, assistant to editors, lay-outers as well as other parties involving in the process of publishing this journal. Analisa journal would also appreciate to all authors who submitted their articles to Analisa, so that this journal is successfully released in time.

The Analisa Journal hopes that we would continue our cooperation for the next editions.

Semarang, December 2017

Editor in Chief



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# CURBING CORRUPTION THROUGH TERTIARY EDUCATION IN INDONESIA AND JAPAN (Analysis of Legal System and Islamic Perspective)

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## ABSTRACT

*Corruption has become a global issue, whereas almost every country, whatever tough or slight it is, got to fight against it. It means that none of single country in the world is corruption free. This study analyzes anti-corruption policies and educational strategies enforced by Indonesian and Japanese Government. Data was collected through documentation and literature review, and to some extent, cultural behaviors of both countries were observed. This study used the theory of legal system by Lawrence M Friedman as an analysis method. The main research questions are: first, how are the Government's policies enacted to eradicate corruption in Indonesia and Japan? Second, what educational strategies are implemented by both countries for combating corruption? Third, how Islamic perspective deals with anti-corruption practices? The research findings indicate several points: firstly, Indonesia has very complex social and cultural background if compared to Japan. Indeed Indonesia has some weaknesses such as weak of economic conditions, high levels of poverty, lack of political will, weak of cultural order, lack of honest and discipline attitudes, and lack of law enforcement. Indonesia's anti-corruption policies enforced today is Act Number 31 of 1999, while Japan enacted several interrelated law compiled in Penal Codes (PC). Secondly, the implementation strategy for anti-corruption education in Indonesia is preventive, detective and repressive strategies. Meanwhile, Japan applies integrated strategies in social, political, economic, cultural, and education dimension. It is expected that the results of this study can contribute to the prevention and eradication of corruption in Indonesia more comprehensively, not only through legal means but education, especially higher education through internalization of moral and Islamic values of anti-corruption in all aspects of live.*

**Keywords:** corruption; tertiary education; Indonesia; Japan

## INTRODUCTION

According to general explanation as stated in Act Number 30 Year 2002 on Corruption Eradication Commission, corruption in Indonesia is still pervasive, prevalent and widespread in almost all aspects of social life. The development is continuously increasing from year to year; both from the number of cases and the amount of losses to the state, also in terms of the quality of corruption were made more systematic. In 2015, the Indonesia's *Corruption Perception Index* (CPI) reported by *Transparency International* as ranks to 88 out of 177 countries with a score of 36 out

of 100 (Transparency International, 2015: 3). In spite of perception-based corruption index as mentioned above do not tie with reality, this index could be used as positioning and measuring the level of corruption. Andvig (2005) and Weber Abramo (2005) mention that perception-based indices reflect the quality of a country's institutions rather than its actual degree of corruption (Dreher and Kosogiannis and McCarriston, 2007: 2).

Corruption in Indonesia has covered almost entire life of people, while the people themselves tend to silence it (Marpaung, 2007: 25). Data from Indonesia *Corruption*

*Watch* (ICW) showed that during the first semester of 2013, there were 293 cases with 597 corruption suspects. Out of the 293 cases reported in year 2013, 114 of which were cases of Procurement (*Pengadaan Barang Jasa*, PJB), or 46.38%, with 314 suspects. As for the second semester, there are 267 cases of corruption found with 594 suspects, and 42.7% in the form of PBJ (Tribunnews.com, 2014). Moreover, as of December 2013 there were 311 head areas arrested related to legal issues (Mukodi, 2014: v). In 2015, the ICW released verdict cases that as many as 401 suspects were sentenced to light imprisonment, between 1 to 4 years; 56 suspects were sentenced to 4-10 years imprisonment, and 3 suspects received heavy sanctions above 10 years (Annual Report ICW, 2015: 5). That figure illustrates how prevalent corruption trend in this country. Indonesia has to fight hard to eradicate corruption, and they need to learn from best practices from other countries including Japan.

Indonesia is still far left behind if it was compared to Japan. Japan is closer to a corruption-free country that stands at 15th rank and scores at 76 out of 174 countries (Transparency International, 2014: 3). Meanwhile, the *Global Competitiveness Index 2014-2015* noted Japan as ranked 6th out of 144 countries with a score of 5.47 on a scale of 1 to 7, while at the same time; Indonesia stands at 34 rank and a score of 4.57. The level of economic freedom index of Japan is also high at 73.3 of scale 100, while Indonesia ranked at 58.1 (Economic Freedom Index, 2015:259). Indeed, no single country is immune to corruption, but as seen from the scoring above it is clear that Indonesia still faced problem of acute corruption. On the other hand, Japan can be used as a comparative model in which Indonesia can learn from them that is expected to bring substantial benefits to policy reform and anti-corruption education in Indonesia.

It is clear that corruption is one form of deprivation of the people who should be in the absence of corruption the people can live more prosperous. Precisely because of corruption, most people in Indonesia are trapped in poverty. Huguette Labelle stated that "in the middle decades of the progress of countries that have successfully spawned anti-corruption laws and regulations, corruption is still confine millions of people

in poverty" (Transparency International Indonesia, 2006). Tetsushi Sonobe argues that corruption hampers state building and economic development. For instance, corrupt officials and politicians embezzle funds intended for the provision of basic public services and the construction of infrastructure. Corruption makes the political legitimacy of the state more dubious and undermines democracy (Sonobe, 2012: 2).

The rule of law must be upheld in order to eliminate corruption. Whenever law is firmly implemented then undoubtedly corruption can be reduced or even terminated. However, that law enforcement to combat corruption has faced various obstacles, while corruption has spread into all aspects of life, ranging from the bureaucracy, business, banking, and has penetrated in the area of education. On that basis, the prevention and eradication of corruption had to be done in a multidimensional level, not only through legal channels but also education.

Education is an effective means to instill values and attitudes among early learners. Although the educational approach takes a long time, and the results cannot be seen immediately, a good education process is expected to shape the culture and theological beliefs in self learners to act and behave anti-corruption. Higher education as a center for excellence has a pivotal role to develop ways and strategies to curb corruption within an academic atmosphere.

This study is intended to analyze further on how Indonesia and Japan are able to curb corruption through legal culture, substance and structural means and education. It is also intended to analyze comparatively the policies imposed by both governments in preventing and combating corruption. The results of this study can be used as a starting point for policy reform and education strategy improvement in counteracting corruption.

### **The research questions**

The identification of problems and the core issues of this study are formulated into several points as follows: *first*, how are both Government's attempts and policies to eradicate corruption in Indonesia and Japan? The analyses are focused on the realm of social-cultural, legal system, institutional substance of law enforcement,

and Islamic perspective in preventing corruption. *Second*, what educational strategies are implemented by both countries for combating corruption? In this section this article highlights the role of tertiary education strategies in curbing corruption. *Third*, how does Islamic perspective deal with anti-corruption practices?

### **Theoretical Framework**

Efforts to curb corruption in Indonesia have actually been done since long time ago. In the Old Order era there was a Law Number 24 Regulation 1960, *inter alia* through Budhi Operation, followed by the establishment of the Corruption Eradication Team by a Presidential Decree Number 228 year 1967 led by the Attorney General. However, it seems that such policy is not successful, so that the policy is repealed and replaced by Act Number 3 year 1971. This Act has been attempted through a maximum of Conduct Operations enacted by the Command for the Restoration of Security and Order (Kopkamtib). This policy had been applied throughout the New Order era, but corruption was still not subsided. Turn on the Reformation era, the government re-enacting a new law, the Act Number 31 year 1999 which was later amended by Act Number 20 year 2001, then a year later the Corruption Eradication Commission was formed through Act Number 30 year 2002.

In most countries, combating corruption has experienced twists and turns for such a long time, but it brings fewer results. Then, the problem became clear that corruption eradication program in fact cannot merely be approached from the perspective of law but also it needs to hold multi-approaches strategies and synergistic attempts along with other areas of life, especially moral and religious education. Educational paths and preventive approach through religion and the cultivation of anti-corruption values require a relatively long time efforts, but the results are expected to be more effective. Hence, legal education and religious awareness with high moral values and characters are expected to able to reduce corruption.

The relationship between moral and law is divided into two theories, namely: *firstly*, the theory that morality and law must coexist in the sense of inseparability, as it is regular basis. Legal substance is the content or legal charge materials. If the

the essence of the moral law. Lawrence M. Friedman (1975) stated that there will never be a total separation between moral and law. This is in line with Immanuel Kant that argued the moral law is the law in the sense of truth. Therefore, apart from the moral law is not really a law, it will not last long. This theory is supported by some Indonesian thinkers like Hazarin (1968) and Rasyidi. Hazarin (1968) mentions that without the moral law is injustice, likewise moral without law is utopia. Meanwhile, Rasyidi stated that the law and morality should be placed side by side, because it is the subject of the moral law.

*Secondly*, a theory which states between law and moral has their respective fields with no connection at all. This view is supported by the followers of legal positivism which considers that law and morality has its own field. In this case, Hans Kelsen (1973) states the moral and social philosophy should be separated from the law. John Austin in his imperative theory of law argued that the laws are the ruling regime themselves. It seems that he intended to separate clearly between positive law and moral tradition.

This study follows the first theory that was seen in line with religious theology, namely; law and morality cannot be separated, and even morals become a staple part of the law. Lawrence M. Friedman's theory on legal system divides it into three elements of the legal system, particularly useful in analyzing the phenomenon of corruption. The main component of his theory consists of legal culture, substance and the structural elements. Lawrence M. Friedman (1975) further describes the three elements of the legal system that likened to a machine where the legal culture as a fuel that determine the life and death of the machine. The consequences of this aspect of the legal culture are so urgent in nature. Therefore, without a legal culture, the legal system will be helpless like a dead fish lying in the basket, not like a live fish swimming in the ocean (See Saputra, 2011).

A legal structure is created by the institutional legal system like the district court, administrative tribunal, which functions to support the operation of the legal system itself. The components allow it to their service and law enforcement on a substance is vague the result is not only vague either but also able to provides ample

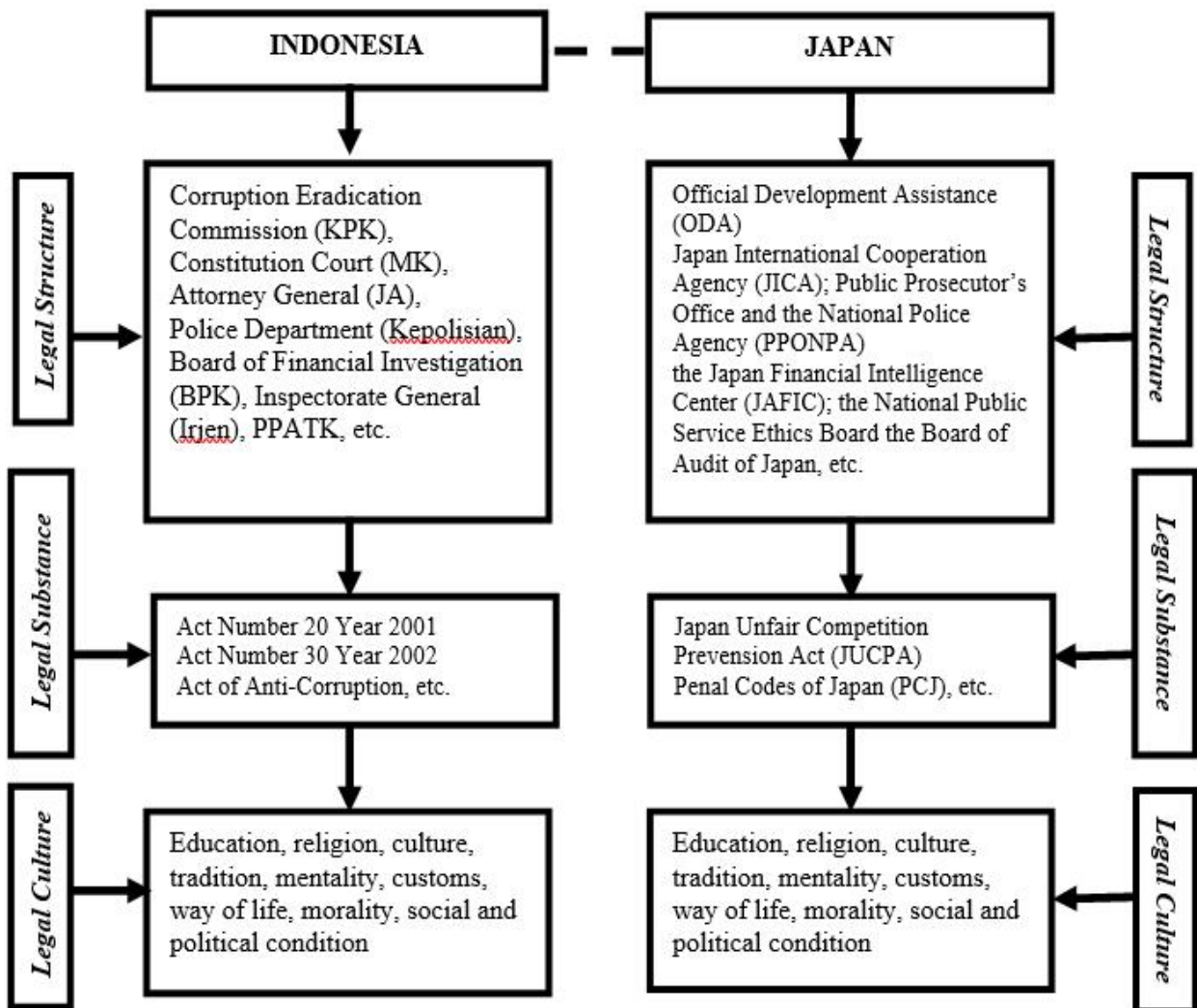
opportunity to the appropriate law enforcement agencies to translate it in their respective interests. For law enforcement agencies working on behalf of law enforcement, whenever the rules are not clear it can be used against corruption which utilizes a law that does not clear. While law enforcement agencies who want to achieve financial gains, the substance of such law will be traded by those involved in corruption cases.

Legal culture is usually associated with customs, traditions and cultures that affect other components of the law, therefore the law was not the product of a cultural vacuum. Law is not just a tool that can be used for certain purposes, but it is the tradition, objects that are not value-neutral

in exchange of social and cultural influences. Changing the culture of law must always be aware of the values, traditions, customs, and all the dominant attitudes that are generally applicable in all aspects of life. There is no more effective way for the realization of value investment collectivity except employing character education, religion, and nationalism value to people. Academic and pedagogic agenda are certainly very important part for the better future in the context of curbing corruption epidemics that might grow inside the next generation (See also Saputra, 2011). Furthermore, Lawrence M. Friedman's theory on legal system and its implementation towards corruption eradication in Indonesia and Japan could be illustrated as below.

**Figure 1**

Friedman's Theory on Legal System and its Implication towards Curbing Corruption in Indonesia and Japan



## Literature Review

Research results on corruption are often found in the study of law. Some research publications on this issue have been published in the form of books, journals, and research reports. Leden Marpaung (2007), for example, discusses on the eradication and prevention of corruption. He initiates his studies about the background and policies of corruption eradication in Indonesia within historical perspective, then, he describes cases of corruption, modus operandi, handling and prevention efforts legally conducted by the government. Various experts have addressed corruption issue using divers perspectives such as religion, law and morality, for instance Suyitno, et.al (2006) wrote a book called *Korupsi, Hukum dan Moralitas Agama* (Corruption, law and religion) (Suyitno, 2006). The book consists of chapters written by 18 authors that spotlight on corruption in law, the role of religion and morality in curbing corruption and the impact of corruption eradication to increase social welfare. Similar study was also conducted by Yunahar Ilyas et al (2004); they wrote a book entitled *Korupsi dalam Perspektif Agama-Agama: Panduan Untuk Pemuka Umat* (Corruption in the religions perspectives, guidance for community leaders). This book specifically examines the normative acts of corruption from religions standpoint. He discussed about the role of conscience for the establishment of anti-corruption attitude and behavior, the values of honesty, trust, responsibility and ethics in terms of property ownership in the Islamic perspective.

Michael Johnston (2005) also examines the issue of corruption that is conceptually supported by plenty of data and information in his book entitled: *Syndromes of Corruption: Wealth, Power and Democracy*. He discussed about the international background, the emergence of corruption syndrome, market influence and network of elite cartels as well as other forms of oligarchy and tribal power. Furthermore, in the conceptual outlook, Syed Hussein Alatas (2009: 1-275) analyzed various properties and functions of corruption in his book which is seen as selected works: *Rasuah: Sifat, Sebab dan Fungsi*. He outlines the historical problem of corruption in Roman, Ancient China and up to Asia

today. Then the explanation is directed to analyze the causes of corruption and the impact of ideological corruption. Although there are many studies on corruption and many academic papers on such theme, these only serve as the precaution and warning, in the reality the corruption itself continues to run and never ceased.

Curbing corruption can be done indirectly through education at schools and universities. Some studies about corruption in educational perspective began to appear, amongst which was the work made by Agus Wibowo (2013: 1-226) on *Pendidikan Antikorupsi di Sekolah* (anticorruption education at schools) and Mukodi (2014) on *Pendidikan Antikorupsi: Rekonstruksi Interpretatif dan Aplikatif di Sekolah* (anticorruption education: interpretative construction and implementation at schools). Both writing are consistent in emphasizing the importance of anti-corruption learning and management in schools.

Research Institute (now LPPM) of State Islamic University / UIN Sunan Kalijaga Yogyakarta Indonesia conducted research program in 2006 on religion and corruption eradication. However, from the research proposals that reached 13 studies on various corruption issues<sup>1</sup>, none of which

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<sup>1</sup> Here are research titles on the role of religion for corruption eradication organized by the Research Institute of UIN Sunan Kalijaga Yogyakarta in 2006: 1. Riswinarno, *Tindak Kriminal dalam Bentuk Korupsi (Suatu Telaah Kebudayaan dan Teologi Islam)*; 2. Indal Abror, *Manipulasi Kemiskinan (Budaya Korupsi di Kalangan Masyarakat Muslim Pedesaan di Kabupaten Magelang)*; 3. Sudin, *Akuntabilitas Vertikal Moral Force Pendidikan Keagamaan dalam Bingkai Pencegahan Patologi Sosial Korupsi (Sebuah Analisis Sospolekbud)*; 4. Pajar Hatma Indra Jaya, *Anak Pejabat Dilarang Lolos CPNS (Hubungan Antara Kepahaman Kasus KKN dengan Labeling KKN dalam Penerimaan CPNS di Bantul)*; 5. Suharyanto, *Agama dan Orientasi Kehidupan Duniawi (Studi Tentang Upaya Agamawan dalam Memberantas Perilaku Korupsi di Kampung Muslim Yogyakarta)*; 6. Sujadi, *Konstruksi Makna Korupsi di Lingkungan Birokrasi Kantor Departemen Agama Kabupaten Sleman*; 7. Abd. Halim, *Urgensi Pembinaan Keluarga Muslim dalam Upaya Menanggulangi Korupsi*; 8. Mohammad Yusup, *Optimalisasi Peran Ulama dalam Pemberantasan Korupsi (Sebuah Upaya Rekonstruksi Sistem Pendidikan Pesantren)*; 9. Bachrum Bunyamin, *Korupsi dalam Realitas Kehidupan Umat Beragama Menurut Novel Maut dan Cinta Karya Mochtar Lubis*;

uses an educational approach to analyze corruption eradication theme. Moreover, *Journal of Religious Research (JPA)* Volume XVI, 2 May - August 2007, included a special edition with the theme of Religion and Anti-Corruption. Out of 11 published articles, two of which examine corruption from the standpoint of education. The first was written by Abdurachman Assegaf under a title: *Madrasah dan Nilai-Nilai Antikorupsi: Analisis Isi Pembelajaran PAI di MAN 1 Yogyakarta*, and the second writing made by Moh Soehadha et al, entitled *Kurikulum Antikorupsi di UIN Sunan Kalijaga: Sebuah Upaya Pemecahan Masalah Korupsi di Kalangan Umat Islam dengan Disiplin Keilmuan Patologi Sosial di UIN Sunan Kalijaga*. Meanwhile, other writings highlight the corruption problems within religious perspective, literature studies, Islamic organizations, criminal behavior and institutional context.<sup>2</sup>

Those various researches on the problems of corruption are expected to have influences in building synergy among diverse government agencies to take precaution

actions. Ministry of Religious Affairs Republic of Indonesia, for example, in 2013 has issued Anti-corruption guidelines for Islamic higher education students. Similarly, several universities in the country have also made the subject of anti-corruption education in their strategy and curriculum. Corruption Eradication Commission (Komisi Pemberantasan Korupsi or KPK) also appears actively in dealing with corruption cases involving elite officials, local officials and businessmen.

Those variety studies on corruption and the hard efforts done by anti-corruption commission are expected to be a driving force in corruption eradication in the country. If compared to the previous study, this research is intended to analyze the Government's policy on curbing corruption as well as the implementation of educational strategies for anti-corruption as practiced at the universities. It is obviously recognized from the previous studies that plenty of research results contribute to analyze corruption legally without combining with the educational perspective. Hence, this article tries to fill the gap.

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10. Budi Ruhiatudin, *Korupsi dalam Realitas Kehidupan Umat Islam di Indonesia dan Solusi Pemberantasannya*; 11. Syafiq Mahmadan Hanafi, *Pemahaman Korupsi di Lingkungan Dosen dan Mahasiswa Program Studi Keuangan Islam Fakultas Syari'ah UIN Sunan Kalijaga Yogyakarta (Studi Pendekatan Ekonomi)*; 12. Waryono Abdul Ghafur, *Pemberantasan Korupsi Berbasis Organisasi Sosial-Keagamaan (Studi Kasus Organisasi NU)*; 13. Abdul Karim, *Teologi Antikorupsi (Analisis Terhadap Peran Islam dalam Pemberantasan Korupsi)*.

<sup>2</sup> More details of the authors and titles are as follows: 1. Bachrum Bunyamin, *Korupsi dalam Realitas Kehidupan Umat Beragama Menurut Novel Maut dan Cinta Karya Mochtar Lubis*; 2. Waryono Abdul Ghafur, *Pemberantasan Korupsi Berbasis Organisasi Sosial Keagamaan: Sikap dan Pandangan NU terhadap Korupsi dan Pelakunya*; 3. Muhammad Yusuf, *Optimalisasi Peran Ulama dalam Pemberantasan Korupsi: Sebuah Upaya Rekonstruksi Pendidikan Pesantren*; Riswanto, *Telaah Kriminal dalam Bentuk Korupsi*; 4. Mohammad Mufid, *Pendidikan Antikorupsi dalam Perspektif Islam*; 5. Abd. Rachman Assegaf, *Madrasah dan Nilai-Nilai Antikorupsi: Analisis Isi Pembelajaran PAI Antikorupsi di MAN 1 Yogyakarta*; 6. Moh. Soehadha, *Kurikulum Antikorupsi di UIN Sunan Kalijaga*; 7. Suharyanto, *Korupsi dalam Pandangan masyarakat Kotagede Yogyakarta*; 8. Pajar Hatma Indra Jaya, *Labelling KKN Keluarga Pejabat dalam Penerimaan CPNS*; and 9. Sujadi, *Konstruksi Makna Korupsi di Lingkungan Departemen Agama Kabupaten Sleman*.

## Research Method

This research is a policy research analyzing the government policies on corruption eradication. In addition, this study is also a comparative education study specifically on the educational practices in Indonesia and Japan. This discusses the theory and practice of education of both countries. This study was conducted from October 2015 to January 2016. Data was collected through three ways namely observation, literature review and documentation on a variety of policy product published by both countries.

The collected data are then processed and analyzed through several stages, namely: data organizing, data classification, synthesizing, looking for patterns of relationships (Bogdan, 1982:145). In a qualitative research, data analysis is performed either simultaneously during or after data collection process. The next steps are writing, editing, classifying, reducing and presenting data. According to Matthew B. Milles and Huberman (1994) data processing include: data collection, data displaying, data reduction, and conclusion. As a comparative analysis, Islamic perspective on anti-



corruption principles will be highlighted as necessarily in the appropriate discussion.

Since curbing corruption in Indonesia and Japan have been in effect, then the type of policy analysis is *post-ante* that emphasis on the descriptive and evaluative explanation (Dunn, 2002:33). Therefore, the analysis can be performed from primary resources from the state documents such as laws, regulations, decisions, instructions, or other sources. Medium expert analysis on the above policy can be analyzed through meta-analysis that is the analysis above expert analysis (Tilaar, 1993: 51). Analysis of legal system which comprises of three aspects: legal culture, legal substance and legal structure, are briefly explained below.

## **RESULTS AND DISCUSSION**

### **Analysis of Legal Culture**

Indonesia is the largest archipelagic country in the world because it consists of 18,108 islands with a land area of 1,910,931.32 km<sup>2</sup>. However, out of 17,504 inlands there is only 6,000 of these islands that are inhabited (BPS, 2015: 9). In terms of terrain, Indonesia is mountainous and two-thirds of the country has been covered by forest and jungle (Quah, 2012:344). Like a string of pearls, the Indonesian archipelago stretches around the equator. This consists of millions square of land and 1.263 million square miles of ocean. Among the largest islands in Indonesia are Java, Sumatra, Borneo, Sulawesi and Irian Jaya. Java is the administration center and it has its capital city of the country. Indonesia has 34 provinces in which 3 of them are Special Region, namely: Special Capital Region (*Daerah Khusus Ibu kota*, DKI) of Jakarta, Yogyakarta (*Daerah Istimewa Yogyakarta*, DIY) and Aceh. These 34 Provinces are divided into 440 districts and cities, 5,263 sub-district, 62,806 villages.

The official census recorded the population of Indonesia in 2014 and it shows that there are 252, 200, 000 people with a population density of 132 people per square kilometer (323.05 per square mile). Moreover, poor people reached at 28,3 million people or equal to 11,2% of the total population and unemployment rate is 5,9% (BPS, 2015: 2). It is approximately 58% of Indonesia's population lived in Java in which this makes the area as the most populous island in the world. In the recent years, the country has promoted a program of

awareness on family planning but it has done little to slow down the growth of its large population which is expected to reach approximately 254 million in 2020 and about 288 million people by 2050.

Indonesian natural resources stand in balance with cultural diversity as seen in the diversity of race, ethnicity, language and religion. Indonesia comprises of 17,504 islands both small and large island with tribal and ethnic diversity from their respective regions. Details of ethnic groups in Indonesia are as follows: Java: 41.71%; Sunda: 15:41%; Matay: 3.45%; Madura: 3.37%; Batak: 3:02%; Minangkabau: 2.72%; Betawi: 2.51%; Banten: 2.05%; Banjar: 1.74%; Bali: 1:51%; Makassar: 0.99%; Cirebon: 0.94%. In addition to this diverse population, Indonesia is also the most populous Muslim country in the world (see World Population Review, 2015).

The great natural wealth of Indonesia has not optimally serve and improve the welfare of the population. This is due to the low quality of human resources and at the same time applied technology and management of natural resources are also reliant to foreign interest. Other factors are large population and incompatible quality of education, as well as supporting policy which is not strong enough to reform bureaucratic management. Furthermore, Indonesia faces severe challenges in equity of wealth and prosperity between people. The poverty rate is still high compared to other countries in Southeast Asia.

In connection with this poverty rate, an official report from the Central Bureau of Statistics Released in 2015 stated that the number of poor people in Indonesia in September 2014 reached 27,727.78 million people (10.96 percent). It means that there is reduction to 0.89 million people (0, 53 per cent) compared to the poverty level in September 2013 which amounted to 28,553,93 million (11.47 percent). During the period of September 2013-September 2014, urban poverty had reduced by approximately 399.5 thousand people (from 10,634.47 million to 10,356,69 million), while the number of poor people in rural areas decreased to 487 thousand people (from 17,919.46 million to 17,371.09 million). The percentage of poor people in urban areas in September 2013 amounted to 8.52 percent, dropping to 8.16 percent in September 2014. Likewise with rural poverty also decreased

from 14.42 per cent in September 2013 to 13.76 percent in September 2014 (BPS, 2015: 176-178). The role of food commodities to

The above statistics showed that there are still many Indonesian people living in poverty. This condition can be precedence for the emergence of corruption, although in reality many corruptors who become a suspect have prosperous economics background and well-established social status. On the other hand, Japan is widely perceived to be one of the least corrupt countries in the world. As quoted above, Transparency International ranked Japan at the 15th least corrupt country out of 174 (Transparency International, 2014: 1-3). Global Integrity reported Japan's overall anti-corruption performance as "solid" (Yoshida, 2014: 142). It is also supported by global corruption barometer's data in which in 2013 from surveyed respondents who had paid bribes in the past year to any one of eight services by country stated that Japan has less than 5% of having paid bribes, while Indonesia ranging between 30-39,9% (Transparency International, 2013: 10). Japan is already capable to increase prosperity and at the same time suppressed corruption behavior effectively.

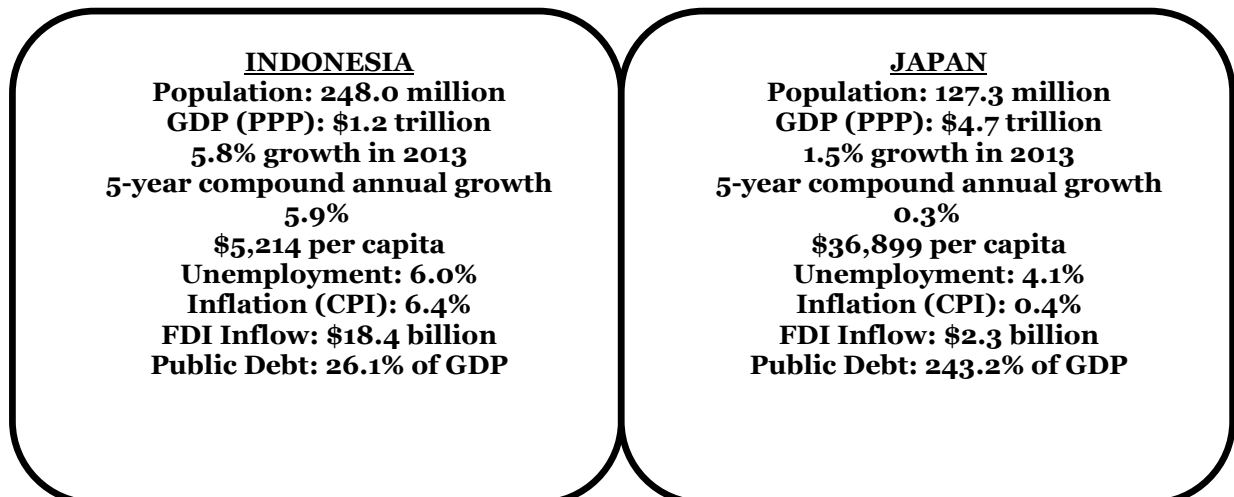
Indonesia is far left behind from Japan income per capita. In 2015, Japan income per capita (GNP) reached US \$ 36,899 while Indonesia GNP stay in the range of US\$ 5,214 (Economic Freedom Index, 2015). Meanwhile, the World Bank report in 2015, GNI per capita of Indonesia ranged in US \$ 3,630 with growth of 5.8%

the poverty line is far greater than the role of non-food commodities (housing, clothing, education, and health) (Assegaf, 2015: 616).

and the poverty rate of 11.3% of the population in the same year, while Japan show that GNI per capita has reached US \$ 42.000 (World Bank Report,2015).

Japan anti-corruption structural institutions successfully achieved in combating corruption, so that Japan became closer to a corruption-free country. Its impact can be seen in the acquisition of the low level of prosperity and poverty. Japan Inflation in 2015 only reached to 0.4% while Indonesia stood at 6.4%. Currently, the poverty rate in Japan as announced by the Ministry of Health, Labor, and Welfare in July 2014 that stated Japan's relative poverty rate was 16.1% in 2012. The threshold, calculated by MHLW based on OECD standards, in 2012 was defined as ¥1.22 million, half of the median equivalent disposable income (See Nippon Communication Foundation 2011-2017), while based on the *Economic Freedom Index* that unemployment in Japan ranged in number 4.1%. Japan is ranked 6<sup>th</sup> out of 41 countries in the Asia-Pacific region, and its overall score is above the world and regional averages. However, Japan's foreign debt is very high which reached at 243.2% of the Gross National Product (GDP) when compared to Indonesia at 26,1% of DGP. For more details, the chart below represents the real number of economic conditions in Indonesia and Japan.

**Figure 2:**  
Comparison of Economic Competitiveness Index between Indonesia and Japan



Sources: 2015 *Economic Freedom Index*

In addition to these economic conditions, it should be noted too the social and cultural conditions of Japan. Japan is officially known as the Unitary Parliamentary Constitutional Monarchy which is located in East Asia. In 2015, the population of Japan reached 127.3 million. The majority ethnic is Japanese (98.5%) and the rest are foreign workers living there including Korean, Chinese, Philippine, Brazilian, Vietnamese, etc. Japan comprises of more than 6,800 islands; and the largest native ethnic group in Japan is the Yamato people, meanwhile large minority groups include the indigenous Ryukyuan and Ainu peoples (World Population Review, 2015).

Some Japanese islands are small, only 340 islands has more than 1 km per square. Four big islands include 96% of this country, namely: Hokkaido, Honshu, Shikoku, and Kyushu. The land area of Japan is 378,000 km<sup>2</sup>. Japanese islands stretch out as a string curve as long as 3,500 km. More than a quarter of population lived in Tokyo and its surrounding prefectures. Metropolitan areas near the capital city are Tokyo, Osaka and Nagoya, all of which are settled by more than 45% of Japanese people. National legislative board of Japan is known as *Dit* that consists of two assemblies, *House of Parliament* and *House of Councilors*. Most of national constitutions should be legitimized by those assemblies.

Japanese people are traditionally family-bounding. Until now, there exist children, parent and grandmother or grandfather stay together in the same house. Three generations family prevalently formed 12% of Japanese household. Divorce cases are uncommonly happened compared to Western countries (Assegaf, 2003: 129-139). Based on that cultural background of Japan it is understandable that Japanese people live in multicultural group's communities with family-based structure oriented and strict to national laws. That is the fundamental values adopted by Japanese people.

### **Analysis of Legal Substance**

Corruption in Indonesia is undoubtedly pervasive (Crossin, 2015: 2) and Indonesia consistently is fighting corruption through any possible means. Indonesia's anti-corruption policies have been conducted since Independence Day in

1945 through various legislative, institutional and program of prevention and eradication of corruption. In the era of the Old Order (1966-1998), there was enacted Law Number 24 year 1960, inter alia through *Operasi Budhi* (Moral Operation), followed by the establishment of the Corruption Eradication Team by Presidential Decree Number 228 year 1967, led by the Attorney General. However, it seems that this attempt is considered not successful, so that the policy is repealed and replaced by Act Number 3 year 1971. This Act has been attempted through a maximum of Conduct Operations enacted by the Command for the Restoration of Security and Order (*Kopkamtib*). This policy applies throughout the New Order era, but corruption was still not subsided. Turn on the Reformation era, the government is re-enacting a new law, the Act Number 31 year 1999 which was later amended by Act Number 20 year 2001. Then, it was formed the Corruption Eradication Commission (KPK) on December 29, 2003 through Act Number 30 year 2002 which states that the Commission consists of five commissions with a leader and four vice-chairmen who served for the maximum of two-year tenure (see Assegaf, 2015: 618).

Actually, the Reform era was marked by the spirit of anti-corruption, and therefore strengthening institutions to combat corruption along with the law of anti-corruption policies Law Number 28 year 1999 on Corruption; Law Number 31 year 1999 on the Eradication of Corruption, Law Number 20 year 2001 on the Amendment of Act Number 31 year 1999 on the Eradication of Corruption; Law Number 30 year 2002 on Corruption Eradication Commission; Law Number 46 year 2009 on the Corruption Court; and Law Number 8 year 2010 on the Prevention and Combating of Money Laundering.

Anti-corruption provisions are included in the Eradication of the Criminal Act of Corruption Law (Law Number 31 year 1999, then, amended by Law Number 20 year 2001 and Law Number 7 year 2006; collectively, the "Anti-Corruption Laws") that include domestic bribery and foreign bribery as well, and cover both the offer or and the recipient of the bribe. For offering a bribe will be punished by the criminal

charges may be imposed on one who gives or promises a government employee something in exchange for (or due to) the commission or the omission of an act that contradicts with the civil servants obligations, one to five years imprisonment and/or a fine of 50,000,000 to 250,000,000 rupiahs (Law Number 31 year 1999 article 5) (ADB/OECD, 2011:233). In relation with the power or authority of the position (without requesting an exchange in performance) the penalty is up to three years imprisonment and/or a maximum fine of 150,000,000 rupiahs (Law Number 20 year 2001 article 13) (Day, 2013:76).

The main substance of the Act Number 31 year 1999 on the Eradication of Corruption contains a lot of subjects, but in particular the problem of corruption described in Chapter II, Article 2 and Article 24, and Chapter III of other offenses related to corruption. Medium Chapter IV contains about problems of investigation, prosecution, and examination in court hearings (Article 25 to Article 40). Chapter V contains the role of the community (Article 41 and Article 42). General Provisions contained in Chapter I, which contains an explanation of the various terms, while Chapter VI contains about Other Provisions (Article 43), and Chapter VII of the Final Provisions (Articles 44 and 45). Until now the Commission ensnares the perpetrators of corruption with the regulations, which summarized the substances of the anti-corruption policy must contain the following aspects (Act Number 31 year 1999):

- a. Any person who acts unlawfully enriches themselves or another person or a corporation that can harm the State finances or the economy.
- b. Anyone with the intention of enriching himself or another person or corporation, abuse of authority, opportunity or means available to him because of the position or positions that could harm the state finance or economy of the State
- c. Every person who commits an offense referred to in Articles 209, 210, 387, 288, 415, 416, 417, 418, 419, 420, 423, 425, Code of Criminal Law.
- d. Every person who gives a gift or pledge to the civil servants with considering the power or authority inherent in the office or position, or by giving a gift or promise

is inherent in the position or the position.

- e. Any person who violates the provisions of law which expressly states that the violation of the provisions of the law as corruption applicable provisions stipulated in this law.
- f. Everyone who attempted, assisted, or evil of agreement to engage in corrupt activities, shall be punished
- g. Everyone outside the territory of the Republic of Indonesia that provides assistance, opportunity, means, or information to corruption is liable to the same punishment as the perpetrators of corruption.
- h. Any person who intentionally prevent, hinder, or interrupt, either directly or indirectly, investigation, prosecution, and examination at the trial of suspects and defendants or witnesses in corruption cases (Assegaf, 2015:619).

If compared with the substance of the law (legal substance) of anti-corruption in Japan, the local government policies applied the rules as described in many laws. The newly introduced law in Japan includes the Unfair Competition Prevention Act (UCP Act Number 47 year 1993). After signing the Convention on Combating Bribery of Foreign Public Officials, the government of Japan, in 1998, amended such Act (which amendment came into effect in February 1999) to criminalize acts of bribery of foreign public officials (Article 18 of the Act). Article 18 of the Act proscribes bribery of foreign public officials by any person, and there is no limitation on its application based on the place where the violation is committed (Assegaf, 2015: 6).

Japan signed to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions on 17 December 1997. Furthermore, Japan signed the United Nations Convention against Transnational Organized Crime in December 2000 and the United Nations International Convention against Corruption on 9 December 2003 (Sadaka, 2011: 3).

Japan has many attempts in curbing corruption, for example Japan International Cooperation Agency (JICA) employs the term "fraud and corruption" to refer to any act for which, when committed, measures are to be taken under *JICA Rules on Measures to Suspend Eligibility for*

*Participation in Tenders for Contracts and JICA Rules on Measures against Persons Engaged in Fraudulent Practices, etc. in Projects of ODA Loan and Grant Aid.* Each of the following actions is regarded as fraud and corruption: false statements in documents; manipulation; the commission of a violation of Japan's Unfair Competition Prevention Act including bribery; the commission of a violation of Japan's Antimonopoly Act; and any other acts which are wrongful or dishonest (JICA, 2014: 5).

Japan imposes severe penalties approach in combating corruption and increase the probability of detection and punishment (Sonobe, 2012: 2). Disciplinary sanctions are the most commonly applied means to enforce codes of conduct. Sanctions often encompass dismissal from the office. Candidates involving in corruption or abuse of power are disqualified for promotion, appointment to important posts in the public sector and certain institutions, or may not receive salary supplements (ADB/OECD, 2011: 11).

According to Penal Code of Japan (PCJ article 198), a person who gives, offers or promises to give a bribe to a public official may be imprisoned for up to three years or fined up to ¥2.5 million. The Penal Code also includes specific punishments for bribery-related crimes relating to public officials. Companies are not punished for their employees' violations of domestic bribery laws (Sadaka, 2011: 6-7). With severe penalty against corruptor, bribery is now widely understood to be impermissible in Japan. Corruption is no longer as a prevalent feature of the Japanese politics and business as it was 20 years ago (Yoshida, 2104: 142).

Japan anti-corruption element regulates of not only domestic official but also foreign official. Offering a bribe or receiving it is prohibited by law. Anti-bribery provisions are included in the Penal Code (Act Number 45 of April 24th, 1907) and the Act on Punishment of Public Officials' Profiting by Exerting Influence (APPOPEI); Act Number 130 of November 29th, 2000). A person who gives, offers or promises to give a "bribe" (as provided for in Penal Code articles 197 through 197-4) shall be subject to up to three years imprisonment with working or a fine of not more than 2.5 million yen (Penal Code article 198) (ADB/OECD, 2011:250). A

person who gives "property benefits" (as provided for in APPOPEI articles 1 and 2) shall be subject to up to one year imprisonment with working or a fine of not more than 2.5 million yen (APPOPEI article 4) (Day, 2013:19). To some extents, those policies are part of the Japanese laws that effectively tackle or prevent the corrupt behavior. In making those policies run smoothly the legal structures are needed.

### **Analysis of Legal Structure**

The creation of the corruption eradication legal structure in Indonesia is formally established through the promulgation of the Law of the Republic of Indonesia Number 30 Year 2002 on Corruption Eradication Commission (KPK) or the Commission by President Megawati Sukarnoputri that took place on 27 December 2002. Since its establishment in 2002 (Hanna, 2011:12), the KPK has evolved under the leaderships of successive commissioners into a fiercely independent, resilient, popular and effective institution in the investigation and prosecution of corruption among public officials (Crossin, 2015: 2).

In Act 30 year 2002 it was explained duties, powers and obligations, domicile, responsibilities and organizational structure of the Commission and others. Chapter II, Article 6 contains about the duties, powers and obligations of the Commission which includes: (1) coordination with authorized institutions, (2) the eradication of corruption, (3) supervision of authorized institutions, (4) investigation and prosecution of corruption; (5) taking measurement to prevent corruption, and (6) monitoring the conduct of the government.

In relation to a position, responsibilities and organizational structure of the Commission as mentioned in Chapter IV, Article 12, it consists of several rights and obligations namely: (1) The KPK is based in Jakarta the capital of the Republic of Indonesia and its jurisdiction covers the entire territory of the Republic of Indonesia; (2) The KPK may establish representation in provincial. Moreover, Medium Article 20 mentions about responsibility of the Commission, namely: (1) Anti-Corruption Commission is responsible to the public for the implementation of the task and submitting its report openly and regularly to the President of the Republic of Indonesia,

the House of Representatives of the Republic of Indonesia and the Audit Board, (2) The public liability referred to in paragraph (a) shall be implemented by means of: mandatory audit of performance and financial accountability in accordance with the work program, (b) publish an annual report, and (c) open access to information.

Article 21 contains the leadership of the Commission: *Firstly*, Chairman of the Corruption Eradication Commission consists of five members of the Anti-Corruption Commission; *Secondly*, Advisory Team that consist of four members; and *thirdly*, Employee of Anti-Corruption Commission as an administrative task. The leadership structure of the Corruption Eradication Commission referred to paragraph (1) point "a" is structured as follows: 1. The Chairman of the Corruption Eradication Commission and member; and 2. Vice-Chairman of the Corruption Eradication Commission consists of four persons, each member concurrently. 3. Chairman of the Corruption Eradication Commission referred to in paragraph (1) point "a" is a state official. 4. The Chairman of the Corruption Eradication Commission referred to in paragraph (1) point "a" is an investigator and prosecutor. 5. The Chairman of the Corruption Eradication Commission referred to in paragraph (2) work collectively. 6. Chairman of the Corruption Eradication Commission referred to in paragraph (1) point "a" is the highest person in charge of the KPK. The KPK is aggressively hunted down the criminals until criminalized by the law.

As a comparison, Japan has created specialized investigation department within the prosecutor's offices in major cities. These offices staffed with specialists and investigate financial crimes team (ADB/OECD, 2011: 28-29). Enforcement body of anti-corruption in Japan is the Public Prosecutor's Office and the National Police Agency (PPONPA) (Jones Day, 2013: 20). JAFIC is the principal agency responsible for preventing money laundering and terrorist financing in Japan. All financial and certain non-financial institutions (e.g., dealers in precious stones, dealers in precious metals, real estate agents, credit card companies, finance lease companies, post-office box agencies,

telephone reception agencies), both public and private, are required to file reports with JAFIC when they find suspicious transactions. If JAFIC finds suspicious activities, it is required to report them to the relevant law enforcement authorities such as the National Police Agency, the Public Prosecutor's Office or the Securities and Exchange Surveillance Commission which may then result in administrative penalties or even criminal investigations.

Another structural institution is Japan Fair Trade Commission (JFTC). This institute enforces Japan's Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Antimonopoly Act) with a view to maintaining fair and free competition in the market. Recent amendments to the Antimonopoly Act granted criminal investigation powers to JFTC. If an investigation is commenced, JFTC may itself file criminal proceedings with the Public Prosecutor's Office under the terms of the Antimonopoly Act. The Ethics Board polices public officials suspected of violating the National Public Service Ethics Act (Ethics Act). To do this, the Ethics Board may either cooperate with the person who appointed the public official or, if it finds it particularly necessary in order to maintain ethics pertaining to the duties of officials, act on its own, conduct on-site investigations to clarify suspected misconduct. The Ethics Board may summon witnesses and request witnesses to submit necessary reports or any relevant materials that it deems necessary for maintaining public confidence in public officials (Smith, 2013: 28).

The Special Investigation Department in Japan has applied several measures and procedures during their investigation process. *Firstly*, during the course of investigation in a bribery case, the Special Investigation Department conducts a thorough search for evidence to collect as many physical items of evidence as possible. Seized evidence is examined to prove an alleged offence of corruption. *Secondly*, during an investigation into bribery, it is important to clarify the source of funds offered as bribes and how they were used. *Thirdly*, public prosecutors conduct intense questioning of suspects or witnesses to obtain their statements to determine the truth about a fact in question (Hasegawa, 2017: 472-473). In short, both Indonesia

and Japan have set up institutions and departments to investigate and to prosecute corruption acts. Meanwhile, the effectiveness of them is varied, the Japanese culture of discipline has helped them become cleaner Government. Indonesian people consider constitution as common agreement to combat corruption. Some of Islamic values are implemented into Indonesian anti-corruption acts.

### **Analysis of Islamic Perspective for Curbing Corruption**

Indonesia consists of multi-cultural and multi-religious people, whereas Islam constitutes majority of more than 88 percents of population. In the religious terms, although Muslims formed the largest religious majority in the country, Islam is not made the official religion of the state. This principle unites adherents of all religions that have lived in Indonesia since many years ago. Indonesia is neither a theocratic nor a secular state. Corresponding to the fundamental right of religious freedom every citizen is obliged to respect the right of other citizens. In this sense, all religions have the right to promote and enjoy peaceful co-existence. For Indonesian society, *Pancasila* (five principles) as a national ideology was agreed upon by the founding fathers of the Indonesian Republic to be the principal guidelines to life in the pluralistic and heterogeneous society under independent Indonesia. With it, the traditional structure of Indonesian society was to be made as a model and a basis for the modern Indonesian nationhood. *Pancasila* consists of five principles: belief in One Supreme God, just and civilized humanity, the unity of Indonesia, democracy which is guided by the inner wisdom of its leaders, and social justice for the entire people of Indonesia. These are the Indonesian state's ideology which promotes religious harmony and nation state.

*Pancasila* as a national consensus, vis a vis Islamic principles, both are inseparable part of Indonesian Muslims' live. Islamic principles on corruption prevention have been adopted as strategies to install good character opposite to corruptive behaviors. Rationally speaking, Islamic anti-corruption principles has significant role to prevent corruption, while national laws as manifested in many Government's policies

against corruption became imperative action for combating corruption. Hence, religious morality and law enforcement should hand in hand in curbing corruption (Ibrahim, 2006: 130).

Islamic anti-corruption principles are based on the Qur'an revelation, the Prophet Tradition (Sunna) and Islamic jurisprudence. All the Islamic principles dominantly consider twofold of frameworks: *firstly*, the common interest (*maslahat*) while preventing detriment (*mafsadah*). Secondly, whatever good or bad deeds performed by someone in worldly affairs should be related to its consequences into hereafter, *ma tuqam bihi al-hayat al-dunya li al-hayat al-akhirah*. The last principle could not be found in secular principles (see Ibrahim, 2006:133).

Qur'an guidance as stated in verse an-Nisa: 58 indicate that: "*Verily! Allah commands that you should render back the trusts to those, to whom they are due, and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allah) gives you! Truly, Allah is Ever All-Hearer, All Seer*". Ahmad Mustafa al-Maraghi argues that the trusts (*amanah*) consist of three dimensions namely: the trusts to Allah Swt, to human being and to himself. The trusts to Allah Swt means keeping every covenant through performing his or her obligation ordained to him or her, at the same time, stay away from all prohibitions set up by Allah Swt. The opposite of trustworthy is treacherous (*khianah*). The trust to human being includes returning all goods to which it belongs, not cheating, keeping secret appropriately and any obligation deeds to others. In addition, the trusts to himself should be done through not choosing something except beneficial and better than it for his or her life in this world and hereafter (Al-Maraghi, 2015: 242). Through these trustworthy obligations, the anti-corruption principles were built.

In one of the Prophet Tradition (*Hadits*) narrated by Ahmad ibn Hanbal from Abdullah ibn Amr, he said that the Prophet Muhammad (pbuh) curses the briber and the receiver. The similar *Hadits* were also narrated by Abu Dawud and al-Tirmidzi, which in short, prohibit any kind of corruption behavior, whether it is undertaken by the doer or the receiver. The use of "curses" is an emphasizing of heavy



prohibition and penalty (Suyitno, 2006:100-101).

In the Islamic jurisprudence, a corruptive behavior could be categorized as offense to legal system and criminal act (*strafbaar feit, fiqh jinayah*). Criminal act has objective and subjective elements. The objective element of criminal act is the external human behavior and action aspect that have legal impact (*een bepaalde gevolg*) including prohibited pre-condition (*omstendingheid*) or threaten by punishment and law. On the other hand, the subjective component of criminal act is the internal aspect of the actor (*in de dader aan wezig*). In all circumstances, the actor should be responsible to what he or she has done and faults (*toerekeningsvat baarheid*) (see Irfan, 2009: 35-36).

According to *fiqh jinayah*, corruption acts comprise of embezzlement (*ghulul*), bribery (*risywah*), plundering (*gasab*), treachery (*khianat*), stealing (*sariqah*), and robbery (*hirabah, qathi' al-thariq*). Moral sanction for the embezzler etc. seems to be distinctive than killing act, because the embezzler will be embraced in the day of retaliation. Furthermore, those parts of corruption acts are in line with *fiqh jinayah* and it is in accordance with formulation paragraph of the Act Number 31 Year 1999 on anti-corruption. The embezzlement (*ghulul*) is mentioned in article 8 and 10 of the Act; bribery (*risywah*) in article 5, 6, 12 and 13. Treachery (*khianat*) is in line with article 3, 7, 8, 9, 10, 11, and 12; while other components of *fiqh jinayah* implicitly appeared in many other articles. Concisely, Islamic perspective on curbing corruption does not contradict with the national law, even its values are implemented in many anti-corruption policies. In spite of different concept and terms, no single article of the Act contradicts with Islamic principle in curbing corruption. This leads into the fundamental role of religious education, and it is slowly but surely, beneficial to prevent corruption.

### **Anti-Corruption Strategies in Tertiary Education in Indonesia and Japan**

Recently, the strategy to eradicate corruption in Indonesia has focused on the big roles of the KPK. There are variety implemented strategies to eradicate corruption including the preventive strategy, detective strategies and repressive strategies.

Preventive strategy emphasizes prevention if there are indications of corruption in the agency. Detective strategy is an attempt to detect directly in the field if there is a possibility of corruption. This detection strategy is conducted by officials, prosecutors, police and community as well as high-ranking officials. Furthermore, repressive strategy is concrete efforts to eradicate corruption expressly by law enforcement agencies.

The main strategy of the Commission is manifested in various punitive measures, namely the investigation and prosecution on corruption. To operate the strategy of "repressive" the Commission has signed a Memorandum of Understanding with the Attorney General, Police, and various other bodies. Commission advocate for an increase in remuneration and the introduction of various management systems based on performance at all levels of the government. They also advocated the establishment of "islands of integrity" and the various "integrity pact". Finally, it also seeks to replace a variety of public perception and culture of tolerance towards corruption (CSIS/USINDO, 2007: 109). These efforts should be appreciated although the Commission was not able to make a clean Indonesia and to place Indonesia ranked at the top ten as other countries did. Corruption needs to be approached at various levels and requires expertise, knowledge and skills in a variety of fields, including law, finance, economics, accounting, civil engineering, social sciences, and other domains including education (OECD, 2008: 23). Therefore, the efforts to combat corruption through legal channels, especially those held by the Commission needs to be assisted by other means namely the strategy to eradicate corruption through education.

Education could be used to combat corruption through internalization of values or virtues to students. There are various opinions regarding the best approach to corruption eradication. One of them is essential for the country or group to share their experiences and knowledge with each other. In addition, intellectuals might help by building a coalition of anti-corruption agency. The basic elements of corruption eradication strategies includes: *firstly*, the implementation of the law. *Secondly*, it is prevention activities. *Thirdly* is the

establishment of institutions. *Fourth*: public awareness (ADB, 2011:266). The above mentioned strategies commonly used by Indonesian Government as part of their strategy to eradicate corruption. The Commission takes steps to prevent corruption through preventive strategies in line with other educational institutions, including the Ministry of Education and Culture.

In fact, approach to curb corruption are varies and it should be simultaneously held in multi-approaches strategy as indicated by the causal variables. The causal variables have been categorized into four main factor-groups, namely: political and judicial factors, historical factors, social and cultural factors, and economic factor (Dreher, 2007: 2). Meanwhile, multi-approaches in curbing corruption encompass lawyer approach, business approach, market or economic approach and educational approach. Herewith, education, especially tertiary level, has a significant role in preventing corruption through its university authority policies and curriculum. Anti-corruption curriculum is explicitly mentioned in several universities in Indonesia such as Paramadina University and it is included as compulsory subject matter. Meanwhile, the Ministry of Education and Culture has begun to introduce Anti-Corruption Education in Higher Education since 2011. Consequently, this new policy and the role of tertiary level of education in curbing corruption could not be seen its impact immediately in short period of time. Furthermore, the Ministry of Religious Affairs has also applied and followed up the anti-corruption education among selected Islamic higher education's students since 2014.

Students' participation in the higher education in Indonesia is growing fast. Within 99 state universities and 3,181 private universities the active enrolled students' numbers are 1,827,240 for state universities and 4,012,347 for private universities. Meanwhile, numbers of lectures are increasing and reached 87,533 for state lectures and 143,382 private lecturers. There were also Islamic higher institutions run by the Ministry of Religious Affairs that could be divided also into two categories: state and private. State Islamic higher institutes comprise of 53 institutes while 625 are private institutes with number

of students in state category around 341,315 students, and 272,350 private institutes students. In addition, state lectures are 12,002 lectures and 14,669 private lectures (BPS, 2015:142-143).

Formal and non-formal education eventually is an option. In general, education is intended to re-establish a correct understanding of the public about corruption, raising awareness to all potential corruptive acts that might be occurred, no matter the slightest act of corruption and whoever dares to oppose the acts. This practical purpose, when performed together by all parties, will be mass movement that is expected to generate a new nation that is free from the threat and impact of corruption (Kemendikbud R.I., 2011: 17). Higher education pays much attention in transmitting knowledge, behaviors and values to prevent corrupt attitudes. In addition, because Indonesian people are religiously bounded, religious values and tenets also became significant factors for preventing corrupt actions.

Religion may shape social attitudes towards social hierarchy and family values and thus determine the acceptability, or otherwise, of corrupt practices. The role of the religious tradition in fighting corruption has been explored explicitly by Treisman (2000) who found that the Protestant tradition appears to have a negative (though small) effect on perceived corruption. Religion may also impact on the quality of the legal system as explored by La Porta *et al.* (1999). They found that countries with a high proportion of Catholics or Muslims reduces the quality of government and, by extension, may reduce the deterrence of corruption (Dreher, 2007: 7).

Religious perspective views that corruption occurs as a result of the weakness of religious values within the individual, and therefore efforts should be done to strengthen and internalize religious values into individual and society to prevent acts of petty corruption and mainly major or grand corruption. This perspective gave birth to among others, corruption and religious subjects in a number of the Faculty of Philosophy and Religion (Dreher, 2007: 18). According to decision made by the Ministry of Religious Affairs, policy Implementation of Anti-Corruption Education Integration Model for Fiscal Year 2014 should be done through both state and

private universities who have Postgraduate Program (Keputusan Dirjen Pendis Number 3417 year 2014), that consists of 53 Islamic higher education in Indonesia. Preventive strategy of anti-corruption in higher education in Indonesia has already been conducted by the Commission in collaboration with the Ministry of Education and Culture and the Ministry of Religious Affairs through designing the anti-corruption curriculum for university students.

Anti-corruption education in higher education in Indonesia such as State Islamic University (Universitas Islam Negeri, UIN) or State Institute for Islamic Studies (Institut Agama Islam Negeri, IAIN) should not be manifested in the isolated subject matter curriculum or the monolithic subject matter, but this should be integrated into anti-corruption values and more explicitly exposed into several materials that are closely related to anti-corruption mission. Thus, anti-corruption education could be actualized through political approach, normative, socio-cultural and management. Hopefully, it is not included as hidden curriculum and not limited to integrative contents as such, but it should be included in the curriculum within specific discussion (Afriantoni, 2006; 289-290, 301). However, Agus Wibowo reminds us that developing anti-corruption education is not discussing topic per se, it must be integrated into the whole subject matter, personal development and school culture. That is why, teacher as well as school should integrate anti-corruption values into its curriculum, syllabi, instructional design and action plan (Wibowo, 2013: 57).

In Japan there are two main religions, Shinto and Buddhism. Although some Japanese people nowadays declare that they have no specific religious affiliation; many people participate in Shinto or Buddhism rituals and traditions. For example, some wedding ceremonies are held in Shinto rituals and burial ceremony usually follows Buddhism rituals. Christianity was introduced into Japan by Spain and Portuguese missionaries in the midst of 16th century. Recently, beside Shinto and Buddhism temples there were parish and worship places for Catholic, Protestant, East Orthodox Christian, Mormon, Jews, Hinduism, Muslim and other various

religions and beliefs (Assegaf, 2003: 143-144).

The higher education in Japan consists of three types: university, junior college and technical college. Education in the tertiary level comprises of graduate (Bachelor's degree) and postgraduate (Master and Doctoral degree). It takes 4 years study in graduate level, except for Faculty of Medicine that takes 6 years. Master degree takes 2 years and Doctoral degree 5 years (Assegaf, 2003: 136-137). In Japan, universities are divided into following three categories as shown by its founding basis: (a) national universities which were originally established by the Japanese Government (currently established by national university corporations), (b) public universities which are established by local public entities or public university corporations, and (c) private universities which are established by educational corporations (Higher Education Bureau, Japan: 3).

In contrast to Indonesia, anti-corruption strategy undertaken by Japan is relatively successful. In the region of the Asian countries, Japan is a country that is effectively combating corruption. The elements of governance develop and apply effective anti-corruption strategies. It has been argued that development strategies must be: inclusive, comprehensive, integrated, evidence based, non-partisan, transparent and impact oriented. These principles are also true for anti-corruption strategies (UN Guide for Anti-Corruption Policy, 2003: 39). Although no specific regulation and explicit curriculum of anti-corruption education adopted by higher education in Japan, campuses create culture of discipline, honesty, responsibility and integrity. Japanese people commonly follow national laws and institutions in preventing corruption. Any economic transaction used receipt as a proof of payment. Moreover, keeping promise between student and lecturer is a good habit and good practices to endorse better climate for anti-corruption behavior. In addition, Japanese people are willingly to help others whole heartedly until the problem is settled. Apparently, moral educations for students from kindergarten to university level are successful in transmitting good deeds and behaviors to prevent moral deviation like corruption.

Anti-corruption strategy and learning methodology in Japan tertiary education are implementing active learning strategies such as in-class discussion, case study, improvement system scenario, general lecture, film discussion, investigate report, thematic exploration, prototype, prove the government policy, experiment, and developing education tools (Kemendikbud R.I., 2011: 10-17). Students that explore their tasks in laboratory and library beyond scheduled classroom meeting until late at night are commonly happen in Japanese universities. Both lecturer and student are busy with their respective works. University implies instructional concept: internalization of instructional integrity, intention of anti-corruption behavior, student centered learning, learning methodology, participatory learning method (Kemendikbud R.I., 2011: 6-10).

## CONCLUSION

No single country can be completely free from corruption. However, as long as concerned, Japan is a country that is approaching to clean or free of corruption. While Indonesia still needs to work hard in combating corruption and therefore learning from Japan's success in overcoming corruption can be used as valuable input as well as follow-up to Indonesia. Some aspects related to the corruption eradication and anti-corruption education strategies in Indonesia and Japan could be summarized as follows.

*Firstly*, Indonesia is among the country with the largest population in the world. Indonesia has a broad geographic area that stretches from Sabang to Merauke as archipelagic country, multi-ethnic, multi-religious, multi-cultural, and multi-language and other aspects of diversity, with variety customs and economic conditions. In the economic perspective, Indonesia is facing low levels of prosperity and high poverty rate. Indonesia has more complex system to handle and to fight corruption. Meanwhile, Japan has more prosperous economic growth as indicated by its lower poverty rates and higher prosperity. Japanese people used to live in culture of discipline and obey the rules supported by adequate system and high-technology, the Government effectively handling corruptive action.

In relation with the applicable rules and policies (legal substance) for anti-corruption, both Indonesia and Japan have their own legal basis, foundation and detailed rules, including forms of bribes and gratitude. Indonesia's anti-corruption agency has already enacted some laws including Law Number 28 year 1999 on Corruption; Law Number 31 year 1999 on Corruption Eradication, Law Number 20 year 2001 on the Amendment of Act Number 31 year 1999 on Corruption Eradication; Law Number 30 year 2002 on Corruption Eradication Commission; Law Number 46 year 2009 on the Corruption Court; and Law Number 8 year 2010 on the Prevention and Combating of Money Laundering. Legal substance of the anti-corruption policies in essence is prosecuting corruption as described in the above rule and its sanctions. However, although it has been available in a wide range of anti-corruption rules, cases of corruption are still prevalently found in this country.

Japan's Unfair Competition Prevention Act includes bribery along with another integrated policy described in the Penal Code of Japan (PCJ), and the Act on Punishment of Public Officials' Profiting by Exerting Influence (APPOPEI), are comprehensively in active rules to curb corruption actions. In practice, the substance of the law (legal substance) of anti-corruption in Japan is much more effective and successful than Indonesia; Japan has adopted appropriate strategy integrating the law with their socio-cultural conditions. Many other regulations related to the PCJ are policies on business issues, finances, banking, and commerce that mutually support the eradication of corruption.

The anti-corruption agency (legal structure) established by the Government of Indonesia and Japan is not much different. In Indonesia, the most proactive institution that intensively fighting against corruption is the Corruption Eradication Commission (KPK), while among many other Japan prominent institutions are the Public Prosecutor's Office and the National Police Agency (PPONPA). Both institutions seek to eradicate corruption and demonstrate its success. But the strategy pursued by both countries is different. The law enforcement agencies in Indonesia are not immune from the case and scandal, including the Attorney

General, Supreme Court of the Constitution, the Police Department. Even, in the Commission itself had also experienced a scandal that could bring down their good image and public confidence. In contrast, law enforcement agencies in Japan is quite authoritative and credible, given the corruption, whoever he or she is, will lose everything if caught.

Secondly, anti-corruption education strategy implemented in Indonesia is strategy implemented through the Commission by taking preventive action such as anti-corruption activities, festival, book expo, library, anti-corruption portal, television channels and radio, public information services, and e-learning gratification information. Why so difficult to eradicate corruption in Indonesia? It is mainly because of multi-factors which are intermingling with each others. These include the practice of meritocracy, low salaries, the complexity of the bureaucracy and inefficiency, lack of control over security and surveillance functions, and lack of confidence in the budget and institutional reforms. Meanwhile, Japan applies interrelated strategies set up by the element of governance which include willingness to develop and apply effective anti-corruption strategies. It comprises of inclusive approach, comprehensive, integrated, evidence based, non-partisan, transparent and impact oriented. Through Japanese culture, legal substance, legal structure and strengthening higher education role and strategy developed by the authorities, Japan has successfully overcome the fundamental causes of corruption.

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#### 1. Title

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- f. Table should not be presented in picture, it should be type in real table-office word formating
- g. Source of the table should be typed below the table, align text to the left, 10pt font Time New Roman.

h. Example:

**Table 4.** Number of Rice, Corn and Sweet potato Production

product	2010	2011	2012	2013
Rice	1.500 Ton	1.800 Ton	1.950 Ton	2.100 Ton
Corn	950 Ton	1.100 Ton	1.250 Ton	1.750 Ton
Sweet potato	350 Ton	460 Ton	575 Ton	780 Ton

Source: Balai Pertanian Jateng, 2013.

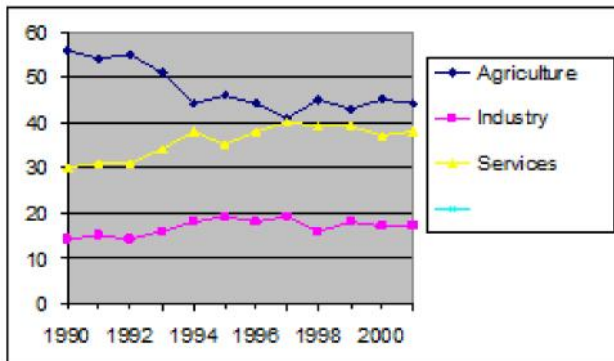
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- a. Picture, graph, figure, photo and diagram should be placed at the center
- b. Number and title should be typed above the picture, graph, figure, photo and diagram.
- c. Number and the word of the picture, graph, figure, photo and diagram should be typed in bold, 12pt *Georgia* and at the center, while title of them should be typed in normal (not bold).
- d. Number of the picture, graph, figure, photo and diagram should use an Arabic word (1, 2, 3 and so forth).
- e. Source of the picture, graph, figure, photo and diagram should be typed below the table, align text to the left, 10pt font *Georgia*.
- f. Picture, graph, figure, photo, and diagram should not be in colorful type, and in high resolution, minimum 300-dpi/1600 pixel (should be in white and black, or gray, ).

Example:

Figure 1

Indonesian employment in agriculture compared to others sectors (% of the total employment)



Source: World Development Indicator, 2005

## 6. Research finding

This part consists of the research findings, including description of the collected data, analysis of the data, and interpretation of the data using the relevant theory

## 7. Referencing system

Analisa uses the British Standard Harvard Style for referencing system.

### a. Citations (In-text)

Analisa uses in note system (in-text citation) referring to the British Standard Harvard Style referencing system; format (last name of the author/s, year of publication: page number).

- Citing someone else's ideas.

Example:

Culture is not only associated with the description of certain label of the people or community, certain behaviour and definite characteristics of the people but also it includes norm and tradition (Afruch and Black, 2001: 7)

Afruch and Black (2001) explain that culture is not only associated with the description of certain label of the people or community, certain behaviour and definite characteristics of the people but also it includes norm and tradition.

- Citations; quotation from a book, or journal article

Quotations are the actual words of an author and should be in speech marks. You should include a page number.

Example:

Tibi (2012: 15) argues that "Islamism is not about violence but as the order of the world."

It has been suggested that "Islamism is not about violence but as the order of the world" (Tibi, 2012: 15)

- Citations - Paraphrasing a book or journal article

Paraphrasing is when we use someone else ideas/works and write them in our own words. This can be done two ways, either is correct.

Example:

Batley (2013) argues that some of the detainees in the bombing cases were members of JI.

It has been suggested that some of the detainees in the bombing cases were members of JI (Batley, 2013).

- Citing a source within a source (secondary citation)

Citing the source within a source, it should be mentioned both sources in the text. But, in the reference list, you should only mention the source you actually read.

Example:

Tibi (2012, cited in Benneth, 2014: 15) argues that Islamism is not about violence but as the order of the world.

It has been suggested that Islamism is not about violence but as the order of the world (Tibi, 2012 as cited in Benneth, 2014: 15).

- Citing several authors who have made

similar points in different texts

In text citations with more than one source, use a semi colon to separate the authors.

Example:

Understanding the cultural differences is an important element for mediation process (John, 2006: 248-289; Kevin and George, 2006: 153-154; Kriesberg, 2001: 375; Alaeda, 2001: 7).

- Citations - Government bodies or organizations

If you reference an organization or government body such as WHO, the Departments for Education or Health, the first time you mention the organization give their name in full with the abbreviation in brackets, from then on you can abbreviate the name.

Example :

The World Health Organization (WHO) (1999) suggests that.....

WHO (1999) explains that .....

- Citing from the internet

If you cite a source from the internet (website), write last name of the writer, year of the uploaded/released: page numbers. If there is no author in that page, write the name of the body who release the article in that website, year of release.

Please do not mention the address of the url in the in-text citation.

Example:

Syrian uprising has been prolonged for almost six years and has caused thousands people death as well as millions people has forced to flee from their homeland to seek safety (Aljazeera, 2016).

Religion is an important aspect for the life of many people in the recent era. The believe system of religion plays as a guidance for some people (David, 2015: 12-13)

## b. Reference list

- Book

Last name of author/s, first name of the author/s year of publication. *Title of the book*. Place of publication: name of the publisher.

Example:

Aly, Anne. 2011. *Terrorism and global security, historical and contemporary perspectives*. South Yara Australia: Palgrave Macmillan.

Effendy, Bahtiar. 2003. *Islam and the state in Indonesia*. Singapore: Institute of Southeast Asian Studies.

- Chapter of the book

Last name of the author/s, first name of the author/s. "Title of the chapter". In title of the book. Editor name, place of publication: name of publisher.

Example:

Dolnik, Adam. 2007. "Suicide terrorism and Southeast Asia." In *A handbook of terrorism and insurgency in Southeast Asia*. Tan, Andrew.T.H (ed). Cheltenham, UK and Northampton, USA: Edward Elgar.

- Journal article

Last name of the author/s, first name of the author/s. Year of publication. "Title of the article". *Name of the journal*. Volume. (Number): Page number.

Example:

Du Bois, Cora. 1961. "The Religion of Java by Clifford Geertz." *American Anthropologist, New Series*. 63. (3): 602-604

Sirry, Mun'im. 2013. "Fatwas and their controversy: The case of the Council of Indonesian Ulama." *Journal of Southeast Asian Studies*, 44(1): 100-117.

- News paper

Last name of the author/s, first name of the author/s. Year of publication. "Title of the article". *Name of the newspaper*. Date of publication.

Example:

Eryanto, Hadi. 2010. "Menyiapkan Jihad di Aceh." *Kompas*. 18 March 2010.

- Internet

Last name of the author/s, first name of the author/s. Year of publication. "Title of the article or writing". Date of access. Web address

Example:

Suhendi, Adi. 2012. "Dana Osama bin Laden dipakai untuk bom Bali 1" (Osama bin Laden's fund was used for Bali Bomb 1). Accessed August, 20, 2014 from: <http://nasional.kompas.com/read/2012/03/26/14001755/Dana.Osama.bin.Laden.Dipakai.untuk.Bom.Bali.1>

- Internet

If there is no author in that page, write the name of the body who release the article in that website, year of release, date of accessed, address of the website

Example:

Aljazera. 2017. The voices missing from Syria's peace talks. Accessed 23 June 2017, from: <http://www.aljazeera.com/indepth/features/2017/03/syria-war-missing-voices-syria-peace-talks-170322073131728.html>

- Unpublished thesis/dissertation

Last name of the author/s, first name of

the author/s. Year of publication. *Title of the thesis/dissertation*. Name of the university.

Example:

Muhtada, D. 2005. *Zakat and Peasant Empowerment: Case Study on Zakat Organizations in Yogyakarta*. Yogyakarta: Unpublished Master thesis for graduate school of social work at State Islamic University Sunan Kalijaga.

- Article/paper presented at seminar/conference

Last name of the author/s, first name of the author/s. Year of publication. "Title of the paper." Article presented at seminar/conference, host of the seminar, place of the seminar, date of the seminar.

Example:

Anwar, K. 2007. "Mengungkap Sisi Akidah dalam Naskah Syair Kiyamat." Paper presented at a seminar on text of religions, hosted by Office of Religious Research and Development Ministry of Religious Affairs Republic Indonesia. Jakarta, 30 November 2007-03 December 2007.

## 8. Transliteration system

Transliteration Arab-Latin system refers to SKB Ministry of Religious Affairs and Ministry of Education and Culture Republic of Indonesia Number 158 year 1987 and 0543/b/u/1987



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