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CRIMINOLOGICAL REVIEW OF HIGHER EDUCATION OFFICIALS IN CORRUPTION CASES

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ABSTRACT

The research was written to review the criminological aspects in cases of criminal acts of corruption that occur in the Academic Community. Corruption itself is an act that violates the official duties and authority of a state position to gain status or money, influence individuals, relatives, or groups, or violate rules for carrying out individual actions. The results of this research can illustrate that there are at least several reasons or motives that encourage someone in a university environment to commit corruption, namely being tempted by power and luxury. This is also driven by minimal supervision plus extensive relationships, giving rise to opportunities to carry out this act of corruption. Kourpsi This can be prevented, namely by having stricter supervision efforts accompanied by exemplary values from leaders so that this corruption can be avoided.

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INTRODUCTION

In the literature review, corruption has different meanings. The classic work of Sheikh Hussein Alatas, Sociology of Corruption, has many implications. Corruption means, among other things, an official accepting a gift offered by a person or private entity with the aim of giving special attention to the interests of the donor. Until Ludigdo, Corruption in Higher Education (Alattas, 2019:23) so that it can be concluded that corruption is giving something to high-ranking officials, officials or those who have power to get their attention. The definition is very loose. However, when we understand corruption, what we mean is the actors: public officials and the private sector. The goal is to get more attention from the person concerned. Another definition defines corruption as making illegal payments or bribes to those in power to generate profits without growth. So the key to corruption is bribing to inhibit economic growth. This means that bribery only enriches those in power and slows down economic growth. This is one of the impacts of corruption. If high-ranking officials are busy digging into their own pockets, economic development automatically stops. Even so, the rulers don't want to know. For him, power is a means to enrich himself and his colleagues. This argument is agreed by. Kristiadi who defines corruption as an act of abuse of authority or public office for personal gain or benefit. Abuse of authority and power is the gateway to corruption. This explanation can be seen from the characteristics of corruption itself. Namely: First, there is an act of violation of trust. Second, neglect of public interests and special interests. Third, it must be done secretly, unless the ruler or his subordinates consider it unnecessary. Fourth, many parties are involved. Fifth, there are mutual obligations and benefits, both financial and other benefits. Sixth, corruption activities focus on people who want clear decisions and can benefit themselves. Seventh, perpetrators of corruption have dual and contradictory roles. Finally, there are efforts to hide corrupt practices through legalization. Higher education as an educational institution must be an example in efforts to eradicate corrupt practices. Because in reality, its graduates will directly face the world of work, therefore moral education is very important so that higher education can be free from corrupt practices. However, it cannot be denied that many perpetrators of corruption also come from within higher education. Corruption can also be present in the form of promises or threats or both; can be initiated by a civil servant in this case a higher education official or another party with an interest. It can also include acts of removing evidence or giving commissions or can involve legal or even illegal services, and can occur inside or outside government organizations. (Kaligis, 2006:35)

Several forms of abuse of power that can be carried out by the government or agencies under it can be described as follows: unlawful acts are equated with onrechmatige overheidsdaad, namely deliberate acts that harm individuals, for example laws, formal regulations in force, or community decisions that must be obeyed by the authorities. A decision is considered invalid if (1) it violates the limitations set by law; (2) it is used in a way that is different from the purpose for which the permit was granted; An act of abuse of power is an avoidance of the purpose of the authority granted by law.

The basis for considering an act of abuse of power is the idea that the granting of power has a specific purpose, and this is known from the history of its regulation. Arbitrary actions are considered equivalent to harassment. In other words, an act that occurs outside the scope of legal regulations, has no legal basis, or has an unclear legal basis. The government must not and should not make a decision because, after considering all related interests reasonably, the implementation of government actions based on law and morality is illegal and inhumane.

FORMULATION OF THE PROBLEM

Based on the understanding above, a problem formulation can then be raised, namely: How is the criminological review of corruption cases committed by high-ranking officials in higher education environments?

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METHOD

Method The type of research used in this study is qualitative research (Sarwono, 2006:36) Qualitative research is conducted by comparing and verifying the level of reliability of the information obtained

Qualitative research is conducted to study the appropriate and correct methods and solutions in overcoming the corruption turmoil. The analysis used in the study is descriptive analysis. This research was conducted to explore the true meaning of, so that qualitative descriptive research was conducted (Sutopo, 2002) Descriptive research is research that objectively reinterprets social phenomena included in the problems studied in this framework of thought, qualitative research design is essentially flexible and flexible, open to the possibility of modification and adjustment throughout the research process.

Therefore, although it remains a very important initial guideline for entering the field, if the reality in the field shows a different tendency, then the research plan that has been prepared does not need to force an undue surrender. far.

RESULTS AND DISCUSSION

Results

Criminology Review

Corruption is no longer a concern for politicians, regional managers, bureaucrats, and the private sector, but corruption is also common and increasing in higher education. This shows the fact that the problem of corruption occurs in all institutions and lines.

Criminology theories that can be classified against the phenomenon of corruption in the university environment such as Differential Association Theory. Sutherland believes that crime can be drawn from human behavior and historical factors can explain the causes of crime. Furthermore, Gabriel Tarde assesses that crimes committed by someone are nothing more than the result of imitation of crimes that are already known to the public. (Djanggih & Qamar, 2018)

For example, in general, corruption that occurs in the university environment is not the first time. Even in the early days of the university's establishment, this corrupt behavior often occurred. So like a vicious circle, this will continue to happen.

The second theory is the sub-cultural theory which is caused by existing cultural habits or traditions.

Not infrequently, both lecturers and employees who want to be promoted must pay a certain amount of money so that they can reach the position. So when he has reached that position, he will try to find back the capital he has spent. Because it seems to have become a tradition for officials who consider this negative behavior normal. The third theory of crime is the neutralization theory. The premise of this theory is that every human behavior is basically always controlled by the mind. Everyone can make mistakes, especially those who already have a position, and of course greed is human nature. It is undeniable that every human being certainly has his own temptations. From the position he received, then various opportunities to commit fraud entered. So in this case the integrity of a university official is really tested. If he fails then he should be punished as he should not just blame the existing system and blame the system that has been broken for a long time. That should be the task of a university official. Therefore, the job selection process is key in finding candidates who have integrity. If from the beginning this selection process is tainted with deviant practices then nothing can be expected for the elected official later, he will also end up doing deviant behavior too. Next there is the theory of opportunity. Coleman argues that when someone has an authority from the job he holds, then this can be a means of opportunity and become a single method to still achieve wealth, or in other words "fear of falling" is a strong motivation for the perpetrator. Sometimes a corruptor does not only commit corruption because he is under pressure or has a strong desire. But he sees an opportunity to commit the crime. The sense of security he feels plus the loose supervision of power opens the door wide to corruption.

That's what happens. For example, in a university environment, there is often a desire from the management to make the campus more famous by building expensive facilities such as research institutions, academic hospitals, and laboratories. Faced with budget constraints, this desire finally makes a group of people do whatever it takes to make it happen.

Among the ways that professors and administrative officials usually do is anyone willing to spend money to realize this desire. Because of the ambition and prestige of the leader to provide luxurious and magnificent facilities to the university, he is willing to do things that are not commendable. Bribery, bribery and collusion to obtain funds

for the realization of desires are done consciously. In line with the statement above, there are at least six forms of corruption in higher education.

Namely

a. Replacement of construction supply contracts.
b. Refusal or delay of approval and signatures required to extort bribes or gratuities which can be in the form of gifts and services.
c. Order the person, family, or friends to make and buy goods.
d. Require payment for services that are reasonably provided free of charge because they are the duties of the person concerned.

False cost claims.

Reuse of community donation funds (Dani Rustandi & Fibria Indriati, 2022). There are also six forms of corruption in higher education: corruption in procurement of goods and independent student admissions. Thus, there are a total of eight loopholes for corruption to enter the higher education environment.

Corruption in its various forms shows that universities can turn into a breeding ground for corruption and bribery. Ironically, because universities that promote the tridharma are one of the institutions that actually erode people's money. Universities that should produce agents of change and serve the interests of the community have instead become hotbeds of corruption. As a result, the spirit of higher education is tarnished in the eyes of the public.

However, there are also officials who fall into corruption because of the duties associated with the position. By the way, the policy must be signed by employees. Until it turns out that their policies are detrimental to the state and are finally considered corrupt and they are the perpetrators. In fact, the money collected does not benefit the officials. He used to have a good position, wealth, and a brilliant career, but suddenly he was involved in a crime and had to go to prison.

As a result of this incident, they were found guilty of bribery (Irawan, 2011). Leader of the University He is a leader who exercises great power. Seeking goods/services and receiving independent channels. For example, in the field of procurement of goods and services, the position of university rector, dean, and other institutional ranks are referred to as those in charge, or commonly called Commitment Making Officers (PPK).

This position gives authority to university leaders and deans to lead certain projects in order to recruit certain stakeholders. Efforts to help and win often contain

elements of collusion. Collusion is an illegal act. However, in order to get rewards and tips, a certain percentage of collusion occurs by turning a blind eye to violations of regulations or pretending not to know about them. The desire behind power is to seek profit.

Forms of abuse of administrative power by government officials who violate the law as stipulated in Law Number 30 of 2014 concerning Government Administration The law is classified into three forms of prohibited acts:

1. Excess authority.

This is conceptualized in three forms of action. :

1) Exceeding the term or limiting the validity period of authority.

2) Exceeding the boundaries of the area where the authority applies.

3) Contrary to statutory regulations

From a criminal law perspective, in the explanation of Article 3 of the Corruption Law, both Law Number 31 of 1999 and Law Number 20 of 2001 are paradigmatically regulatory in nature by considering the background of Article 3 of the Corruption Law. The element of abuse of authority has not yet been created in the Corruption Crime Law.

In the author's opinion, this Law considers that the following studies on authority or authority (for example abuse of authority, arbitrariness and violation of authority, and so on) are actually studies on authority.

2. The combination of authority conceptualized in two forms of action:

1) Outside the scope of practical authority.

2) Opposing the purpose of granting permission.

Seeing this, administrative officials are said to be confused in exercising their authority, which can be categorized into two indicators: First, a field is given when its authority reaches the implementation of matters outside its scope or material authority. Second, contrary to the purpose of the authority granted. For the first indicator, it is very easy to formulate and define, considering that each authority regulates firmly and systematically the boundaries of authority territorially and materially. However, because the reference is a philosophical question, the purpose of empowerment, the second indicator can be interpreted differently.

If the purpose of granting a certain power of attorney is formulated and stipulated in the provisions of the law, then the application or interpretation of the purpose of the

power of attorney is more directed at avoiding conceptual discussions. It is different if the formulation of the purpose of granting the permit is stated in a provision of the law. This is because the context no longer refers to officials who violate the purpose of the mandate, but rather to carrying out the mandate. Their authority violates the provisions of the Invitation Letter (explaining the purpose of granting the Power of Attorney).

Therefore, in the event of a violation of the provisions of the laws and regulations, the correct definition is no longer mixed power, but as previously explained, excess power.

3. Arbitrary acts that are conceptualized in two forms of actions:

1) There is no basis for authority.

2) Different from court decisions that have permanent legal consequences.

Officials who exercise their authority in making decisions must have a clear source of legal authority. This is because all sources of authority also have a clear pattern of accountability. Officials whose authority is only delegated in the form of delegation cannot exercise this authority as if it came from the delegation, so that the official cannot be held accountable. In this context, it is not included in the category of privilege. In more extreme cases, when officials make decisions without any source of authority, such as attribution, delegation, or delegation, then the action falls into the category of arbitrary action. (Rini, 2018)

Corrupt behavior occurs when the desire to accumulate wealth dominates the implementation of power. This seems to be a trend of corruption in higher education increasing rather than decreasing. Of course, this is a blow to universities that have long been considered a bastion of morality, integrity, and truth. This explains two important things.

First, corruption begins with a lack of trust despite having great power. The president, dean, and structural director are leaders who have great authority. This great power becomes uncontrolled due to a lack of trust in its leaders. Status is interpreted only as property, and solely as a place to seek profit. Second, lack of supervision. This great power is easily exploited. Furthermore, factors that encourage corruption among university officials are organizational aspects, lack of exemplary leadership, weak supervision, lack of compliance with legal ethics and governance (Suryani, 2013). In an educational environment such as a university, teachers and educators should be able to provide good examples to their students. In this case, students, if this is successful, it will not only increase respect from students. But it will also automatically prevent students from misusing their power in the future. So

effectively this effort is considered a preventive measure against criminal acts of corruption from an early age.

In terms of politics (Rahardjo: 1983), social control is a process carried out to make society behave according to the expectations of society. This is why there is an old saying that states that power tends to corrupt. Corruption can occur due to lack of supervision from the mass media, electronics, the minister of education, and students. Mentor key leaders to create higher education institutions that are free from corruption. Realizing a higher education institution that is free from corruption is certainly not an easy matter. However, supervision is very important in the implementation of higher education (Unti Ludigdo, 2018). So that the supervisory function does not only come from the supervisory institution alone. But also comes from within the community itself, in universities, the campus community has a big role in this supervision process. Both students, student organizations as a whole and student press institutions must be loud in reporting irregularities committed by higher education officials. Corruption against civil servants or state administrators (in this case higher education officials) is a crime that can only be pursued by those who meet the requirements as civil servants or state administrators. This means that the formulated offense is only aimed at public officials or state administrators. The text of the criminal offense against civil servants is contained in Articles 8, 9, 10, 11, 12, 12B, and 23 of the Corruption Law (Articles 421 and 23 of the Corruption Law), which have been adopted by Articles 422, 429, and 430). Criminal law). This corruption crime is part of a public service crime or can also be called a special public service crime. General crimes are currently listed in the provisions of Chapter 28 Volume 2 of the Criminal Code and cannot be dropped or changed to corruption crimes. A total of 4,444 higher education employees who are found to have committed corruption will be subject to severe sanctions by the Public Service Development Officer (PPK). If this incident has permanent legal consequences (Incracht), then the police officer must be dishonorably discharged as a civil servant. This is stated in Article 87 Paragraph 4 b of Law Number 5 of 2014 concerning Civil Servants and Article 250 b and 252 of Government Regulation Number 11 of 2017 concerning Civil Servant Management. Among other things, it is stated that civil servants will be dismissed.

It is reprehensible if someone is sentenced to imprisonment or imprisonment for actions in public office or for actions in office and/or general crimes based on a court decision that has permanent legal force. Layoffs are expected to begin at the end of the month after the final court decision on the case. Obstacles for Civil Servant

Examiners (PPK) who have not imposed a dishonorable discharge sanction (PTDH), include:

1. PPK has difficulty obtaining a copy of a court decision that has legal force or long-lasting law enforcement.
2. PPK makes a PTDH decision but is sued by the relevant agency and wins/is tried.
3. The PPK has not made a decision on PTDH because the official involved in corruption has left the BUP.
4. The PPK did not issue a PTDH decision because the official was transferred from another authority and the old authority did not provide data or a copy of the court decision against the person who committed the crime of corruption.

So what are the preventive measures or at least ways that can minimize dirty practices like this so that they no longer pollute the sanctity of higher education institutions. There are at least two ways to eliminate corrupt practices in higher education environments:

1- Supervision from within the university itself, both by internal supervisory institutions and also supervision from students

2- Exemplary behavior shown by officials within the university environment.

Implementing religious, moral, and ethical guidance in the university environment, including through guidance in the fields of religion, ethics, and law; In addition, the bureaucratic reform agenda needs to be expanded to the regional level so that corruption can be eradicated.

3- Imposing strict and permanent sanctions against perpetrators of corruption in accordance with applicable laws and regulations.

4- Commitment of central/regional PPK to create a bureaucracy and institutions that are free from corruption, collusion and nepotism.

Currently, there are still many civil servants in several regions who are not dismissed from their positions, but are given strategic positions even though they are legally and convincingly proven to have abused their power and committed criminal acts of corruption.

CONCLUSION

Corruption is an act of deviating from the official duties of a state office in order to gain status or money, influence individuals (individuals, close relatives, their own

groups) or violate the rules in carrying out individual actions. In the university environment, corruption can also occur and is very detrimental. Because in reality educational institutions must be free from this.

There are at least several reasons or motives that encourage someone in a university environment to commit corruption, namely being tempted by power and luxury. This is also driven by minimal supervision plus extensive relations to carry out this act of corruption.

This corruption can be prevented, namely by having stricter supervision efforts accompanied by exemplary values from leaders so that this corruption can be avoided.

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Legislation:

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