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PUBLIC PARTICIPATION AND THE ROLE OF CIVIL SOCIETY IN THE ERADICATION OF CORRUPTION

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ABSTRACT

Corruption is a serious problem that hinders development and undermines public trust in government. Therefore, efforts to combat corruption are not only the responsibility of law enforcement agencies but also require active participation from the public. This study aims to analyze the importance of public participation and the role of civil society in combating corruption. The method used is a qualitative approach through literature review of relevant sources. The results show that public participation, such as reporting suspected corruption, monitoring public policies, and engaging in anti-corruption movements, plays a significant role in promoting transparency and accountability. In addition, civil society, through non-governmental organizations, acts as an independent watchdog, policy advocate, and public educator. Thus, synergy between the government, the public, and civil society organizations is essential in creating a clean and corruption-free system.

KEYWORDS

Public Participation,
Civil Society,
Corruption
Eradication,
Transparency,
Accountability.

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INTRODUCTION

Corruption is one of the criminal acts that has a major impact on the lives of the community, the nation, and the state because it can harm state finances and hinder the creation of public welfare. Corrupt practices also lead to a decline in public trust in the government and law enforcement. Therefore, the eradication of corruption is a shared responsibility that is not only carried out by law enforcement officials, but also requires the active involvement of the community.

The legal basis regarding the eradication of corruption in Indonesia is regulated in the 1945 Constitution of the Republic of Indonesia, especially the state objectives in the Preamble to the 1945 Constitution in the fourth paragraph which affirms that the state aims to realize public welfare and social justice. In addition, the eradication of corruption is regulated in Law Number 31 of 1999 as amended by Law Number 20 of 2001. The law explains that corruption is an *extraordinary crime that must be seriously eradicated through cooperation between the government and the community*.

Public participation in the eradication of corruption also has a clear legal basis. In Law Number 31 of 1999 Article 41, it is stated that the public has the right to seek, obtain, and provide information about alleged corruption crimes and obtain legal protection in exercising these rights. This provision shows that the community has an important position as a social supervisor in supporting the creation of a clean and corruption-free government.

In addition to the general public, civil society such as non-governmental organizations, mass media, academics, and social organizations also have a large role in efforts to prevent and eradicate corruption. This role is carried out through legal education, public policy supervision, anti-corruption campaigns, and advocacy for corruption cases. The presence of civil society is a form of social control that can encourage transparency and accountability in state administration.

However, in practice, public participation and the role of civil society still face various obstacles, such as low legal awareness, lack of protection for whistleblowers, and pressure from certain parties. Therefore, strong cooperation is needed between the government, law enforcement officials, and the community so that the eradication of corruption can run effectively and be able to realize a clean and integrity government.

METHOD

This research uses normative legal research with a legislative approach and a conceptual approach. This research was conducted by examining various laws and regulations related to the eradication of corruption, such as Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, Law Number 30 of 2002 concerning the Corruption Eradication Commission, and other regulations that support public participation in the supervision and reporting of corruption crimes.

The data source used is secondary data consisting of primary legal materials and secondary legal materials. Primary legal materials include laws and regulations and legal rulings related to corruption. Secondary legal materials are books, journals, scientific articles, and research results that discuss public participation and the role of civil society in the eradication of corruption.

RESULTS AND DISCUSSION

RESULTS

1. Public Participation in Corruption Eradication

Etymologically, participation comes from the English word "*Participation*" which means to take part or participate in an activity. Terminologically, participation is defined as the active involvement of individuals and groups in an activity, process, or decision-making to achieve a common goal, either through thoughts, energy, or real actions. Thus, participation is the participation of a person or group, either directly or indirectly in achieving certain goals. Participation can also be realized through the provision of ideas, energy, opinions, actions and support in an activity or decision-making process. The Food and Agriculture Organization (FAO, 1989) stated the various meanings of participation as follows:

- (a) Participation is the voluntary contribution of the community to an activity (project, for example) without participating in decision-making.
- (b) Participation is the "sensitization" (sensitization) of the community to increase the willingness to accept and the ability to respond to development activities (projects).
- (c) Participation is an active process, which means that the person or group involved, takes the initiative and uses his or her freedom to do so.

(d) Participation is the strengthening of dialogue between local communities and staff who prepare, implement, monitor projects, in order to obtain information about the local context, and social impacts.

(e) Participation is voluntary involvement by a community in change that it determines itself. Participation is the involvement of people in their self development, life, and environment.

Public participation is a process that involves the attention, needs and values of the community in decision-making made by the government and companies. This process has been carried out through two-way communication and interaction with the aim of producing better decisions and gaining support from the community. In addition, public participation is also one of the important requirements for funding international economic development projects by the World Bank and various Regional Banks. Public participation is generally applied in administrative decisions, which are decisions that are usually made by certain institutions or private organizations, not by elected officials or judges.

Public participation is defined by Antoft and Novack in Agustino, 2006: 116) as the active involvement of the community in a sustainable manner in the policy-making process that can affect their lives. Meanwhile, Burn, Hambleton and Hogget in Khairul Muluk (2007:54) state that public participation can take place in various areas of decision-making.

In its application, public participation can be distinguished into (3) three forms of participation, which are as follows:

- 1) Independent participation is a participatory effort which is carried out by the perpetrator himself to influence the public policy to be made.
- 2) Mobilization participation which is the participation of the people in participating to influence public policy by being mobilized by other parties, and
- 3) Ceremonial participation is participation that supports and mobilizes by means of demonstrations, marches and the like.

Public participation in the eradication of corruption is the involvement of the community in efforts to prevent, supervise, report and take action against corrupt practices in order to realize a clean and transparent government.

This shows that efforts to eradicate corruption are not only the responsibility of the government or hukum enforcement officials, but also require the active role of the community.

Public participation can be realized in various forms, such as reporting suspected corruption crimes, supervising the use of the state budget, providing criticism and suggestions on government policies and supporting anti-corruption movements through education and social campaigns. Community involvement in the eradication of corruption has a very important role because corruption not only causes losses to the state, but also has an impact on the welfare of the community at large. With public participation, supervision of state administration can run more transparently and accountably.

2. Civil Society in Civil Eradication

According to Koentjaraningrat in Onong Uchjana Effendy (1998), society is defined as a group of people who are interconnected and interact with each other. Meanwhile, Ralph Linton (1956) in Satria (2015) defines society as a group of people who have lived and worked together for a long time so that they are able to govern themselves and view themselves as a social unit with clear boundaries.

Civil society is a group or organization outside the government that plays a role in fighting for the public interest independently and democratically. Elements of civil society include non-governmental organizations (NGOs), student organizations, mass media, academics and various other social communities. Civil society has the ability and network that can be needed in efforts to eradicate corruption because in general the community is the most disadvantaged party by corrupt practices. Therefore, civil society is present to fight for their rights together with other elements of society.

In the eradication of corruption, civil society has a role as a supervisor of government policies and actions so that they continue to run in accordance with the law and the principle of transparency. In addition, civil society functions to provide anti-corruption education, convey criticism, and encourage the realization of a clean and accountable government.

DISCUSSION

1. Legal Basis for Public and Civil Society Participation in Corruption Eradication

The legal basis for public and civil society participation in the eradication of corruption in Indonesia is sourced from Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, especially in Article 41 which has provided guarantees to the public to play a role in efforts to prevent and eradicate corruption crimes. The provisions regarding its implementation are then further regulated in Government Regulation Number 43 of 2018 which regulates the rights of the public to report, seek, obtain and provide information related to corruption crimes.

- 1) Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 regulates the role of the community in seeking, obtaining and conveying those related to alleged corruption crimes.
- 2) Government Regulation Number 43 of 2018 regulates the procedures for implementing community participation and giving awards to parties who have contributed to the eradication of corruption both in the form of charters and officials.
- 3) Law Number 28 of 1999 provides guarantees to the public to obtain information, provide advice and supervise state administration so that it is free from corruption, collusion, and nepotism (KKN).
- 4) Presidential Regulation Number 54 of 2018 regulates a national strategy for corruption prevention by involving the role of civil society in its implementation.
- 5) The United Nations Convention Against Corruption (UNCAC) also recognizes the importance of the role of civil society in promoting transparency and accountability.

2. The Role of Public and Civil Society Participation in Corruption Eradication

The role of public and civil society participation in the eradication of corruption is very important because it is to create a clean, transparent and accountable government. Public and civil society participation also plays a role as a form of social supervision of government actions and policies so that there is no abuse of authority and corrupt practices.

Normatively, the role of civil society in the eradication and prevention of corruption has been recognized juridically through various laws and regulations including the Law on the Eradication of Corruption and Government Regulation Number 43 of 2018 which regulates the procedures for implementing community participation. Through these provisions, the public can be given space to be active in such as reporting alleged corruption crimes by supervising policies and budget use, conveying information and supporting the law enforcement process. This arrangement also shows that civil society is not only the object of policy but also the subject who has the right and responsibility to maintain accountability, transparency and integrity in government administration.

The role of civil society can be carried out individually or through community organizations. Individually, the public can supervise public policies, participate in deliberative activities and report suspected corruption to law enforcement officials. As for the collective, this role can be realized through community organizations and Non-Governmental Organizations (NGOs) as a means of structured and systematic public participation.

CONCLUSION

Corruption is an extraordinary crime that has a major impact on the lives of the people and the state because it can harm state finances, hinder development and reduce public trust in the government. Therefore, eradicating corruption is not only the responsibility of law enforcement officials but also requires active involvement from the community and civil society.

Public participation has an important role in efforts to prevent and eradicate corruption such as through government policy supervision, reporting of alleged corruption crimes and support for the anti-corruption movement. In addition, civil society also functions as independent supervisors, legal education providers and drivers of transparency and accountability in state administration.

The legal basis regarding public and civil society participation in the eradication of corruption has been regulated in various laws and regulations such as Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, Government Regulation Number 43 of 2018 and other regulations that support public involvement in the supervision of corruption crimes.

With cooperation between the government, law enforcement officials, the community and civil society organizations, efforts to eradicate corruption can run more effectively so that it is able to realize a clean, transparent and integrity government.

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