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CORRUPTION AS A VIOLATION OF HUMAN RIGHTS AND ITS IMPACT ON SOCIAL JUSTICE

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ABSTRACT

KEYWORDS

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Corruption is a form of extraordinary crime that not only harms the state's finances, but also has a direct impact on the fulfillment of Human Rights (HAM) and the realization of social justice in society. Corrupt practices cause hampered welfare distribution, weakened public services, increased poverty, and social inequality which ultimately hinders the achievement of state goals as mandated in the 1945 Constitution of the Republic of Indonesia. This study aims to analyze corruption as a form of human rights violation, especially against economic, social, and cultural rights, and examine its impact on social justice in Indonesia. This study uses a normative juridical method with a legislative, conceptual, and human rights approach. The results of the study show that corruption not only violates the principles of good governance, but also hinders the fulfillment of people's rights to education, health, work, a healthy environment, and the right to social welfare. In addition, corruption widens social and economic disparities, resulting in injustice in the distribution of state resources. Therefore, the eradication of corruption must be seen as part of efforts to protect human rights and realize social justice for all Indonesian.

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INTRODUCTION

Corruption is a global problem that occurs in almost all countries, both developed and developing countries. In its development, corruption is no longer seen as just an economic crime, but has become a serious threat to democracy, the rule of law, national development, and the fulfillment of human rights (HAM). Corruption is even categorized as an *extraordinary crime* because of its very wide impact on the life of the community and the state.

The phenomenon of corruption has existed since humans began to form social and governmental organizations. In practice, corruption is often carried out through abuse of power, bribery, embezzlement, gratuity, collusion, and nepotism. Along with the development of the modern government system, the form and mode of corruption are also increasingly complex and systematic.

In Indonesia, corruption is one of the fundamental problems that hinders the realization of a democratic and socially just legal state. Corruption not only harms the state's finances in large amounts, but also has a direct impact on people's welfare. Funds that should be used for the development of education, health, infrastructure, and public services are often misused for the benefit of individuals or groups.

As a result, people experience difficulties in obtaining basic rights such as proper education, adequate health services, employment, housing, and a healthy environment. Corruption also causes an increase in poverty, unemployment, crime, and social and economic inequality.

From a human rights perspective, corruption is closely related to violations of economic, social, and cultural rights. When the state budget is corrupted, the state directly fails to fulfill its obligations in ensuring the welfare of the community. This is contrary to the principles of the *welfare state* and the ideals of social justice as stated in Pancasila and the 1945 Constitution of the Republic of Indonesia.

Social justice itself is one of the main goals of the Indonesian state as affirmed in the fifth precept of Pancasila, namely "Social Justice for All Indonesian People". This principle means that the state is obliged to create equal distribution of welfare, opportunities, and legal protection for all people without discrimination.

However, corrupt practices actually create social injustice because state resources are only enjoyed by certain groups. In such conditions, small communities are the most disadvantaged due to poor public services and low development quality.

Based on this background, this paper will further examine corruption as a form of human rights violation and its impact on social justice in Indonesia.

METHOD

This study uses normative juridical research methods with a statutory *approach* and a conceptual *approach*. The data used are secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials obtained through literature studies.

Primary legal materials include the Constitution of the Republic of Indonesia in 1945, Law Number 39 of 1999 concerning Human Rights, Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption, as well as various international human rights instruments that have been ratified by Indonesia.

The analysis was carried out in a descriptive-analytical manner to obtain a comprehensive picture of the relationship between corruption and human rights violations.

RESULTS AND DISCUSSION

1. The Concept of Corruption

Etymologically, the word corruption comes from the Latin *corruptio* which means bribery or *corumpere* which means destructive. In later developments, the term was used in various languages such as *corruption* in English and *corruption* in Dutch.

In the Great Dictionary of the Indonesian Language, corruption is defined as the misappropriation or embezzlement of state or company money for personal or other personal gain. According to Oemar Seno Adji, corruption has the meaning of rot, depravity, dishonesty, and deviation from purity.

Brooks defines corruption as an act that is done deliberately by abusing power for personal gain. Meanwhile, Pitlo and his colleagues explained that corruption from the perspective of political science is the abuse of public office to gain personal benefits that are detrimental to the general public.

Corruption is essentially a form of abuse of power carried out by public officials or certain parties for personal or group interests. Therefore, corruption is not only a legal problem, but also a moral, social, political, and economic problem.

2. The Concept of Human Rights

Human Rights (HAM) is known by various terms such as *human rights*, *mensenrechten*,

and *droit de l'homme*. In the development of modern history, human rights became the attention of the international world after the end of World War II.

The *Universal Declaration of Human Rights* of 1948 affirms that all human beings are born free and have equal dignity and rights. This declaration was then strengthened by the birth of two international covenants, namely:

1. *International Covenant on Civil and Political Rights* (ICCPR);
2. *International Covenant on Economic, Social and Cultural Rights* (ICESCR).

Indonesia has ratified the two covenants through Law Number 12 of 2005 and Law Number 11 of 2005.

In the national context, human rights are expressly regulated in the 1945 Constitution of the Republic of Indonesia, especially Articles 28A to 28J. In addition, Law Number 39 of 1999 concerning Human Rights defines human rights as a set of rights inherent in the nature of human existence as creatures of God Almighty.

The rights guaranteed in Law Number 39 of 1999 include:

1. The right to life;
2. The right to have a family and continue the offspring;
3. The right to self-development;
4. The right to justice;
5. The right to personal liberty;
6. The right to a sense of security;
7. The right to welfare;
8. The right to participate in government;
9. Women's rights;
10. Children's rights.

3. Corruption as a Form of Human Rights Violation

Corruption is a form of abuse of power that has a wide impact on people's lives. In the development of modern law, corruption is no longer seen as just a violation of ordinary criminal law, but has been considered an *extraordinary crime* because of its systemic impact and damage various aspects of state life.

Various surveys show that corrupt practices still occur in various state institutions, both legislative, executive, and judicial. This condition shows that corruption has taken root in the bureaucratic and government systems.

Romli Atmasasmita emphasized that corruption in Indonesia has developed into a crime that seriously endangers the life of the nation and state so that it requires extraordinary handling.¹¹ Corruption causes large amounts of state losses and hinders national development.

From a human rights perspective, corruption is closely related to violations of economic,

social, and cultural rights. The state has an obligation to *respect*, protect, and fulfill the basic rights of society. However, when public funds are misappropriated through corrupt practices, the state fails to carry out these obligations.

Corruption causes the fulfillment of various basic rights of the community, including:

a. Right to Education

Corruption in the education sector causes low quality of educational facilities and infrastructure, lack of learning facilities, and high education costs. Education aid funds that should be used for the benefit of students are often misused by certain individuals. As a result, many children from poor families do not have access to a decent education.

b. Right to Health

Corruption in the health sector has an impact on poor health services, lack of hospital facilities, and limited public access to medicines. Misuse of the health budget can result in high mortality rates, malnutrition, and low quality of public health.

c. The Right to Work and a Decent Life

Corruption hinders economic growth and investment, thereby narrowing jobs. As a result, the unemployment rate is increasing and people are struggling to get a decent life.

d. The Right to a Good and Healthy Environment

Corruption in the management of natural resources and the environment causes environmental damage, pollution, floods, landslides, and various other ecological disasters. The practice of bribery in granting business licenses often ignores the principle of environmental sustainability.

e. The Right to Justice and Legal Certainty

Corruption in law enforcement agencies leads to a loss of public trust in the law. Enforcement of the law that can be traded creates discrimination and injustice in the judicial process.

Jimly Asshiddiqie stated that the impact of corruption has exceeded ordinary human rights violations so that it can be categorized as *gross violation of human rights* or gross human rights violations. This is because corruption causes widespread and systematic suffering in society.

In addition, corruption is also contrary to the principles of *good governance*, such as transparency, accountability, participation, and the rule of law. Corrupt countries tend to fail to create a clean government that serves the interests of the people.

4. The Impact of Corruption on Social Justice

Social justice is the main goal of the Indonesian state as stated in the fifth precept of

Pancasila, namely "Social Justice for All Indonesian People". The concept of social justice means equal distribution of welfare, protection of people's rights, and fair distribution of resources.

However, corrupt practices actually create inequality and injustice in society. The impact of corruption on social justice can be seen in the following aspects:

a. Increasing Poverty

Corruption causes development funds to be not on target so that the poor do not benefit from government programs. As a result, the poverty rate remains high and social inequality is widening even more.

b. Social and Economic Inequality

Corruption causes the unequal distribution of state wealth. Elite groups and power holders make huge profits, while small communities are increasingly marginalized.

c. Decline in the Quality of Public Services

Corrupt practices in the bureaucracy cause public services to be slow, expensive, and discriminatory. People are often forced to pay additional fees to obtain services that should be their right.

d. Weakening of Public Trust in the State

Corruption leads to a loss of public trust in the government and legal institutions. When the law can be bought, society feels that justice only applies to certain groups.

e. Inhibition of National Development

Corruption hinders the development of infrastructure, education, health, and the economy. The state is losing resources that should be used to improve the welfare of the people.

From a human rights perspective, the impact of corruption on social justice shows that corruption not only harms the state financially, but also deprives people of their right to live with dignity and dignity.

Therefore, the eradication of corruption must be seen as part of the struggle to uphold human rights and realize social justice for all Indonesian people.

CONCLUSION

Corruption is an *extraordinary crime* that has a wide impact on people's lives and state administration. Corruption not only causes financial losses to the state, but also hinders the fulfillment of human rights, especially economic, social, and cultural rights.

Corrupt practices cause people to lose access to education, health, employment, a healthy environment, and decent public services. Thus, corruption can be categorized as a

form of human rights violation because the state fails to fulfill its obligations in protecting and fulfilling the basic rights of society.

In addition, corruption also has a big impact on social justice. Corruption creates social and economic inequality, increases poverty rates, weakens public trust in the law and government, and hinders national development.

Therefore, the eradication of corruption must be carried out comprehensively through strengthening the legal system, bureaucratic reform, anti-corruption education, and increasing public awareness. The state must also place the eradication of corruption as an important part of efforts to uphold human rights and realize social justice for all Indonesian people.

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