Addressing Corruption through the Execution of Social Sanctions; A Sociology of Law Study

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ABSTRACT: This study aims to assess the handling of corruption through the implementation of social sanctions observed from the perspective of sociology of law. This study is a qualitative study using library research method. There are two sources and types of data used in this article, namely primary and secondary data. The theoretical perspective used in this research is the perspective of sociology of law. Based on the analysis of field data, this study uncovered an important finding that states that reinforcing the prevention and prosecution of corruption through social sanctions is, at its core, an act oriented towards the collective utilization of social elements. The alluded social elements encompass a number of structures, which are: 1) Educational structure, which is built upon anti-corruption teachings. 2) Familial structure, where compassion, honesty, justice, and noble values are imprinted. 3) Customary structure, which promotes the formation of positive conduct and behavior, such anti-corruption conduct, within tradition or culture. 4) Religious structure, which maximizes the regulatory role and function of religion as an instrument of introduction and cultivation of anti-corruption education.

KEYWORDS: Corruption, social sanctions, sociology of law

I. INTRODUCTION

Genealogically, corruption in Indonesia has a substantially extensive historical background. Corruption has been deeply rooted since time immemorial, far before the time when Indonesia established its status as a sovereign (independent) country. During the kingdom era, corrupt practices can be perceived through the prevalence of venality of power (Yunni and Utani 2014:1–5). In the following epoch, corrupt practices in Indonesia can be found when Indonesia was under the occupancy of the colonizers. During this time, corruption occurred due to wanton abuse of authority. The fact that the sole authority is being held by the colonizers and the absence of institutions responsible for controlling and supervising the regime ultimately contributed to the lawless abuse of authority (Wijayanto 2009:5).

Subsequently, during the *orde lama* (guided democracy) era, corruption emerged as a dreaded malice when Soekarno was inaugurated as a president for life through the Interim People's Consultative Assembly's (lit. *Majelis Permusyawaratan Rakyat Sementara,* abbr. MPRS) Decree Number III/MPRS/1963. This decree raised suspicion and concern from numerous sides, due to the potential it had on causing abuse of authority and despotism. Borrowing the words of Lord Acton (1934-1902) "power tends to corrupt and absolute power corrupts absolutely", it can be inferred that power is likely to corrupt and power that is absolute corrupts through-and-through. During the *order baru* (new order) era, corruption found its momentum following the rise of a centralized governance implemented by the Soeharto regime. Throughout the year 1967 to 1998, corruption flourished that plunged the country deep into the abyss of crisis (Indonesia 2022).

The momentum of reformation in the year 1998, with the spirit of creating democratic government, seemed as though there was a new direction in the eradication of corruption in Indonesia. In that moment, the ambition to form a governmental system that is entirely free from corrupt, collusive, and nepotistic practices was within reason. Unfortunately, for almost two decades the reformation was undergone, the hope was nowhere near becoming a reality. The facts revealed that a number of institutions ranked Indonesia as a country with a high index of corruption. For example, report from Transparency International (TI) placed Indonesia as the country with the fifth-highest Corruption Perceptions Index (CPI) in Southeast Asia. Indonesia was ranked below Vietnam with a CPI of 39 (Indonesia 2022). Moreover, according to the findings of an Indonesian anti-corruption non-governmental organization, Indonesia Corruption Watch, in its Trends of Corruption Prosecution report in the first semester of 2021, the number of corruption cases in Indonesia reached 209 cases. The number is higher than the number of cases in the same term of the previous year, which was 169 cases (Javier 2021).

The high corruption index in Indonesia indicates that the process of addressing corruption in Indonesia is still rife with complicated problems and grueling work, despite the fact that, ever since the reformation was kicked-off, corruption eradication agendas have been augmented, both institutionally and legally. This is shown by the formation of Corruption Eradication

Commission (lit. *Korupsi Pemberantasan Korupsi*, abbr. KPK) as well as the inclusion of anti-corruption articles in the statutory system. Ideally, the enforcement of sanctions should produce deterrent effects, so that the probability of the offense being repeated can be suppressed. The implementation of criminal penalty in the Anti-corruption Act (lit. *Undang-undang Pemberantasan Tindak Pidana Korupsi*, abbr. UU PTPK) was intended to deter corrupt criminals and curb the probability of corruption, which has now contrarily flourished among the elites endemically and systematically (Girsang 2012:7–9). Lamentably, the deterrent effect produced, in the context of corruption prosecution, is limited to mere prison sentence, fine, and additional penalty as stated in Law No. 31 of 1999 and Law No. 20 of 2001 on the Eradication of Criminal Acts of Corruption. In reality, prosecution using the aforementioned instruments has not been proven to have a deterring effect, therefore falling short of the expectations (Apriani 2010:13–15).

Regarding the addressing and prosecution of corruption in Indonesia, Asnawi (2013) elaborated that the implementation of positive law in Indonesia—also in the context of corruption prosecution—still has gaps that contribute to the ineffectiveness of law (Asnawi 2013:35–38). The ineffectiveness emerges as a result of legal positivism paradigm, which is not based on comprehensive perspective, as it should be. To make matters worse, this condition is negatively affected by the prevalence of cases, wherein judges impose relatively lighter sentence (Isra 2011:336). Such problems elicit the needs of a new approach to formulate other more effective forms of prosecution, that are not oriented only towards incarceration, but also towards an approach that affects the mentality of the offender to prevent the same offense from occurring in the future. One of such approach is through the execution of social sanctions.

In this regard, it can be said that the idea of social sanctions is a fundamental theme that needs to be raised into the realm of serious and intense research. Social sanctions can not only function as an additional penalty, it can also be an indicator of the solid understanding and support of the people, thereby increasing public participation as partners of the government in the agenda to prevent and act against corruption. Therefore, as a step to optimize the eradication of corruption, it would be strategically sensible if the idea of social punishment is considered as an instrument of punishment, to complement existing instruments. Sentencing corruption convict to incarceration and social sanctions would be a combination of punishments that complements each other. In one hand, incarceration functions as a physical punishment, while on the other hand, social sanctions deliver psychological effect, which is a mental coercion through public disgrace.

To respond to the aforementioned issue, an in-depth and critical study into the topic needs to be carried out. In other words, the use of only positive law defined by the statutes as the instrument of law enforcement against corruption needs to be re-evaluated. Because as is commonly known, the dimension of corruption problems is very complex, therefore addressing it cannot be resolved merely by a single law. On the contrary, it needs a combination of other approaches, such as social sanctions. The instrument of social sanctions against corrupt criminals is an integral concept, adopted through the understanding of sociology as an approach and legal aspect of corruption prosecution as the subject matter.

II. METHODE

The writing method used in this method is library research. Library research is a research method that emphasizes on the use of literature as the primary source of data. The term literature refers to every scientific study that is relevant to the focus problem that is raised in this article(Wirartha 2006). In this occasion, data exploration using library research is focused on two major themes, namely the concept of corruption and the concept of social sanctions. In the effort of obtaining objective data, the library research in this study prioritizes the use of recent data, specifically those that originate from the result of research, be it in the form of thesis, dissertation, or research journal. The literatures contain studies regarding the dynamics of corruption, the implementation of positive law in an effort to eradicate corruption in Indonesia, and the concept of social sanctions from the perspectives of sociology of law, which are all the core themes that will be discussed mostly in the writing of this paper.

III. FINDINGS AND DISCUSSION

A. Conceptual Overview Regarding Corruption

Historically, the use of corruption has dual functions, which are positive and negative. At some point, the positive function of corruption is as an attempt to improve economy, especially in the economic sector of 1970s and early 1980s. In this period, corruption was perceived by 'corruption apologists' as the lubricants for the cogs and gears of the economic system that couldn't operate efficiently due to dysfunctional bureaucracy and overlapping regulation in the government sector. From this perspective, practice of corruption appears as an incentive for civil servants to serve clients to the utmost extent of their ability. Strictly speaking, corruption would truly be beneficial when the bureaucracy is truly dysfunctional, leading to the need of lubricant. On the other hand, corruption as a term for a negative behavior stems from the Latin word *corruptia* or *corroptus*, which means rot, malice, degeneracy, deceit, crookedness, and immorality. Hence, the term corruption refers to a malignant, destructive, and inhumane behavior (Moqoddas 2011:316–20).

Terminologically, the term corruption has various definitions. For instance, World Bank and UNDP (United Nations Development Programme) defines corruption as the abuse of civic power for private gain that harms the public with means that

are against the enforced legal provisions (Langseth et al 1997). Haryatmoko (2011) defined corruption as the use of intervening capabilities, granted by one's standing within an organization, to abuse information, decision, influence, and money or wealth in exchange for furthering one's own agenda and benefit (Haryatmoko 2011:123–26). Rose Ackerman (1999) defined corruption as illegal fee paid to public official in exchange for benefits (Rose Ackerman 1999:78), whereas Johnston and Heidenheimer (2009) defined it as the non-legitimized misuse of role and public resources or political influence by public or private sector (Heidenheimer and M 2009).

As a major crime, corruption is conducted in various methods and forms. The probability of corruption being committed in the social system sector does not come by itself, rather it involved intellectual actors who exploit their strategic and authority that they hold. Wijayanto and Ridwan Zachrie (2010), in a book titled '*Korupsi Mengorupsi Indonesia; Sebab Akibat dan Prospek Pemberantasan*' (lit. Corruption Corrupting Indonesia; Cause, Effect, and Eradication Prospect), intriguingly described three areas and factors that contribute to corruption practices being committed (Wijayanto 2009). There are at least three factors that may trigger the practice of corruption, which are:

a) Desire and Opportunity

One of the factors that causes corrupt behavior is the mental drive of an individual that stems from their desire and the presence of opportunity. Corrupt behavior encouraged by desire and the one facilitated by opportunity tend to coincide at the same time. The difference is that the desire to commit corruption works in the domain of psychology, which is influenced by internal driving force that is psychological in nature. Sigmund Freud's (1856-1939) psychoanalysis thesis, that proposed the idea that men are individuals motivated by desires (*homo volens*), can be used as the justification (Adian 2002:3–6).

Other than desire, opportunity or chance is another factor that can stimulate the growth of corrupt practices. Opportunity is considered among external factors, specifically due to its ties with regulation. The weaker and more lenient the regulation is, the potential of corruption practices to occur would be higher. Thus, social system was created as an effort to minimize the room to maneuver corruption crime. Administration, values, and social norms among the people are no different than technology. It needs to follow a pattern, be structured, systemic, and organized so as to leave no gaps that allow vile corruption to seep in (Hannan and Busahwi 2021).

b) Monopoly

According to the Great Dictionary of the Indonesian Language (lit. *Kamus Besar Bahasa Indonesia*, abbr. KBBI), monopoly is defined as a company, group, or individual having sole control of the market or commerce. Monopolist means an entity who has sole dominion of the economic activity in a market. From this definition, the term monopoly tends to be used for economic activity. In the context of corruption, monopoly practice is considered one of the causes of corrupt behavior. When commodity sources are dominated by a single group, the probability of shady practices occurring will be higher. Monopoly of authority commonly goes hand-in-hand with fraudulent practices (i.e. corruption), be it in terms of the service, decrement in quantity, or decrement in quality.

c) Value

In the context of corruption practices, values are often reduced into a way of life that is biased towards materialism and familism. The perception regarding the two biases contains hedonistic and kinship connotation. In many social relations, both materialism and familism can become a gap from which abuse of authority emerge. Corruption can occur due to hedonistic mentality. It can also occur when policy and regulation become malleable due to exposure to relations or kinship (Hannan 2022). Governmental system that is built on top of familism concept would be the precursor to a dynastic or feudal government. Kinship system in the arrangement of bureaucracy would turn into a gateway leading to collusive, corrupt, and nepotistic bureaucracy (Santoso, Meyriswati, and Nur Alfian 2014). Additionally, materialism has significant implications to the formation of hedonistic and pragmatic mentality. Materialistic concept, as introduced by Ludwig Feurbach and further developed by his student Karl Marx (1818-1883), advocates the veneration of material wealth as the foundation of all life. Lipset and Lenz in Adian (2002) stated that people who overly adores material wealth, while restricting other groups from having the same opportunity to access economic resources, tend to have higher rate of corruption (Adian 2002).

B. Corruption Eradication Strategy

Pursuant to the legislation of Law No. 30 of 2002 declaring that the eradication of corruption is a series of action to prevent and eliminate the crime of corruption through a number of endeavors, namely coordination, supervision, monitoring, investigation, prosecution, and examination in court in addition to the participation of the public.[1] The emphasis here is that, other than the stricter enforcement of positive law associate with judicial institutions, the process of eradicating corruption must involve the public's participation. People's participation has the potential to be an instrument or approach to inflict social deterrent effect towards the offender.

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[1] Moqoddas, *Strategi Pemberantasan Korupsi KPK*, 318.

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All this time, corruption has been addressed using various approaches. There are numerous theories and approaches in the agenda to eradicate corruption. Each theory or approach has their own strengths and weaknesses, due to the fact that every country has different typology, social culture, and governmental system, rendering it impossible to apply the same perspective and approach to all of them. For instance, the corruption eradication model used in the context of prosecution in Middle Eastern countries cannot possibly be the same with other Asian countries, such as Indonesia among others.

According to Wijayanto and Ridwan Zechrie (2010), the models to approach corruption in this world can be classified into four categories. The first category is the lawyer approach. This approach emphasizes on the enhancement of law enforcement, an example of which is by creating regulation and governing system that is rigid and stringent without leaving any gaps from which collusive, corrupt, and nepotistic practices can seep through.[2] In Indonesia, this approach has long been applied. Even more so in the institutional aspect that not only has KPK present, but also reinforced by the establishment of Directorate of Corruption in the Criminal Investigation Agency (lit. Badan Reserse Kriminal, abbr. Bareskrim) of the Police Force.

The second category is the business approach that is established upon the reality that men are rational individuals. The rational aspect of a man tends to encourage him to take a logical stance or decision, prioritizing personal considerations based on whether or not their interests and goals can be achieved.[3] Through this point of view, the stability of a system or a social structure can be realized through the availability of means and motivation, be it in terms of material wealth, promotion, or the fulfillment of other necessities. Other than its function as a reinforcement for a system or a bureaucratic structure, sufficient incentivization can also stimulate high level of work ethics, ultimately leading to higher productivity within an organization. In Indonesia, a number of regions have used this instrument, among which are Surabaya and Jakarta city governments that pay their officials a substantial amount of salary.

The third category is the market or economics approach, which are different from the previous approaches. While lawyer and business approaches are realized through the social interactions between agent and client, which are government and people, it is contrary to market approach that emphasizes the intensity of social interactions among members within the same group, such as agent-to-agent, client-to-client, et cetera.[4] By emphasizing on the social interactions within each group, it will lead to competition, which will encourage the conception of creativity, products, and ideas. To put simply, this approach firmly believes that deceitful practice such as corruption is born out of lack of individual creativity to communicate and compete within their environment. These weaknesses then lead to the inclination to take shortcuts, which ultimately materializes into deceitful practices that are against the enforced statutes, such as corruption and the like (Syarif, A. Mughni, and Hannan 2020).

The fourth category is cultural approach. Edward B. Tylor (1832-1917) in Koentjaraningrat (1987) defines culture as the "complex whole" that includes knowledge, belief, art, law, morals, custom, and any other capabilities acquired by man as a member of society.[5] In the context of corruption eradication, cultural approach requires an effort to instill noble values and virtue, such as teaching to always be honest no matter the situation. The way corruption eradication works through the sector of culture is very different compared to other approaches, in a sense that there is no formal framework of method and that only creativity in effectively conveying anti-corruption messages to the people is needed. In a wider perspective, the eradication and prevention of corruption through the instrument of culture can be a gateway from which society can be involved in the effort. This is due to the fact that the perspective of culture requires the involvement of society as well as the set of values and structure contained within it, such as tradition leaders, religious figures, cultural leaders, and the entirety of people within society.

C. Eradication of Corruption through Social Sanctions; A Theoretical Analysis

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[2]*Korupsi Mengorupsi Indonesia*, 43–47.
[3]Wijayanto, *Korupsi Mengorupsi Indonesia. J*, 44.
[4]Wijayanto, 44.
[5]Koenjataraningra, *Sejarah Teori Antropologi I* (Jakarta: UI Press, 1987), 48.

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Eradication of Corruption through Social Sanctions; A Theoretical Analysis

Before extensively discussing eradication of corruption by way of social punishment or social sanctions, it is imperative to know how corruption is perceived through sociology of law's perspective. This is important to deliver a comprehensive understanding, due to the term social sanctions being a derivative concept adopted from the scientific construct of sociology, specifically in terms of its relation with deviant societal behavior themes. In this regard, social sanction is a sociological reference to resolve an array of social phenomena within a society that is known to have social syndrome in the form of deviant behavior. Thus, what is meant by deviant behavior here and its relevance to the topic of the eradication of corruption by means of social sanctions?

In the study of sociology, deviant behavior is one of the central topics, due to its existence that influences the societal lifecycle, be it in institutional sector, public space, and the like. Deviant behavior can cause other social problems, such as anarchy, unrest, and even conflict within society. In certain cases, uncontrollable deviant behavior can initiate disintegration that is detrimental to the sustainability of social stability. Referring to the Talcot Parson's (2010) explanation, society is a complete structure composed of certain substructures, each of which has their own role and functions (Ritser 2010:256). Therefore, in order for society to be able to run with stability and balance, any form of deviance need to be suppressed as much as possible. In this context, corrupt behavior is one of the forms of deviance, the existence of which holds the potential to cause massive detriment not only to a nation's prosperity, but also to the fulfillment of people's needs in the societal lifecycle.

In general, deviant behavior is a form of behavior or action that is not in accordance to the norms that applies within a community. Emile Durkheim in Soerjono Soekanto (1985:73) mentioned that deviant behavior is a considered a criminal offense if the act violates the norms or rules that applies in a society (Soekanto 1985:73). However, in certain sense, Emili Durkheim also perceived deviant behavior as a form of normal societal behavior. In that regard, Durkheim underlined that deviant behavior can be considered normal as long as the behavior does not cause unrest in the society (Jonaidi 2013:16). Referring to the two aforementioned definitions, it is not apt to deem corruption as a normal behavior. It can be said unequivocally that corruption is a deviant behavior, because it is in direct contradiction with the statute of the law. Furthermore, corruption also castrates moral and humanitarian values, that can elicit crucial problems in the fulfillment of people's needs.

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Sociologically, according to their nature, deviant behavior can be categorized into two groups, namely positive deviance and negative deviance. A deviant behavior can be considered positive if it produces positive impact, both for the party involved and the environment in their proximity. Other than that, this type of deviant behavior also is free from elements contradicting the social system. Additional characteristic would be the presence of innovative and creative elements that can improve and enrich the knowledge of the people in the area of effect. In contrast, negative deviant behavior refers to any behavior that generally contradicts social values and norms that applies in a certain society. This type of behavior has a certain characteristic that can cause malignant impact to the party involved and the environment in their proximity (Susanti 2015:2). Due to its malignant nature, negative deviant behavior is considered contradictory to values or consensus in a society, that its perpetrator would be met with criticism, scorn, or ostracism from society.

Other than evaluating it based on its nature, deviant behavior can also be categorized based on the number of people involved. This results in three categories, which are: 1) Individual deviance, which is done alone without the intervention of outside parties; 2) Collective deviance, which is a type of deviation that is done collectively by a certain group. In association with the dynamics of corruption in Indonesia, the type of corruption that belongs under this category is called collective corruption, which has recently been prevalent. In terms of the handling, deviance of a collective unit has a higher degree of difficulty to solve than individual deviance, due to its collective operation and involvement of many actors; 3) Deviance done by a social class or organization. While collective deviance is only based on participatory association, this type of deviance is complemented by the presence of structural association. In concrete, corruption in this sector occurred due to obedience or servility to the norm of a certain faction, that totally disregards the legitimate consensus that is formally implemented in a society (Susanti 2015:2–4).

In sociology, the discussion of deviant behavior corresponds with social sanctions. If deviant behavior is akin to a disease pathogen or syndrome that causes problem in society, then social sanctions is a regulatory technique, method, or instrument. Social sanction is the passing of social judgment which directly involves the society in its implementation. Thereby producing a deterrent effect that does not stem only from fear or pain, but also shame and moral burden. While positive law emphasizes on the physical aspect of punishment, social sanctions focus more on psychological and mental pressure. Thus, what does social sanctions actually entail?

In the KBBI, sanction is a noun that has the following definitions: approval, confirmation, and obligation (punitive procedures and the like) to force someone to uphold an oath or to obey the statutes of an article of association and the like; punitive actions towards a country; negative feedback in the form of liberation or torment that is decided through legal means. From a normative legal perspective, social sanctions is commonly known as community sentence, implemented in the form of community service. There are various types of community service in the process of undergoing community sentence, such as scrubbing public toilets, cleaning drainage or sewers, sweeping the streets, volunteering in a nursing home, distributing one's photo in public spaces, et cetera.

According to a sociologist, Peter L. Berger (1990), social sanctions can be defined as a set of methods used by society to put its wayward members (Peter and Luckman 2013:67). Additionally, Wignjosoebroto (2008) viewed social sanctions as a form of torment that is deliberately inflicted by society (Wignjosoebroto 2008:67–69). Referring to the two definitions, apart from the difference in the writings, there is a similarity in terms of the substance, which is the participation of society. This is the distinguishing aspect between social sanctions procedures and positive law. While positive law is oriented towards the involvement of official personnel and institutions, social sanctions is more complex because of the involvement of society in its operation.

Delving deeper, community sentence or social sanctions is in its essence a derivative of the concept of social control. However, it is imperative to note that, although the two terms may sound different, they have the same meaning substantially, sharing the vision of containing and prosecuting any form of violation of law, both social or formal law. According to Roucek & Warren, social control is a planned or unplanned process to teach individuals to be able to adapt to the customs and values of the groups in which they belong .(Roucek and Warren 1987:23–27). On another occasion, Soejono Soekanto in Setiadi, et al. (2011) defined social control as a process, be it planned or not, intended to invite, guide, or even force members of society to obey relevant values and principles.

In relation to the entirety of the previous definition, the two definitions from Roucek-Warren and Soejono Soekanto appears to be different textually. In Roucek and Warren, social control activity emphasizes more on the aspect of teaching and that the process of social control against corrupt behavior needs to be conducted thought educative activities. Being educative itself doesn't necessarily mean focusing merely on the role and function of school institutions, but it also requires the involvement of all elements of an education institution, be it formal education sector, such as school, or informal education, such as family, community, et cetera. According to Soejono Soekanto (2006), social control process needs to be carried out from all directions, starting from persuasive approach to even preventive approach (Soekanto 1985:46–51). Controlling the deviant offender (corruption) cannot be satisfied with only activities such as counseling, teaching, and other forms of gentle approaches as described by Roucek and Warren, but in certain sense, social control needs to be maximized in preventive form. This method is

based on the reality that human possess free instinct (zoon politicon). Human's free instinct can only be subdued by the enactment of rules that are binding.

Individual behavior is a self-objectification obtained through the internalization of values on one side and externalization of other values on the other side. Internalization is a process by which an individual absorbs and emulates every value, information, and norms that are in his immediate proximity. In this phase, it can be said anything that emerges from the person is a representation of one's surroundings. Externalization, on the other hand, is a phase where an individual expresses his subjective point of view in practical life. Therefore, it can be said that everything that emerges from him, be it attitude, behavior, and action, is a manifestation of one's subjectivity, not as a representation of his surrounding, as it is in internalization process. With this understanding, the deviant behavior of corruption as a form of self-objectification, in certain circumstances, may occur due to subjective drive (mentality) and may also be due to (social) environment factor. In Peter L. Berger's word, objectification of behavior (corruption) based on the aforementioned processes of internalization and externalization is known as the trialectics of social construction (Samuel 2012:17).

If the deviant behavior of corruption is caused by dual impulse, both self-definition and external impulse, it can be inferred that the effort to prevent and eradicate the deviant behavior of corruption cannot be focused solely on one facet, but it should have encompassed both facets, be it in relation to problems on a subjective level or the whole social system and structure outside of the subject. Subjective problems, in this regard, is the entire psychological aspect related to mentality, self-awareness, and mindset. Addressing this sector can be conducted through dedicated activities, such as providing anti-corruption education and introducing the latent dangers of corruption from an early age. The problem in the scope of system and structure is the fragility of the supremacy of law, weak prosecution, et cetera. A strategic move to resolve the issue in this sector is by thoroughly optimizing and strengthening the pillars of law enforcement, be it the police force, courts, and institutions that are directly affected by corruption, such as KPK.

D. Instrument of Social Control or Sanctions

As aforementioned previously, efforts to carry out social control or sanctions are needed to create social stability among society. One of the forms of social stability is the sterility of social system and structure from all sorts of corrupt deviance, be it material or non-material in nature and be it personally-executed or collectively-executed. To get to that point, the process of social control and sanctions cannot be done unilaterally, merely depending on the function and role of formal institutions such as police force, judicial institutions, and anti-bribery commission such as KPK. Even more than that, it is necessary to involve society as a whole, along with every community institution at the grassroots. In addition to society, there's a need to strengthen values and norms system at a macro level, be it social norms, traditional norms, cultural norms, or even religious norms. In relation to this, there are at least five important aspect that need to be taken into account, which are:

a) Family

Horton and Hunt (1996) classify family as a primary group, in the sense of being principal, main, and essential. Because of this essential nature, family as the smallest social structure definitely plays a fundamental role and function in the midst of society. The opposite of primary is secondary. If primary is principal, then secondary is other elements that are derived from the primary element (Soekanto, 1985, hlm. 63. To be exact, referring to Horton and Hunt's explanation above, family is a foundational structure, where other elements outside of it such as religion, education, and law are heavily influenced by its presence. In this strategic position, family functions as the main media where religious, legal, education, and cultural values are formed, produced, and instilled.

In the context of social control against corrupt behavior, family is the first institution that carries various functions. There are at least three main functions of a family pertaining the eradication of corruption, which are functions as creator, developer, as well as controller. The family's function as creator refers to its role as the earliest stage where character and personality is formed. In this stage, family can be envisaged as a miniature school, where values of honesty, nobility, and virtue are instilled as frequently and deeply as possible. The function of family as a media of development relies on its other function as a miniature school, namely its sensitivity to recognize all sorts of potential that can strengthen identity and character to ultimately raise the quality of oneself to be better and closer to perfection. In addition, the function of family as controller indicates that family must be able to perform dual function as both disciplinary and punitive. Disciplinary function plays a strategic role of building and shaping a character that is obedient to the rules and statutes, whereas punitive function, other than acting as an instrument of deterrent, also teaches the essential meaning of accountability.

Based on the description above, the role and function of a family, in its position as a media of creation, development, and control, has a significant relevance to the presence of parents. In this regard, the position of parents carries responsibilities akin to a leader. The education quality of the parents, to carry out its leadership functions, instill values of honesty, and conveying messages of virtue, unequivocally holds significance in the development of a child's character.

b) Tradition

In KBBI, tradition has the meaning of rules (actions and the like) that are commonly adhered to and have been carried out since eons ago; methods (behavior et cetera) that has become habits; the materialization of cultural ideas that consist of cultural values, norms, laws, and rules that have been intertwined to one another into a system (KBBI,2001: 19). To be precise, in a simpler sense, tradition is a set of values, norms, rules, and outlook into life that is local in nature and have been adhered to since time immemorial. Referring to this disposition, the idea to enact social sanctions through traditional approach is another word to refer to the optimization of corruption eradication based on local wisdom values (McCracken 1986).

Theoretically, the reinforcement of social sanctions through tradition is not exactly a novelty in the discussion of positive law. Tradition is an integral of legal products, because it is the starting point of the production and enforcement of informal law's instruments. According to Friedman (1984), in principle, legal tradition contains two things, namely 1) organic traditional elements that is related to a culture as a whole; 2) elements of values and social behavior regarding abstract and subjective perspectives (Friedman 1984). Reflecting at this point, the position of tradition as an element of customary law means that considering the locality aspect in the enforcement of law, including in the eradication of corruption, is an important asset that needs to be attended to. Other than that, the reality that the forming of traditions and customs can be obtained hereditarily can be a effective model of social control, especially in terms of disciplining society that is still rife with traditional values system. At a certain point, customary law contains higher normative level than written law, which is due to its creation process that is based on consensus, noble values, religious norms, and morality. This is entirely different from the characteristics of positive law that prioritizes rationality.

c) Law Enforcement

Pillars that support the law such as the court, prosecutors, and police possess a fundamental function in the social control process. The strength of these institutions lies in their strength and legality aspect in treating the law firmly, independently, and thoroughly, imposing sentence or prosecution that truly inflicts deterrent effect to corruption offenders. Thereby, inciting fear that prevents the same offense from being repeated in the future. Besides inciting fear in the hearts of the offender, law enforcement also functions as a warning to the others to keep away from the crime of corruption.

Unfortunately, pertaining to the prosecution and conviction of corruption, it needs to be admitted that up to this point there are a number of issues that are still not fully and properly resolved. One of which is regarding the legal verdict for those convicted of corruption that are not yet fully maximized, thereby causing the deterrent effect to fall short of the ideal expectations. Therefore, with the reality of lenient prosecution and conviction, there needs to be a brave leap to make improvements and strengthen the judicial aspect in every sector, both in terms of the system itself or the actors who utilizes the legal instruments. In simpler terms, improvements in law enforcement cannot be focused merely on the system alone, but also on the mentality aspect of the personnel who enforce the law.

d) Education

Education that is based on the strengthening of character plays a big role in the process of social control, especially towards people who belong to the youth age bracket. Nasution (2017) mentioned that social control in the environment of educational institutions is centered around the function of teachers .(Nasution 2017). Teachers undertake a central role in the formation of a kid's mentality into becoming a wise and honest individual who upholds nobility and virtue. In this position, educational institutions must be able to play an active role in the school environment by introducing the dangers of corruption and providing knowledge to the students regarding the importance of staying away from all sorts of corruption practices.

The point that needs to be emphasized here is that the cultivation of anti-corruption values through educational activities should not be understood as a role and function exclusive to formal educational institutions, such as school institutions. Anti-corruption education is a simultaneous action involving all element of educators and society as a whole. In this regard, all community institutions, both formal and non-formal, such as family organizations, traditional assemblies, learning communities, social activist groups, and all other elements, can become a strategic medium where anti-corruption values are imparted to the whole community, especially children as the nation's future generations.

e) Religion

Religion has the advantage in the focal point of their teachings that upholds moral values, virtue, nobility, and respect for humanism. In its position as a source of morality, religion vehemently forbids its adherents to commit all sorts of atrocities, be it atrocities towards God or atrocities towards fellow human. It is also the case with corruption. Corruption in the form of abuse of authority, corruption in the form of embezzlement of the state's funds, and corruption in the form of castrating the rights of the people are all behaviors contradicting the teachings of religion. In this regard, using religion as an instrument of corruption eradication constitutes a true effort in bringing religious values and teaching into the consciousness of each individual, so that religion along with all its moral value instrument can function strategically to control its adherents from deceitful practices.

Another thing that can be done pertaining to the utilization of religious function as an instrument to eradicate corruption is maximizing religious institutions and religious figure. For example, encouraging all religious figures to actively convey the

prohibition to commit corruption or by optimizing the role of certain religious institutions to emphasize the prohibition of corruption, such as encouraging Ulema Council of Indonesia (lit. *Majelis Ulama Indonesia*, abbr. MUI) to publish a special fatwa regarding corrupt behavior. Sociologically, the aforementioned efforts are imperative to be carried out as a step together to collectively eradicate corruption. Moreover, as is commonly known, borrowing Michael Foucault's words, one of the most potent means to produce power is religion, as it cannot be separated from the mechanisms and techniques of normative and disciplinary authority and it is able to produce identities that can ease the process of obtaining the compliance and obedience of its adherents (Haryatmoko 2011:99).

Therefore, referring to the explanation above, it can be said that strengthening the eradication of corruption through the implementation of social sanctions and control is in its essence the utilization of all societal structures and institutions as a whole. From the smallest structure such as family to the highest structure such as governmental institutions. Sociologically the intertwining of all elements and societal structures that participate in fighting corruption is a manifestation of each of their consensus that every corrupt behavior is a form of deviance and a violation of norms, be it religious norms, societal norms, cultural norms, and positive law norms. Because of its consensual nature, the eradication of corruption must not only cover one facet, but it should be synergized through other facets as well. Pertaining to this study, the implementation of social sanctions or punishment towards corruption offenders could be regarded as a preventive and eliminative strategy that is carried out using collective methods and approaches.

CONCLUSION

Based on the explanations above, there are a number of important points that became the conclusion of this study, which are as follows: *First*, the problem of corruption in Indonesia is significantly complex and rooted onto two factors at once, namely structural and cultural factors. In the structural dimension, corruption is dominated by the role and function of certain institutions that are not yet maximized in relation to the prevention and prosecution of corruption. For example, the implementation of law towards corruption offenders that are not yet oriented towards inflicting deterrent effect. In this regard, the implementation of a single law oriented towards positive law needs to be reinforced using other instruments that is considered capable of strengthening the existing law or action. In the cultural dimension, corruption occurs due to mental factor from within that is associated with awareness, honesty and justice which stem from education and edification aspects. *Second*, as a response to the two aforementioned factors, namely structural and cultural factors. There is a need for a specialized approach so that corruption prevention and prosecution process can operate to its fullest extent. The instrument in this case is the idea regarding the implementation of social sanctions. Social sanctions envisions the implementation of participative and open law that emphasizes on the involvement of society as a whole. The implementation of social sanctions has an advantage in the aspect of inflicting deterrent effect that is social in nature, such as shame, derision, and exile from the environment. In terms of prevention and prosecution of corruption, social sanctions is deemed effective due to the way it works which is directly associated with cultural aspect and one's mentality. *Third*, at the theoretical and practical levels, the idea of corruption prevention and prosecution through the implementation of social sanctions or punishments involves five structures, which are: 1) education structure, based on anti-corruption education; 2) family structure, the presence of which instills values such as virtue, honesty, justice, and nobility; 3) tradition structure, which is how traditional or cultural system is directed towards building positive attitude and behavior, such as anti-corruption attitude; 4) law enforcement, which should maximize the sentence of every corruption offender to produce the most deterrent effect; religious structure, which maximizes the role and function of religious control as an instrument to introduce and instill anti-corruption education.

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