

Police Corruption: Influenced Factors and Suggested Control in Indonesian Police Department

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Abstract

Purpose: The main objective of the paper is to discuss the extent, causes and suggested control of police corruption. It is because corruption is wide spread in many developing economies and Indonesia is not an exception. Corruption has infected and vitiated the moral values of the society and the police force cannot be an exception. In fact, corruption of police is not a new phenomenon, but the irony is that the issue has seldom been seized by the organization with a sense of seriousness.

Methods: Data were obtained through the administration of questionnaire to 200 respondents in random university's students. Moreover, this paper will use specific information about corruption in Indonesia from various case studies, nongovernmental organization and mass media reports too

Result: The result found that most of the respondents not only blamed individual police officers for having low moral values, but they also stated that organizational and societal factors can also cause police officer to become corrupt. The government and police agencies themselves concerned about the existing of corruption within police force of Indonesia.

Conclusions: This paper provides a foundation and suggests a few recommendations that can effectively combat corruption in Indonesia police sector. Therefore, this paper recommends the establishment of a new Indonesia Corruption Watch (ICW), Corruption Eradication Commission (KPK) that will be discussed further.

Keywords: Corruption, Police, Indonesia, Control, Factors

1. Introduction

1.1 Background

Corruption is a complex issue and spread over in the society in several forms. Its roots lie deep in bureaucratic and political institutions, and its effect on development varies from country to country. Corruption is wide spread in many developing economies and Indonesia is not an exception. Between 2005 and 2011, Indonesia's position in Transparency International's Corruption Perceptions Index (CPI) rose from 137th out of 158 countries, to 100th out of 183. In the past, Indonesian Government has shown its willingness to tackle corruption, for example through the creation of the Corruption Eradication Commission (KPK) in 2003. Corruption within the legal and judicial system especially those within the police and law enforcement departments has been a source for concern for ordinary citizens and political administrators. Indonesia is no longer considered a soft state as political scientists once used to call it. Thus, KPK created and has a well-defined mandate with far-reaching competencies for the prevention and prosecution of corruption in any segment. Further, Indonesia's police are widely regarded as the most corrupt institution in the country. The police Department is said to be the most corrupt department where bribes are taken by constables upwards to high status officers. What is surprising is that the police take money both from the accused and the complainants. The powers enjoyed by the police are so wide that they can accuse, arrest, and harass even an honest person. In other words, Police corruption is a serious problem in many Asian countries as the police are usually perceived as one of the most corrupt agencies in these countries. The police sector is assessed by both citizens and business as one of the most corrupt sectors in the country. According to the Global Corruption Barometer (2013), the pattern of corruption in Indonesia is shown by another aspect of Transparency International's Corruption Barometer: the public perception of corruption of key institutions scored out of 100. Perhaps unsurprisingly, the police (91 per cent) show up as the most corrupt institution, probably reflect the frequency of public dealings with the public, compared with the military (only 41 per cent). The fact that the police and the judiciary are perceived as one of the most corrupt institutions offers great challenges to control of corruption as they are instrumental to ensure enforcement of the law and the existence of rule of law in the country.

Since there is no proper legal definition of corruption that is fraught with demographic and socio-cultural perspectives, delineating corrupt practices especially within law enforcement agencies such as the police department becomes doubly challenging and a difficult task. As Sayed and Bruce (1998) explicitly states, there is no working definition of the concept of corruption. At best corruption is considered to be manifestations of

practice or behavior that is immoral, illegal or inappropriate. Although, many analysts limit corruption to practices related to personal gain involving misuse of personal power or position. The Santhanam Committee Report 1964 defines corruption as “improper or selfish exercise of power and influence attached to a public office or to a special position one occupies in public life”. Corruptions in simple terms may be described as “an act of bribery”. It has been also described as “the public power for private profits in a way that constitutes a breach of law or a deviation from the norms of society”. As defined by International Encyclopedia of Justice Studies (IEJS), police corruption is defined as the abuse of police authority for personal or organizational gain by a police officer acting officially. The widespread corruption is not the problem of Indonesian police only, but also other countries. As we find that in USA the law enforcement agencies are full of major scandals.

According to Holloway (2002) corruption can be of two types: internal and external. Internal corruption is a corrupt agreement that can take place among a group of police officers and may involve major changes or decisions of administrative policies that are inappropriate and illegal. Internal politics and unjustified removal of officials, or carrying out behavior within prison situations that may not be completely legal or even releasing prisoners by accepting a bribe given to a group of police officials are all part of internal corruption which accounts for a failure of an entire police system and can involve several policemen or police of one state or region. External corruption is illegal acts and agreements with the public and this illegal arrangement can be between the members of public and one or more policemen in the police department. Holloway suggests that three distinct elements of police corruption must exist simultaneously and this include: misuse of authority, misuse of official capacity and misuse of personal attainment. External means of corruption can be payoffs to police by non-criminal elements like paying of bribes for repeated violations of traffics rules, paying off to police for repeated violation of law as done by prostitutes, narcotics peddlers and burglars; and indirect bribes where special favors are given to police to get special services in turn. Arguing that power definitely tends to corrupt, Holloway suggests that although corrupt practices pervade all professions, the mere perception of corrupt policemen seems to create shock and disbelief generally due to the higher levels of expectations from people in law enforcement departments.

One of the most inclusive and clear definition of police corruption, and one which is frequently cited in the literature (c.f. NSW, 2002:8, and Newburn, 1999:7) is that advanced by Kleinig (1999:7). Police officers act corruptly when, in exercising or failing to exercise their authority, they act with the primary intention of furthering private, departmental/divisional advantage. A slightly more concrete working definition is proposed by Sayed and Bruce (1998:8). Police corruption is any illegal activity or misconduct involving the use of occupational power for personal, group, or organizational gain.

Police corruption is a specific form of police misconduct designed to obtain financial benefits, other personal gain, or career advancement for a police officer or officers in exchange for not pursuing, or selectively pursuing, an investigation or arrest. Police corruption is a specific form of police misconduct designed to obtain financial benefits, other personal gain, and/or career advancement for a police officer or officers in exchange for not pursuing, or selectively pursuing, an investigation or arrest. One common form of police corruption is soliciting and/or accepting bribes in exchange for not reporting organized drug or prostitution rings or other illegal activities. Another example is police officers flouting the police code of conduct in order to secure convictions of suspects- for example, through the use of falsified evidence. More rarely, police officers may deliberately and systematically participate in organized crime themselves. In most major cities, there are internal affairs sections to investigate suspected police corruption or misconduct.

Similarly, a U.N. survey illustrates that “Bribes were most often paid to police, judges and politicians” (Costa, 2010, p. 28). As most of the corruption cases occur within Indonesian Police Department, the purpose of this paper is to focus on police corruption, particularly Indonesian Police Department.

1.2 Purpose of the Study

The purpose of this study is to find out about the existence of corruption among Indonesia Police personnel. Throughout the paper, I will describe the contributing factors that caused corruption among police personnel and suggested control. This paper will reveal the current anti corruption measures in Indonesia and will suggest recommendation for future work.

1.3 Research Question

Police corruption is a severe problem in Indonesia and it needs to be controlled; the aim of this paper is to write about police corruption in Indonesia. Though, this paper would like to find out whether corruption exists among Indonesia Police? If it exists, which types do exist? What caused Indonesia Police forces to engage in corrupt practices; and in order to reduce corruption, what measures have been taken and what are missing? These questions will be discussed further; and the paper will address the problem of corruption within Indonesia Police.

1.4 Research Methodology

This paper focuses on a case study approach about police corruption in Indonesia, which is a mixed form of primary data including a research that I have conducted, and the secondary data, reports, police administration records, and et al. To define police corruption, this paper will rely on a number of literatures and books published as well as various researches conducted about police corruption in different countries. Moreover, this paper will use specific information about corruption in Indonesia from various case studies, nongovernmental organization and mass media reports too.

The reasons for selecting Indonesia and Indonesia Police force as a case study was: existence of widespread administrative corruption caused that Indonesia became among the lowest transparent countries in the world. According to the Global Corruption Barometer (2013), the pattern of corruption in Indonesia is shown by another aspect of Transparency International's Corruption Barometer: the public perception of corruption of key institutions scored out of 100. Perhaps unsurprisingly, the police (91 per cent) show up as the most corrupt institution. Thus, this reason made me interested to select Indonesia as a case study and focus on the emergence of corruption among Indonesia Police.

1.4.1 Primary Data

The primary data from my research is the survey that I have conducted to understand the accurate nature and extent of police corruption in Indonesia Police. I have selected Jakarta as capital of Indonesia for the survey, and started to collect data and conduct interviews from 28th March to 5th of April, 2014 in above mentioned location. Reason I chosen Jakarta as subject of my research was the security situations in Indonesia and is that physically and logistically, I was not able to travel to all parts of Indonesia. Because, I had very limited time, as well as very limited financial support to conduct the survey. Beside that, Jakarta was selected because of being capital of Indonesia and that most of the police controlling agencies including the KPK are exist there.

During the survey, I have visited various places and conducted face to face interviews with people, distributed questioners to the university students; as well as, sent questioners electronically (per E-mail). I have distributed almost 200 questioners to the people and conducted more than 10 direct interviews. The questioners were mostly distributed to the students of universities and ordinary citizens, while the interviews conducted were mostly with police officials and ordinary policemen.

Selections criteria were anonymous for university students, and most of the students responded to the questioners were from the faculties of Law and Political Science. Among them, there were students from the fourth and third year of their study and a small portion of them were from the first and second year of their studies. The reasons for selecting mostly students was that Jakarta has very limited universities, and most of the students from different provinces are coming to the University of Indonesia in Jakarta, UNJ in Jakarta, and other. Therefore, this case study has selected students to understand nature of police corruption not only in this city, but also in other provinces of Indonesia too.

1.4.2 Secondary Data

In order to understand the nature of police corruption, this paper also need to focus on various other documents about police corruption. These documents includes, books regarding corruption in general and police corruption in particular, reports published by various governmental and non-governmental organizations, surveys conducted in the same field of study, various media reports, and et al. For example, Assessment of Corruption in Indonesia by United States Agency for International Development (USAID), Police Perception Survey 2010 by United Nations Development Program (UNDP), research conducted by the Indonesia Research and Evaluation Unit, Indonesia Corruption Watch (ICW), Corruption Eradication Commission (KPK), corruption reports, and et al. will be used throughout this paper.

2. Result and Discussion

2.1 Police Corruption

Corruption is a global phenomenon. It is found in every society in one or the other form since time immemorial. In ancient times, the judges received bribes in Egyptian, Babylonian and Hebrew societies. In Rome, bribe was a common feature in elections to public offices. In France, judicial offices were sold during the fifteenth century. England was described as a 'sink-hole' of corruption in the seventeenth and the eighteenth centuries. In the nineteenth century also, corruption was so rampant in Britain that Gibbon described it as the most infallible symptom of constitutional liberty.

Over the years, the corruption has spread to other areas of police as well. This was largely due to the steady expansion of the role of police in view of the enactment of a number of social and other legislations that are to be enforced by the police. "The success of any social legislation depends on the effectiveness of its enforcement and police have a protective as well as promotional role to perform in this sphere". Corruption is a complex

problem having its roots and ramifications in society as a whole. Hence, police corruption exists in Indonesia to the present day and continuing its menace affecting the rural and urban poor at large.

Goldstein states “corrupt police officer is like a fireman setting fires or a physician spreading diseases”. (Goldstein, 1977, p. 190) However, there is diversity among the scholars when defining police corruption, but it has been loosely defined in literatures as “deviant, dishonest, improper, unethical, or criminal behavior by a police officer”. (Roebuck & Barker, 1974, p. 423). Police corruption is an action or omission, a promise of [an] action or omission, or an attempted action or omission, committed by a police officer or a group of police officers, characterized by the police officer’s misuse of the official position, motivated in significant part by the achievement of personal gain. (Ivkovic, 2005, p. 16)

The Mollen Commission that was assigned to investigate allegations of police corruption and the anti-corruption procedures of the police department in the city of New York describes the severity of the problem, and states that “the problem of police corruption extends far beyond the corrupt cop. It is a multi-faceted”. (Mollen, 1994, p. 1) However, the “picture of police officers abusing their office for personal gain is itself disturbing, but the problem of police corruption extends well beyond the rule-violating behavior of a few officers” (Ivkovic, 2005, p. 3) Ivkovic states that “police corruption distorts police work, encourages the code of silence, promotes resistance to accountability, and undermines the legitimacy of the police and the government”.

In contemporary world, police corruption is a global and universal problem, it exist in various forms all over the world. It is hard to distinguish between various forms of police dirty activities ranging from police deviant to police severe offences. Punch (2009) states that police corruption involves the “misuse of police power and authority, utilizing organizational position and resources largely to avoid preventing crime, to encourage crime by others, to engage in crime, to combat crime by illegal means or simply to exercise power for illicit ends”. (Punch, 2009, pp. 30-31) To touch this broader notion of police corruption, he considers three typologies for police corruption: 1) Typology of officers; 2) Typology by Roebuck and Barker; and 3) Levels of deviance. (Punch, 2009, p. 20)

In other words, it is difficult to discuss about police corruption without an understandable definition or even a widespread understanding of the term in general and how it can be functional in the very particular environment of policing. Lacking of a precise definition makes it complicated to measure accurate nature and extent of police corruption as well as determining its causes. (Skolnick, 2002, pp. 5-7)

In order to find out about the accurate nature and extent of corruption, “the practical impossibility of measuring corruption, on the one hand, and the pressing need to obtain relevant information, on the other hand” (Ivkovic, 2005, p. 34), has placed social scientists in a state of emergency to use various techniques and methods for measuring police corruption; such as, conducting surveys, make experiments, case studies, interviews, and observations.

2.2 Reasons for Police Corruption

In fact, corruption in one form or other had always existed in the country. Corruption has infected every sphere of modern life. It has vitiated the moral values of the society and the police force cannot be an exception. In fact, corruption of police is not a new phenomenon, but the irony is that the issue has seldom been seized by the organization with a sense of seriousness. There cannot be a single cause/factor responsible for police corruption in Indonesia. In other words, before considering prevention or elimination of police corruption, it is important to understand what make it possible and how corruption raised among ANP. Newburn states that in general causes of police corruption includes: “factors that are intrinsic to policing as a job; nature of police organizations; nature of police culture; opportunities for corruption presented by political and task environments; and, nature and extent of the efforts put in to controlling [police] corruption”. (Newburn, 1999, p. E.S) Similarly, throughout the history, police corruption has realized as an individual characteristic of a police officer. In the past, police organizations believed that police officers engage in corrupt practices because of their own low moral values. According to (Ivkovic, 2005, p. 63), in the past when cases of police corruption reached into public sphere, then police administration called them rotten apples and they were facing disciplinary actions very harshly and even firing for their jobs. The reasons may be different. In Indonesia, the recruitment policy of the government is defective. The first rate person did not like to join in the initial stage of its development. The salary structures, nature and hours of duty, accommodation problem and certain administrative and organizational problem are the other factors responsible for the police corruption. It is also due to growing influence of unscrupulous public men and politicians. According to a report, “the strength and the quality of the policemen have not kept pace with the demands of a rapidly expanding economy and administration. This has resulted in supervision becoming low and ineffective and in enlarging the scope of corruption proportionately”.

The major source of corruption in the police is the vast power vested in a police officer in a day to day working. Today police corruption is common feature in all situations where they have discretion and where they are in a

position to use that discretion. One such example is the enforcement of prohibition laws.²¹ As the popular adage goes that “Power corrupts and absolute power absolutely” two cognitive features of police viz. power and discretion give ample scope for the police personnel to indulge in corruption. They enjoy wide powers while discharging the core functions of police viz. maintenance of peace and order and prevention and detection of crime and criminal activities. Similarly, police discretion is a double-edged sword that can be used or misused by the personnel on the mosaic of law and order situation. Though the personnel are bound to exercise these unique features strictly in accordance with the procedures that lay down processes and formalities, those intoxicated with tremendous powers and dominated by selfish motives can misuse them with a view to attaining private gains. Such “deviant behavior” of the personnel appears in different forms in many areas of policing. Payments of bribes for postings and promotions are a well-known phenomenon in Police department. As a result, the Policemen who have paid their way through try to recover the amount as soon as possible and corruption becomes a tool for getting better return on “investment”.

In addition, when I was conducting research for writing this master thesis, I have asked questions about causes of police corruption within Indonesia Police, and found that most of the respondents not only blamed individual police officers for having low moral values, but they also stated that organizational and societal factors can also cause police officer to become corrupt. They named some of the contributing factors such as: weak institutions, illiteracy of recruits, poverty and unemployment, low level of salaries, use of drugs, lack of professionals within police organizations, favoritism toward a single ethnicity or a political group, absence of the rule of law, impunity, influence of warlords, lack of proper trainings, lack of proper resources, absence of patriotism and widespread culture of corruption caused police officers to become corrupt. In sum, contributing factors of police officers engagement in corruption are widespread in Indonesia. Police officers are more likely to engage in corrupt practices when their tendency toward corruption shaped by the way the police officer perceive that the cost he pays for being corrupt (moral, risks of being caught) is comparatively low than the satisfaction he earns from being corrupt. (Ivkovic, 2005, pp. 94-95) In addition, organizational factors such as weak leadership and administration capacity, inadequate supervision and control, designation of very low recruitment and selection standards for Indonesia Police recruits, insufficient training in ethics and general police duties; as well as societal factors such as acceptance of a number of corrupt behaviors by community people, and loopholes in the community for police corruption; generates and increases corruption among Indonesia Police officers; and are main contributors of corruption within Indonesia Police agencies, which imposes a wide range of consequences for Indonesian.

2.3 Suggestions for Controlling Corruption

Though, a sizable efforts and corruption control mechanism, from the police agencies across the country itself, to the MOI, courts, media, independent commissions, and international community have been put in place to prevent corruption in Indonesia. The Corruption in Police can be controlled through the following ways:

Local policing – More Responsive and Accountable Enforcement

There are several policing functions that concern the day-to-day life of common citizen and are very local by nature e.g. patrolling, traffic regulations, prosecution for offences like public nuisance or eve teasing. The enforcement of law for these cases could be entrusted to a local force accountable to panchayat or citizen committees. This local force will have a small area under its jurisdiction, resulting in better interaction and involvement with citizen.

Making Transfers and Promotions Transparent

Payments of bribes for postings and promotions are a well-known phenomenon in Police department. As a result the Policemen who have paid their way through try to recover the amount as soon as possible and corruption becomes a tool for getting better return on “investment”. Also transfers are also commonly used as a retribution tool against officers as a pressure tactic. However, if a system could be designed where postings are automatically generated by software after a given time interval for each employee, a big chunk of corruption can be eliminated. Similarly objective criterion for promotions could be articulated and publicized so that individual judgment plays a limited part in promotions. This will reduce the need for bribes in order to get promotion.

Use of Information Technology

Non-registration of complaints is the most common grievance of citizens interacting with Police department. Since the registration of complaint is the first step in justice delivery, citizen is forced to pay bribe. Use of technology for reporting and handling of cases can play an important role in arresting corruption. Filing of cases could be done through Internet and if required detailed information can be given later on. Case status could be made available online to bring in more transparency and make the Police force more accountable.

Performance Monitoring

Establishing a system for monitoring the performance of Police can substantially increase the accountability of the force. Objective performance and efficiency indicators can be chosen and tracked to monitor the performance of the Police force. This will lead to having clear improvement goals for the force on objective and measurable parameters.

Minimizing Political Interference - Greater Functional Independence

As advocated by National Police Commission a Chief of Police of a State should be given a fixed tenure of office so as to encourage functional independence. It has been commonplace in Indonesia for transfers and postings of officers to be used as a kind of reward and punishment, as a result of which, many chiefs of police have had allegiances to political parties. Also the selection of Police Chief could be entrusted to an expert committee (may be headed by UPSC chairperson). The committee may be given a pre-specified number of candidates, decided on the basis of seniority, to choose from.

Introducing greater accountability

In today's scenario, there is very little accountability of Police to the citizen with regard to satisfactory delivery of services e.g. if a Police officer refuses to register a complaint. Unlike in other services like electricity or telecom, where if a citizen is not satisfied with the complaint redressed by the department, it has the option of going to the independent regulator, there exist no such mechanisms in case of Police. It is very essential that accountability of officials at different levels be defined and a degree of immediate proximity to the people and third party intervention introduced. Public hearings could be an effective tool for this purpose, as shown in experiments with other services. A system could be introduced where; a few complaints against police are picked up every month (or some pre-decided time interval) for public hearing. The public hearings could be conducted by a panel of retired judges and prominent citizens.

In Indonesia, the legal framework for the fight against corruption is based on the Indonesia Corruption Watch (ICW), Corruption Eradication Commission (KPK). The challenges that are evident in other parts of the legal frame of Indonesia are also visible in the area of anti-corruption; "the mechanism to adapt existing law upon the passage of other laws are weak" (Lal, 2010, p. 31) and the information about new laws and regulation are hard to obtain. However, there are some anti-corruption institutions working in Indonesia to strengthening the national integrity system, but their work is insufficient and their public outreach is very narrow. Beside other challenges, they lack experts and professional employees, their legal jurisdictions are not well defined and in a number of cases their duties overlap with each others that make their processes more complex.

Beside the national anti corruption agencies, there are also international agencies too that operate to strengthen transparency and accountability in the Indonesia. Most of these organizations are active in the file of providing technical assistance to the existing national anti-corruption institution as well as providing financial assistance for them.

All these efforts put in place by various national in international agencies had faced with a large number of challenges. It is also not an independent agency but rather operates under the president's office and responsible for reporting to the president. The ICW and KPK are lacking adequate resources and an accurate definition of police corruption. Therefore, this paper will suggest a few recommendations that will help combat corruption among Indonesia Police forces. The conclusion of this paper will contain: a) the improvement of the existing structure of the MOI that combat corruption, and b) requires the establishment of an Independent Commission of Controlling Police Corruption in Indonesia that will be the concluding part of this paper

3. Conclusion

Police agency itself suffers from existing of corruption within it; therefore, they should carry the heaviest burden of control efforts. They are mandated to perform or share a large number of control measures, including "detecting and investigating corruption, punishing corrupt police officers, monitoring the propensity for corruption, cultivating a culture intolerant of corruption" (Ivkovic, 2005, p. 176) and all those efforts that can reduce police corruption. The government, the Minister of Interior, police agencies themselves concerned about the existing of corruption within police force of Indonesia. Similarly they have taken some steps toward elimination of corruption, but the reality is that most of these efforts are either too wide or too narrow and had very limited impacts on the level of police corruption in the country. Therefore, this paper recommends the establishment of a new Indonesia Corruption Watch (ICW), Corruption Eradication Commission (KPK) that will be discussed further.

In sum, it is important that the government spend and allocate a specific budget for controlling police corruption within Indonesia Police forces. However, the exact cost of the task will be hard to determine, but some rough estimates can be assigned to it, which also needs further assessment.

Unlike the other executive wings of the government, the police, which has maximum visibility in the society,

their omissions and commissions rapidly attract public attention and spread like a wild fire through gossip and hearsay. The image of police so created in the minds of people always remains poor and sullied. No doubt, public awareness of policing has risen tremendously, but issues like corruption are such hidden areas where facts, fiction, myth, perception and reality are very intricately interwoven. The defaulting policeman becomes a symbol of the entire organization and his misconduct would be used as a powerful weapon to tarnish the image of the force. Thus the major task of the police in the new millennium is to refurbish its image for which reforms at and personnel levels are imperative.

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