

Comparative Study of Perpetrators of Corruption Between Indonesia and China

Syamsuddin¹ M. Syukri Akub² Slamet Sampurno³ Syamsuddin Muchtar⁴

1. PhD student at Postgraduate Hasanuddin University

2 Professor on Legal Science, Faculty of Law, Hasanuddin University and as a Promotor

3. Professor on Legal Science, Faculty of Law, Hasanuddin University and as a co-Promotor

4. Associate Professor on Legal Science, Faculty of Law, Hasanuddin University and as a co-Promotor

Abstract

The essence of Indonesia as law state is that have legal basis in actualizing the goals of the state which is to provide prosperity with a sense of security, peace, order and justice in accordance with law. It has been stipulated that the law enforcement in Indonesia is carried out by the judicial authority, where it is free and independent without influence from other parties. Indonesian instruments of corruption is the Law No. 3 of 1971 concerning eradication of corruption, and changed to the Law No 31 of 1999 and finally replaced by the Law No 20 of 2001. In term of Chinese practice, the Chinese government show its seriousness in combating corruption. One of them is also manifested by ratified the UN Convention against corruption which includes bribes to public officials as a crime by the National People's Congress in October 2005. China's economy which rapidly growing raises new problems for the country. Some of these issues are the development gap between the eastern and southern coastal areas with central and western regions, greater number of unemployment, and widespread corruption. Corruption is a considerable threat to the Chinese economy. In the context law enforcement, both countries acknowledged the death penalty for the perpetrators.

Keywords: punishment, Perpetrators, Indonesia, China

1. Introduction

Since Indonesia became independence in 1945, it is always emphasized that Republic of Indonesia is a state law that is based on Pancasila and the 1945 Constitution of the Republic of Indonesia. As Indonesian citizen, we certainly proud of the independency of Indonesia particular Indonesia is law state where everyone has no immunity towards law and everyone is equal before the law. The essence of Indonesia as law state is that we have legal basis in actualizing the goals of the state which is to provide prosperity with a sense of security, peace, order and justice in accordance with law. It has been stipulated that the law enforcement in Indonesia is carried out by the judicial authority, where it is free and independent without influence from other parties. Therefore in enforcing the law, a responsible institution is required in performing the right and fair trail towards the society and Republic of Indonesia as law state.

Currently, law enforcement towards corruption crime has been widely discussed. Society thought that the law enforcement towards corruptors has been unfair. Some of the society consider that law enforcement in Indonesia still work under the influence of power or status of a person thus it seems that it is still affected by political overtones and has not optimally worked. It can be seen that there are still numerous of corruption cases until this time, which have provided neither deterrent effects nor lessons among the society. Law enforcement has not been able to significantly decrease the number of criminality, in this case corruption case. The crime of corruption will consequently affect the prosperity of society, therefore it is essential to find out the prosperity within society and relating it with the number of population and determine whether there is any connection with the corruption issue.

Based on the Indonesian Population Census, the populations of Indonesia in 1971, 1980, 1990, 2000 and 2010 (in millions) are:¹

| Year | 1971 | 1980 | 1990 | 2000 | 2010 |
|---------------------|-------|-------|-------|-------|-------|
| Total of Population | 119,2 | 147,5 | 179,4 | 205,1 | 237,6 |

¹Presented population of Indonesia in 2010 is provisional data as the result of SP2010 read by the President SBY in his state speech on 16 August 2010.

Indonesian Population Growth Rate from 1971 to 2010 (in Percent), as follows:¹

| Period | 1971-1980 | 1980-1990 | 1990-2000 | 2000-2010 |
|-------------|-----------|-----------|-----------|-----------|
| Growth Rate | 2,30 | 1,97 | 1,49 | 1,48 |

Based on the previous census, Indonesian population growth rate in 2000-2010 was as much as 1.48 percent per year. It means that each year between 2000 and 2010, the population increased approximately 237.6 million people keeping the position of Indonesia as the fourth highest populated country after China, India and United States.²

Paying attention on the 2010 census, it can be known that Indonesian population has reached 237.6 million people, where the population growth rate reached 1.48per year, and it is now 2016 which means that the population has grown even more. The writer calculate that if the population growth rate is 1.48 per year, every year there will be another 3.5 million people born each year. Therefore, in 2015 the population has reached 255.1 million people. From such situation, the prosperity of the Indonesian citizen should be considered, whether the growth in population will increase the prosperity or not and what could possible hamper people's prosperity.

The writer thinks that one of the problems is the high numbers of corruption cases in Indonesia. Therefore in order to solve the cases, it need special, priority and structured, and well done plan considering corruption is classified as extra ordinary crime which really affecting people's life. Actually, corruption issue has been tried to be solved since colonialization era, old order era, new order era, and reformation era. However, the corruption cases have not dismissed. Meanwhile rules to prevent and dismiss corruption have been established but they still does not work effectively. If corruption still continues, Indonesian society will suffer and stay poor as the number of corruptions keep increasing without bothered with the prohibitions and punishments imposed for the convicted cases. Combatting corruption is not as easy as we imagine, yet people can not give up facing the obstacles. Precisely with the challenge of difficulty, we must remain focused and attempt to find the right form or procedure in order to combat corruption, including prevention.

Record submitted by the Deputy Attorney General for Special Crimes stated that based on corruption case reports in Indonesia until August 2011, corruption cases reached the Attorney General of the Republic of Indonesia reached 1,018 cases³, and if we divide it into provinces in Indonesia, we might assume how many corruption cases that occurred in each province. Government efforts in combating corruption cases obviously have been established since 1957, such as:

- Regulation of Military Authorities on 9 April 1957 No : Prt/PM/06/1957;
- Regulation of Military Authorities on 27 May 1957 No : Prt/PM/03/1957 ;
- Regulation of Military Authorities on 1 July 1957 No : Prt./PM/011/1957;

Such regulations were established in old order era and called Regulation of the Central War Authorities, and such regulations were only applicable temporarily, since Indonesia government has replaced the form of regulations into laws, based on article 90 (1) of the 1950 UUDS and Government Regulation No. 24 of 1960 on Investigation, Prosecution and Investigation of Corruption.

In the new order era, President Decision No. 12 of 1970 was established and forming Team four with duty to combat the crime of corruption. Then, the Law No. 3 of 1971 concerning Eradication of Corruption. Nevertheless, it was not work optimally hence in 1977 President Suharto issued President Instruction No. 9 of 1977 know asTeam Opstib (Order Operation), where this team moved to curb the illegal levies in streets, ports, ministry apparatus and regions but the corruptions are still occurred. Later in 1982, President Suharto revive the Corruption Eradication Team to replace its personnel.

At the time of the Soeharto government ended with his resignation in 1998and corruption are still occured, MPR issued Provision No: XI/MPR/1998 concerning State Implementation that is clean and free from corruption, collusion, and nepotism. In 1999 LawNo.28 of 1999 concerning State Implementation that is clean and free from corruption, collusion, and nepotism were established. In the same year, Law No. 31 of 1999 concerning Corruption Eradication was established and revised with Law No. 20 of 2001, where these laws have become the pioneer of the idea of KPK. Hence in 2002 Law No30 of 2002 concerning Corruption Eradication Commission (KPK) was established, and until recently it has still became the guidelines in combating corruption in Indonesia. Some demand to dismiss KPK with the reason that it has not work effectively while some argue to maintain KPK and keep combating corruption.

Currently government has proved its seriousness in combating corruption through establishing Corruption Court (TIPIKOR) in regions for instance in EastKalimantan specifically in Samarinda, there has been corruption court as well in other provinces. Yet the issue of dismissing KPK is still out there. It might occur

¹Population Growth Rate.

²Wayoachim, *blogspot.co.id/2011/07/data-sensus-2000-2010.html*.

³<http://www.republika.co.id/berita/nasional/umum/11/09/12/irevtp-perkara-korupsi-di-indonesiamencapai-1018-kasus>

because societies are either disappointed or dislike the Head of KPK or staff of KPK. However, in writer opinion, if we dislike the head of KPK or staff within KPK, instead of dismissing the organization, we should just replace the head or the staff in accordance with proper regulations. It is like analogy stated that : "*Do not kill rats by burning their house. Do not build nation within nation only because we dislike its leader*".

Departing from law enforcement in corruption in Indonesia which is still cause a lot of disappointment in the community, as it is still considered too weak and lack of firmness in enforcing law in order to apply penalties for perpetrators of corruption as well as the persistence of the notion of selective felling that create the image of the law enforcement against corruption, it is necessary to do a comparison example of law enforcement in other countries such as China, which until now apply the maximum penalty for offenders convicted of corruption. Therefore, the government actions in combating corruption is not excessive, precisely the government of Indonesia should follow the example of the Chinese government. The Chinese government's commitment in combating corruption has no doubt, it is not just a slogan or a rhetorical as happened in Indonesia, but proved by executing the corrupt officials. China was once a top-most corrupt country in the world, but now it is no longer. This is due to the high commitment of the Chinese Prime Minister, Zhu Rongji at the time that in conducting anti-corruption campaign to impose the death penalty for the corrupt and anyone challenging the Chinese people to shoot him on the spot if he is convicted of corruption.

In the reign of the Chinese Prime Minister Zhu Rongji, known as the expression of 100 coffins for criminals, ninety-nine for the corrupt and one for Zhu Rongji himself if he is proven guilty of corruption. Those were the words of Chinese Premier Zhu Rongji at the time of his inauguration in March 1998. Currently in China there have been several government officials that sentenced to death for committing corruption, among others, the Deputy Governor of the Province of Jiangxi, Hu Chang-ging, Deputy Mayor of Leshan, Li Yushu, Provincial official of Jianxi, Hu Chang-Qing, Communist Party official, Cheng Kejie, Bank Official, Xiao Hongbo, Deputy Mayor of Hangzhou, Xu Maiyong, and Suzhou City Official, Jiang Renjie.¹ Those are some examples of government officials in China that proven guilty of corruption and then sentenced to death by courts and carried execution of that decision, and many more that also sentenced to death for committing corruption.

Noting the application of the maximum penalty in the case of corruption in China can be applied, the question that arises is why China can apply the imposition of the death penalty for criminals who are sentenced to the maximum in its laws, while in Indonesia has never been applied even though the rules already exist, which is article 2 (2) of Law No. 31 of 1999, even no one has been sentenced to a maximum of life imprisonment as stipulated in Article 2 (1) Law No. 31 of 1999 jo Law No. 20 of 2001 concerning amendment for Law No. 31 of 1999 concerning the Eradication of Corruption despite they are proven guilty of corruption.

Referring to the illustration above, the focus of this paper is a comparison of punishment for perpetrators of corruption between Indonesia and China.

2. Punishment of Perpetrators of Corruption in Indonesia and China

2.1 Law Enforcement against Corruption in Indonesia

Indonesia already has legal instruments in efforts to eradicate corruption that explicitly uses the term corruption in its articles. In this case some regulations have been enacted, as followings:

- 1945 Indonesia Constitution, particularly article 24 and article 25 ;
- Law No 8 of 1981 concerning Criminal Procedure Law ;
- MPR Decree No. XI/MPR/1998 ;
- Law No. 28 of 1999 concerning State Implementation that is clean and free from corruption, collusion, and nepotism;
- Law No. 31 of 1999 concerning Corruption Eradication;
- Law No. 20 of 2001 concerning amendment of Law No. 31 of 1999 concerning Corruption Eradication;
- The establishment of State Officials Wealth Audit Commission (KPKPN) in 2001 referred to Law No. 28 of 1999 ;
- Law No. 30 of 2002 concerning Corruption Eradication Commission (KPK) ;
- The establishment of Corruption Eradication Commission (KPK) in 2003 referred to Law No. 31 of 1999 junto Law No 20 of 2001 junto Law No 30 of 2002.

Noting number of rules and regulations that have been or are being implemented, then the eradication of corruption in Indonesia must begin to find the right direction. Indonesia, will open up a gap in the application of the law, so that it requires formulation and raw indicator to determine the definition of the executive, legislature and judiciary. The presence of aspirations and demands of society which very strong in the era of reforms to prevent and combat corruption more effectively is a thing which deserves appreciation. It is channeled and embodied by the people's representatives in Parliament by replacing Law No. 3 of 1971 concerning eradication of corruption in 1999 with Law No 31 of 1999 and finally replaced by Law No 20 of 2001.

¹<http://news.detik.com/berita/2022262/5-pejabat-koruptor-yang-dihukum-mati-di-china/3>

One of the policies pursued by the Parliament through changing the legislation to combat corruption is by specifying the sentence of death penalty in Law No. 31 of 1999 which do not exist in previous regulation. Then described in "General Explanation" of Law No. 31 of 1999 stated that: "In order to effectively achieve the objective to prevent and combat corruption, the law contains criminal provisions that are different from the previous law, which are determining the threat of special crime, imposing higher criminal fines, and imposing the sentence of death penalty which is a weighting of criminal"¹.

Seeing the threat of capital punishment in Law No. 31 of 1999 shows as if the government and parliament showed seriousness at that time to eradicate corruption. Even the death penalty could also be used as a political commodity for candidates for President and Vice President some time ago to strengthen its commitment in efforts to eradicate corruption in Indonesia program.

As time and efforts to prevent and eradicate corruption passed by, the author often notes in the news either news in the print media or television media as well as other electronic media, concerning the perpetrators of corruption being investigated by both the Corruption Eradication Commission (KPK) and the Prosecutor as well as the Police which then brought at the Corruption Court, but in the imposition of decision by the court is still always got lighter sentence, and no one has got the maximum penalty although it has been clearly proven to such actions. This has led to dissatisfaction in society, so that society still desires the imposition of severe against perpetrators of corruption that have been proven guilty of corruption.

2.2 The judicial system concerning Corruption in China

The Chinese government's seriousness in combating corruption one of them is also manifested by ratified the UN Convention against corruption which includes bribes to public officials as a crime by the National People's Congress in October 2005. The Code of Penal (Criminal Code) of China regulate they who offer and accept bribes may be punished. The death penalty for the receiver of bribes and sentenced to life imprisonment for the bribe giver. Death penalty is the heaviest which can be given to criminals.

The death penalty is also applied to state officials, not only to lower officials or ordinary people. Some officials which sentenced to death for corruption, among others Cheng Kejie, (Chairman of the Guangxi Autonomous Regional Government), Ma Xiangdong (Mayor of Shenyang), Li Jiating (Governor of Yunnan), Ma De (Secretary of the CCP Committee of Suihua City, Heilongjiang), and Liu Jinbao (Director of the Bank of China in Hong Kong). The Chinese government showed seriousness in combating corruption.

The Chinese government is committed to consistently monitor economic development to minimize the abuse of power in the bureaucracy. For the communist Chinese government, the fight against corruption is a necessity that must be executed. China wants to show the world that the communist ideology that they profess is not an obstacle to achieve economic prosperity, good governance, and the people who work with ethic and discipline.

In this case the Chinese devote efforts to eradicate corruption in the Chinese Communist Party (CCP), the ruling party in China. China provides an example of how political parties should play a major role in combating corruption by instilling a strong discipline of anti-corruption in all its members.

Efforts to combat corruption in China can be seen directly from the number of criminals who were executed in the country. If not the death penalty, imprisonment or punitive damages are given heavily. It is intended to raise the deterrent effect and the fear of corruption. During 2009 more than 106,000 Chinese government officials were convicted of corruption-related issues (Kompas, 8 April 2010). In early 2010, the CCP confirms new rules for all members who had actually been in effect since 2006, which is an obligation for all members of the CCP to report the family's wealth.

Previously obligation to report the wealth only charged to those who served in the government and the CCP officials, the new policy applied to all members of the CCP at all levels. Through this rule, every member of the CCP should also report the wealth of their wife / husband and children. CCP Organ discipline will continue to regulate government spending associated with the purchase of vehicle, reception at government offices, and also trips abroad to ensure taxpayers' money are used wisely. Corruption situation in China which not yet showing signs began to subside, which is also visible from the Corruption Perception Index released by Transparency International which put China in position 72 of 180 countries surveyed. Therefore, China continues to enhance the asset declaration system across government workers as one way to get people more active in controlling corruption.

Corruption is not a new thing in China, but has been there for hundreds even thousands of years BC. The palace eunuchs is a group that that often stated in history as the perpetrators of acts of corruption. At this time the punishment of dismissal from office and imprisonment are common thing to do. Furthermore, during the nationalist government of China under the leadership of Chiang Kai Shek is recognized as extremely corrupt government, even this corruption is considered as one of the causes of the fall of the government of Chiang.

¹General Explanation" of Law No. 31 of 1999 concerning Corruption Eradication

Efforts to combat corruption in the reign of Mao Tse Tung conducted through radical campaign movements. Mao's policy is quite successfully reduced the number of party cadres and government corruption, although in reality the party officials enjoy a special privilege. In the era of Deng Xiaoping with the implementation of the open door policy in the context of economic reform has led to an increase in excess of corruption in China. This is not apart of the tradition of *guanxi*. The Chinese government is very aware of the dangers of corruption for the downfall of the regime that strives to eradicate it. Although it have not been fully succeeded in eliminating corruption in China, but what is done by the Chinese government considered quite successful in reducing the corruption index in China.

China in eradicating corruption, the Act is used is the Chinese Criminal Code consisting of two (2) sections (books), where Part I concerning general provisions, and Part II concerning Special Conditions. Then if we examine that the Special Provisions of the Criminal Code of China consists of X Chapter, and the corruption that is set out in Chapter VIII of the Bribery Bribes and Bribery, and in this chapter also includes regulating the corruption crimes punishable by death penalty¹. Clauses governing the death penalty in the Chinese Criminal Code are Article 383 of the criminal graft, Article 384 on the misuse of state finances and article 386 regarding the acceptance of bribes.

Article 383 of Chinese Criminal Code stated that:

Persons who commit the crime of embezzlement shall be punished respectively in the light of the seriousness of the circumstances and in accordance with the following provisions:

- (1) An individual who embezzles not less than 100,000 yuan shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and may also be sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property.
- (2) An individual who embezzles not less than 50,000 yuan but less than 100,000 yuan shall be sentenced to fixed-term imprisonment of not less than five years and may also be sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to life imprisonment and confiscation of property.
- (3) An individual who embezzles not less than 5,000 yuan but less than 50,000 yuan shall be sentenced to fixed-term imprisonment of not less than one year but not more than seven years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than seven years but not more than 10 years. If an individual who embezzles not less than 5,000 yuan and less than 10,000 yuan, shows true repentance after committing the crime, and gives up the embezzled money of his own accord, he may be given a mitigated punishment, or he may be exempted from criminal punishment but shall be subjected to administrative sanctions by his work unit or by the competent authorities at a higher level.
- (4) An individual who embezzles less than 5,000 yuan, if the circumstances are relatively serious, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention; if the circumstances are relatively minor, he shall be given administrative sanctions at the discretion of his work unit or of the competent authorities at a higher level. Whoever repeatedly commits the crime of embezzlement and goes unpunished shall be punished on the basis of the cumulative amount of money he has embezzled

While article 384 stated that:

Any State functionary who, by taking advantage of his position, misappropriates public funds for his own use or for conducting illegal activities, or misappropriates a relatively large amount of public funds for profit-making activities, or misappropriates a relatively large amount of public funds and fails to return it after the lapse of three months, shall be guilty of misappropriation of public funds and shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years. Whoever misappropriates a huge, amount of public funds and fails to return it shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Whoever misappropriates for his own use funds or materials allocated for disaster relief, emergency rescue, flood prevention and control, special care for disabled servicemen and the families of revolutionary martyrs and servicemen, aid to the poor, migration and social relief shall be given a heavier punishment.

Based on the data reporting on the enforcement of corruption in China, which had been severed by the Court and reported, either news through print or electronic media, the Chinese Government in combating corruption has no doubt, it is not just a slogan or a rhetorical, but proved to punish leverage against the accused

¹Bribery and Bribes, in the Chinese Criminal Code, the Corruption of China, Chapter VIII, Article 382, Article 384 and Article 386.

officials who convicted of corruption, namely by executing officials of corruption. China was once a top-most corrupt country in the world, but now it is no longer. This is due to the high commitment of the Chinese Prime Minister, Zhu Rongji at the time that in conducting anti-corruption campaign to impose the death penalty for the corrupt and anyone challenging the Chinese people to shoot him on the spot if he is convicted of corruption.

In the reign of the Chinese Prime Minister Zhu Rongji, known as the expression of 100 coffins for criminals, ninety-nine for the corrupt and one for Zhu Rongji himself if he is proven guilty of corruption. Those were the words of Chinese Premier Zhu Rongji at the time of his inauguration in March 1998.

Currently in China there have been several government officials that sentenced to death for committing corruption, among others, the Deputy Governor of the Province of Jiangxi, Hu Chang-ging, Deputy Mayor of Leshan, Li Yushu, Provincial official of Jianxi, Hu Chang-Qing, Communist Party official, Cheng Kejie, Bank Official, Xiao Hongbo, Deputy Mayor of Hangzhou, Xu Maiyong, and Suzhou City Official, Jiang Renjie.

Those are some examples of government officials in China that proven guilty of corruption and then sentenced to death by courts and carried execution of that decision, and many more that also sentenced to death for committing corruption. Noting the application of the maximum penalty in the case of corruption in China can be applied and can change the economy in China, then it raises the question, why China can apply maximum criminal punishment that is the death penalty for criminals, while in Indonesia has never been applied even though the rules already exist. Neither sentence to death or the sentence of imprisonment as heaviest item such as life imprisonment were never heard to be imposed on defendants convicted of corruption in Indonesia. Therefore, it is not surprising that China has now become a model in the eradication of corruption in Asia. Some countries felt the need to learn from China. Even the Corruption Eradication Commission (KPK) has been cooperating with China to eradicate corruption since July 2011.

2.3 Law Enforcement concerning Corruption in China

China's economy which rapidly growing raises new problems for the country. Some of these issues are the development gap between the eastern and southern coastal areas with central and western regions, greater number of unemployment, and widespread corruption. Corruption is a considerable threat to the Chinese economy. This was reflected in data presented by Terril Ross¹, that "one percent of China's population has 40% of prosperity, the majority of which is obtained through corruption". Corruption is the abuse of authority for personal gain. Perpetrators of corruption in general is the official holder of the state bureaucracy and in practice usually involves other parties. Statement of Lord Acton which is really famous related to corruption involving power is that "power tend to corrupt, absolute power corrupts absolutely".

Alatas² identifies several characteristics of corruption, namely that corruption always involves more than one person, in general corruption involving secrets, involving elements of obligation and mutual benefit, any act of corruption always contain fraud, corruption enveloping his actions by hide behind legal justification, they who involved are look for firm decisions and they who able to influence decisions concerning the wealth, corruption violates the duties and accountability in a society, any form of corruption is a betrayal of trust, any form of corruption involving contradictory dual function of those who commit such action. In historical records, corruption in China is not a new issues and the tracks can be traced since the days of empire. Since the 1980s the scope and intensity of corruption have increased from the previous one.

Prime Minister Zhao Ziyang stated that corruption happening in China is a "disgusting" thing among officials, for example hosting excessive lavish parties by introducing the bosses / entrepreneurs, peddling influence for personal gain, and bribery. Corrupt activity is often associated with the tradition of *guanxi* (connections). *Guanxi* is relation between individuals based on the beliefs and determinant key of business success. During the nine-month period recorded 136 000 economic crimes committed by the party and government cadres. The following article will try to review the corruption in China from the perspective of history by trying to see the dynamics of the problem and its eradication.

In its history, the corruption that took place in China have been rooted in thousands of years ago. It is even seen in any process of change of dynasty in China thus forming a pattern, hereinafter referred to as the cycle theory dynasty in China.³ The beginning of a dynasty began with a heroic period of the emergence of a hero who succeeded in overthrowing the previous regime that suffering to the people.

The new dynasty was then able to bring the empire reached its peak. The next period was a period of deterioration dynastic and eventual collapse period. In general, the last ruler appears in luxury and palace intrigues that make power weakened, for example corruptions among tax collectors or bribery in the civil service. Period of prosperity brings peace. The population is increasing rapidly, granaries and the treasures of the central

¹See Terril Ross, 2000, *Mao a Biography*, Revised and expanded Edition.

²Syech Husein Alatas, 1980, *Sosiologi Korupsi, Sebuah Penyelajahan Dengan Data Kontemporer*, IP3ES, Jakarta. p.139.

³See John K Fairbank and Merle Goldman, 2006, *China: A New History*, The Belknap Press of Harvard University Press, Cambridge.

government become full. With the surplus of the central government builds lavish palaces, roads, canals, and a defensive wall.

The addition of military defense established by the government was very costly. Klan imperial, princes and high officials continue to multiply and get used to a luxurious lifestyle. Many farmers' land and the tiller used for personal interests of the ruling class, and only a few who pay taxes to the central government. Government spending continued to increase while its revenues remained small, so that every dynasty began to experience serious financial difficulties in times of construction. Economic and government difficulties are accumulated. One of the causes of the deterioration period is corruption among the royal family and court officials such as ministers and governors, as well as employees to remote villages.

Corruption increasingly intense the decline of government efficiency and increase the factional strife in the palace. To deal with the fiscal deficit, the government raised taxes of farmers. Due to financial difficulties, the construction project was not solved, canals or waterways left unfinished causing flooding or drought. Crop failures can be dealt once with granaries inventories of the government, now causing famine, which subsequently led to robbery and finally a peasant uprising. Cases of corruption that many recorded in the history of China is corruption by palace eunuchs. The eunuch palace concubine duty to serve the emperor and led the domestic affairs. They usually know a lot about the secret in palace. Their function has also spread to other areas, including the military. Emperor intoxicated with all the pleasures that deliberately created by the eunuchs so that eunuchs can prevail as ruler. Corruption causes deterioration in government efficiency. In general, penalties for the perpetrators of corruption was dismissed from office and given imprisonment sanctions.

In the final period of the Ming Dynasty, in empire itself there was a dispute for greater power eunuchs. Scholars, and former official stressed the importance of moral integrity and denounce power holders. One prominent anti-corruption who was extremely prominent is Hai Rui, a Muslim Confucian teacher who lived during the reign of the Ming Dynasty. He had many calls concerning injustice and corruption that rife in the government. One of them was corruption committed by the eunuch Wei Chunghsien besides various crimes that he had done. But the eunuchs managed to get rid of him so that he was fired from his position as a mandarin and punished. However, the moral degradation continue to occur in Ming regime.

The beginning of the collapse of the Ching Dynasty, the last dynasty in the history of the empire in China, one of which was also marked by rampant corruption within the bureaucracy peak. Ho-shen eunuchs who won the trust of the Emperor Ch "Lung Ieng to lead part of income and employment in cahoots with the general Fuk" an ang-committed corruption of fund military operations. Consequently Manchu military suffered a setback. After going through a period of national revolution, finally nationalist Republic of China was founded in 1912, ending the era of imperial China that has lasted thousands of years. However, China re-entered a period of turmoil marked by the advent of the era of warlordism since the death of Yuan Shi-kai (1916) to be the uniting again by Chiang Kai Shek (1928). Ever since the Republic of China back into the hands of the Nationalist (Kuomintang) under the leadership of Chiang. During this period no corruption continues, and even has become an epidemic in the reign of nationalist.

Corruption is rampant everywhere, forcing Chiang Kai-shek formed a special body to fight it. The agency called "Group of Tiger Destroyer", because people compare corrupt officials with wild tigers. The agency invited the people to lodge complaints. But then it turns out that in fact the agency was actually used as a tool by those who actually have the power to extort money from rich people. Even the "tiger destroyer" became a lucrative job.¹

The forms of corruption which commonly occur in the community, among which is blatant extortion. If the request is refused, then considered as opponents of the Kuomintang and will immediately be accused of being a communist, and that means arrested and tortured. The farmers are reluctant to sell the produce to the city because they have to pass through checkpoints of Kuomintang and forced to pay bribes or hand over the commodity. Even Chiang Kai Shek and his family closely involved in corruption, as well as officials from central to local level and his generals². Corruption is considered to be one of the causes of the fall of the Kuomintang, among other funds of milliter assistance from the United States were diverted for personal or group interests.

The Government of the People's Republic of China Mao Tse Tung Era In the era of Mao Tse Tung (1949-1976) cases of corruption does not just disappear. Shortly after seizing power, the Communists face a crisis. They managed to attract the sympathy and support of millions of people by promising clean government, but some officials began to accept bribes or putting the interests of relatives and their friends. Officials began to enjoy organizing lavish parties, as an ingrained habit in Chinese tradition and is a way to please others while showing off, at the expense and on behalf of the state.³

¹ See Jung Chang, 2005, *Mao: Unkown Story*, p. 80

². Lidya Christin Sinaga: <http://www.politik.lipi.go.id/index.php/in/kolom/110>

³ See Jung Chang, op.cit., p.193.

Many officials conducted massive fraud, while the government was trying to improve the economic conditions. Mao immediately performed movements to rid China from corruption with campaigns aim to cleaning the capitalist class and create a communist society, including three anti-movement (san fan) and five anti (wu fan).¹ At the end of 1951, a campaign of three anti namely theft, waste, and bureaucratism was carried out. Sanfan is a campaign against corruption and bureaucratic inefficiency.

The movement is mainly addressed to cadres in corrupt city, particularly working in finance and economics department. The goal is to threaten anyone who has access to government money so that they wont corrupt. The government executed, imprisoned and fired officials who engage with corruption. They who were accused of embezzling money are called "tiger". For those who embezzle more than 10,000 yuan are called as big tiger and deserve death penalty.² In January 1952, Movement Five Antis (wu fan) was imposed and addressed to a class of the broader community, especially the capitalists, private entrepreneurs whose properties have not been confiscated to force them to spend money in large numbers and threaten them with charges of bribery and avoiding tax. This movement is intended to quell the five kinds of crimes: bribery, do not pay taxes, theft of state money, cheat and steal government contracts with state-owned economic information.

Since those campaigns there were very few people who dare to undermine the state's money. Both of these anti-corruption movements are worked as control mechanism developed by the communist party, and are mass campaigns led by the bodies called teamwork. Mainly of its employees are from government offices led by a senior party officials. In each campaign people who belong to the category of "Peking target" will be continuously monitored generally by their co-workers and neighbors, thus involving all the people in oversight mechanisms. Very few people who made mistakes according to criteria of regime could avoid the supervision of the people, particularly in societies that for centuries used to be regulated and supervised. In mid-1953 the implementation of the Three Antis and Five Antis began to slacken. The capitalists had been put down, so did the Kuomintang. The campaign also had brought many people who were not guilty due to the fact that those campaigns are conducted based on criteria that are not clear and brought personal vendettas, even gossip can be used as a baseline.³ The communist government of Mao in the end did not corrupt in the conventional sense, for example, do not take bribes, however officials were given the right to enjoy a standard of living which were special with the tiered detailed difference.

In the era of Deng Xiaoping, the reform era that began in Deng governance, corruption have been seen as something which is dangerous for the continuity of power, so that many of the policies issued related to anti-corruption efforts are established. Especially since the start of economic reforms have widespreadly increased endemic corruption in China. Lu has identified and mapped the area of corruption committed by officials or party cadres.

The corruption increases in various aspects of life and increases in intensity with the ongoing market economy in the 1980s. For instance fighting over apartment dwelling quota, corruption in banking and finance, corruption in tax collection, corruption in law enforcement, corruption of the application of the Law of Family Planning, and corruption in trade in office. Such behavior are economic crimes committed by cadres at every level. The slogan which is very famous in the reign of Deng Xiaoping that getting rich is glorious or be rich is glorious, affecting people of China to collect as much money as possible.

The public is encouraged to pursue personal prosperity. Deng's call has provided the Chinese people wide open spaces to maximize efforts to become rich. In fact, in many cases call for "to be rich is glorious" negatively interpreted and applied so that corruption in China are expanding. Economic reforms provide the motive and opportunity for many people, especially officials who most benefited from the reforms, to enrich themselves illegally.

The motifs of the most prominent corruption are intimately associated with the tradition of guanxi (connections) that has very deep roots. Without business guanxi will not run and a person almost certainly will not get what he desired. Bribery or passing through the "backdoor" are the usual practices conducted (Wang, 1985: 134). It is getting stronger when the view of the China's currency changed. Regulations and legislation are deflected which have causewidespread corruption, the use of bribery, favoritism to obtain rare items or get something through the back roads, and the giving of gifts became common. Descendants of the highest party cadres and government cadres often acts as a "connection" or liaison for foreign businessmen who want a well-established trade ties with China. Deng Xiao Ping gave serious attention to the fight against corruption, expressed criticism over the execution of its perpetrators of corruption which called economic crimes.

The authorities concerned are considered not dare to act decisively, their mentality hesitate in taking action would prejudice the ongoing economic reforms. Therefore, it is necessary to punish the perpetrators of

¹ Maurice Meisner, 1999, *Mao's China and After: a History of Republic of China, 3rd Ed.*, The Free Press, New York, pp. 85-87.

² See Jung Chang, op.cit., p.427.

³Ibid, p. 196

economic crimes. Various policies to combat corruption, among others, in 1982 the CCP issued a decree and a decision of "Destroying Resolution Economic Crime", a campaign in 1980 to 1981 "Campaign For Reducing Privileges of Officials and Tendency of Unfair Party", in 1982 "Campaign to Destroy Economic crimes, in 1983 "Campaign to eliminate irregularities by officials in the Housing division", in 1984-1985 "Campaign to Prevent Involvement of the Government Officials in Trade Activities ", in 1986-1987 "Campaign to Punish Violations of Law and the Discipline of the Party and the State", in 1988-1989 the "Campaign to Build Clean Government and Prevent Corruption". Various policies issued have indicated the number of crimes of corruption in China at that time.

Pasca Pemerintahan Deng Xiao Ping Komitmen kuat penguasa China untuk Eradication of corruption has been started since the time of Zhu Rongji (1997-2002). His remarks were very famous stated that "Give me 100 coffins, Ninety-nine I would use to bury the corrupt, and one for me if I do corrupt acts." The fight against corruption by the Prime Minister of China was part of bureaucratic reform. This step has provided legal certainty to be able to collect foreign funds worth as 50 billion US dollars each year. The growth of economic has significantly increase, in spite of its weaknesses.

3. Conclusion

Corruption has become a threat of human kind including in Indonesia and China. Both countries have made a legal instruments of it. In Indonesia, there is the Law No. 20 of 2001 concerning Corruption whereas in China, there is a Chinese Criminal Code. The law enforcement of it is a little bit different in which the law enforcement in China is more focus than In Indonesia. However in Indonesia, the big effort to deal with this issue. In terms of law enforcement, both countries recognize the death penalty in their Laws.

Bibliography

- John K Fairbank and Merle Goldman, 2006, *China: A New History*, The Belknap Press of Harvard University Press, Cambridge.
- Jung Chang, 2005, *Mao: Unkown Story*, p. 80
- Lidya Christin Sinaga: <http://www.politik.lipi.go.id/index.php/in/kolom/110>
- Maurice Meisner, 1999, *Mao's China and After: a History of Republic of China, 3rd Ed.*, The Free Press, New York.
- Syech Husein Alatas, 1980, *Sosiologi Korupsi, Sebuah Penyelajahan Dengan Data Kontemporer*, IP3ES, Jakarta.
- Terril Ross, 2000, *Mao a Biography*, Revised and expanded Edition.
- Wayoechimu, blogspot.co.id/2011/07/data-sensus-2000-2010.html.