

# Legal Culture against Gratification Crime Development in Indonesia (A Socio-Cultural Perspective)

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## Abstract

This research reviews the influence of Legal Culture Against Gratification Crime Development in Indonesia. The aims of this study are to understand the influence of legal cultural against gratification crime development in terms of socio-cultural perspective. The type of study was a normative research, which examines the influence of legal culture, especially the cultural value system of reciprocity to the gratification crime development in Indonesia. The results of study showed that the arrangement of bribery in the formulation of the United Nations Convention against Corruption and not included the elements of acceptance of gifts as a form of criminal offence. As it turns out in practice, however, it has certain weaknesses, particularly in view of the accountability and legitimacy aspects of its establishment. It takes some fundamental changes in the concerned legislation, in an effort to synchronize and harmonization between socio-cultural system value and reciprocating culture with the legal system, especially the criminalization of gratification. Should the elements of gratification to be adopted or merged into the elements of the crime of bribery. Accordingly, aspect of cultural value of reciprocation is not criminalized in the form of gratification, but effort to eradicate corruption remains done through the eradication of bribery.

**Keywords:** Corruption, Gratification, Legal Culture, Socio-Cultural

## 1. Introduction

In Indonesia, the legal system embraces the concept of a constitutional that sourced from the 1945 Constitution as the highest law. On that basis, the Indonesian state based on law (*rechtstaat*) and not on power alone (*machtsstaat*). Citing Oemar Senoadji's<sup>1</sup> view that the constitutional state of Indonesia has a difference character and culture with other countries. One main characteristics of the concept of constitutional in Indonesia is the recognition of "Pancasila" as country philosophy (*Philosophische Grondslag*).<sup>2</sup>

In relation to the concept of law and culture, interest to refer to Friedman's theory that a legal system has elements:<sup>3</sup> *First*, the legal structure, namely its skeletal framework; its permanent shape, system institutional body, hard and stiff bones that keep the process flowing within its boundaries; *Second*, the legal substance, which is formed of: (a) the substantive rules, and (b) the rules about how legal institutions should behave; *Third*, the legal culture, as an element of social attitudes and values; as part of the legal culture, which includes the habits, opinions, ways of acting and thinking, which deflect the social forces closer and away from the law in certain ways. Legal culture includes attitudes about whether something is right or wrong and attitudes about whether it is worthwhile for litigants in court.

If we refer to Friedman's theory who state three elements of the legal system, then the elements of criminal justice system are a *substance* which is a material or criminal law substance either material or formal, *structure* which is the criminal justice system, and a *culture* that includes acceptance, legal awareness and legal sense of community to the policy of criminal law. Among elements is affect each other. The legal substance will determine the direction of law enforcement will be conducted by the criminal justice system, while the output of the criminal justice system affects the level of trust and acceptance of community.<sup>4</sup> Likewise, the level of public trust will affect the legal political in determining the aspect of changes the legal substance itself.

One modus operandi of corruption developed in the criminal justice system in Indonesia is gratification.<sup>5</sup> The discussion of the gratification crime cannot be separated by a discussion of corruption in

<sup>1</sup> Muhammad Taher Azhary, *Negara Hukum, Suatu Study Tentang Suatu Prinsip-prinsipnya Diklat dari Segi Hukum Islam, Implementasi pada Periode Negara Madinah dan Masa Kini*, Jakarta: Bulan Bintang, p. 95.

<sup>2</sup> The word of *Philosophische Grondslag* is Dutch language means basic philosophy. The vocabulary of this Dutch language does not mean do not love Indonesian, just wanted to get closer to the historical roots of the birth of Pancasila, because the words are delivered Bung Karno before *Dokuritsu Junbi Cosakai* ("Investigation Agency Preparation for Independence") on 1 June 1945. See: Otje Salman. (2010). *Filsafat Hukum Perkembangan dan Dinamika Masalah*. Bandung: Refika Aditama.

<sup>3</sup> Lawrence M. Friedman. (1975). *The legal system, A Sosial Science Perspective*. New York: Russel Sage Foundation, pg 171-172.

<sup>4</sup> Maurer, B. (2004). "The Cultural Power of Law? Conjunctive Readings." *Journal of Law and Society Review*, 38: 843-49.

<sup>5</sup> The sense of gratification can be obtained from the elucidation of Article 12B of Act No. 20 of 2001, which is the gift in a broad sense, including money, goods, rebate (discount), commissions, interest-free loans, travel tickets, lodging, travel, treatment free, and other facilities. Gratification are well received at domestic and abroad and carried out by using electronic means or without electronic. Corruption Eradication Commission, Gratification Eradication Guidelines, (Jakarta: KPK, 2015),

general. Given that gratification is a form of modus operandi of corruption itself. On the element of legal substances, particularly material legal substance of corruption crime, the opinion of the author in principle there is no weaknesses that impact as an obstacle in the process of investigation of corruption crime. But in formal legal substances, particularly related to the institutional of investigator legal structure, arising various constraints in the implementation stage.

The term of “gratification” is popularly known in the realm of Indonesia criminal law in 2001 after the enactment of Act No. 20 of 2001 on Amendments to the Act No. 31 of 1999 on Corruption Eradication. Meanwhile, in the context of international, based on the formulation of the substance of corruption in *the United Nations Convention Against Corruption*, it can be understood that the arrangement of corruption law material is not formulated specifically about gratification. Observing these formulations, it can be concluded that the gratification is the interpretation of the substance of bribery.

Bribery crime in the formulation of *the United Nations Convention against Corruption* is always followed by the key elements, namely: a. *act or refrain from acting in the execution of his official duties*; b. *trading in influence*; c. *misappropriation of influence*; d. *abuse of functions*; e. *trading in influence*; and f. *illicit enrichment*.

When observed further and is associated with the cultural values of Indonesian society, a model giving a gift to someone because of the achievements is a form of reciprocation cultural value.<sup>1</sup> Therefore, gratification crime, it can be interpreted as a form of criminalization of reciprocation cultural values that have become part of the cultural values of people who have lived for centuries. On this basis, the author tries to analyze the influence of legal cultural against gratification crime development in a socio-cultural perspective in Indonesia.

## 2. Method of the Research

The type of study was a normative research, which examines the influence of legal culture, especially the cultural value system of reciprocity to the gratification crime development in Indonesia in terms of socio-cultural perspective. The data used was primary legal materials in the form of legislation, secondary legal materials such as reference books, expert opinion or the results of previous research, and tertiary legal materials such as dictionaries, legal scientific dictionaries and black law dictionary.

The method of analysis in this paper begins by abstracting legal materials of primary, secondary and tertiary, in order to know about the criminalization of cultural value system of reciprocity became gratification crime, to analyze the influence of legal culture against criminal law system in Indonesia, to systematize, and finally concludes by using deductive-syllogism reasoning.

## 3. Interpreting Legal Culture as a Sub-system of Law Enforcement

Interpret the “system” as a process of criminal justice, it is a very precise definition put forward by Reksodiputro<sup>2</sup> that one effort of the community to be able to control the crime is within the tolerance limits. Friedman<sup>3</sup> said that the legal system is not just a series of prohibitions or orders, but also as a rule that can support, enhance, organize, and encourage how to achieve the goal. Friedman also believes that the law does not only refer to the written rules or formal social control of the government, but also to the unwritten rule that living in the community (*living law*). Thus, the legal system must be examined as a unit that includes *re-evaluation*, *repositioning*, and *reform* on the structure, legal substance and legal culture. The integration of legal system should be carried out simultaneously, integral, and parallel.<sup>4</sup>

This systemic approach can be used as material for solving legal issues or legal solution as well as a legal opinion.<sup>5</sup> The system as a type of unit has a certain order. In this case, the order to show to a structure composed of parts. And also, system is a plan, method or procedure to conduct something. And the system can be formulated as a complex whole, integrated, characterized by elements that interact, which is aimed to achieve certain goals, where the system affecting one another.

Culture is a behavior pattern that is integrated in every person appearing on the mind, words, acts and artifacts of people.<sup>6</sup> All of whom depend on the program of culture dissemination and the ability of each person

<sup>1</sup> Titahelu, J., Irwansyah, I., Awaludin, H., & Ashri, M. (2015). “Strengthening Pela-Gandong Alliance Based on John Rawls’ Theory of Justice”. *Hasanuddin Law Review*, 1(3), 417-429. doi: <http://dx.doi.org/10.20956/halrev.v1n3.119>

<sup>2</sup> Mardjono Reksodiputro. (1994). *Sistem Peradilan Pidana Indonesia (Melihat Kejahatan dan Penegakan Hukum dalam Batas-Batas Toleransi)*. Pusat Keadilan dan Pengabdian Hukum UI. Jakarta. p. 3.

<sup>3</sup> Compare to Lawrence M. Friedman. (1984). *American Law: An Introduction*. New York: W.E. Norton & Company, p. 5.

<sup>4</sup> See Sudikno Mertokusumo. (1996). *Penemuan Hukum Sebuah Pengantar*. Yogyakarta: Liberty, p. 4.

<sup>5</sup> *Ibid*, Pages 4-8

<sup>6</sup> Ahsan Yunus. (2014). *Politik Pluralisme Hukum dalam Pemilihan Umum di Provinsi Papua: Telaah Karakteristik Pemilihan dengan Menggunakan Sistem Noken*. (Thesis). Makassar: Graduate School, Hasanuddin University. DOI: 10.13140/RG.2.2.15361.25445

to learn, internalize to obtain incentives and disincentives in spreading that knowledge to their neighbors and next generations.<sup>1</sup>

Talcott Parsons<sup>2</sup> defines social systems as individual actors that interact in a situation which at least has the aspects of environmental or physical, actors who has motivation in the sense of having a tendency to optimize the satisfaction relation to the situation they are defined and mediated in shared *terms system symbols* and culturally structured. According to the Parson, there are 4 (four) important functions are absolutely necessary for all social systems, including *adaptation, goal attainment, integration, and latency*. If the legal is defined as a “conceptual system of rule of law and a legal ruling” then the legal system is a product of legal consciousness, which means that the legal system also contains irrational aspects.<sup>3</sup> Thus, the legal system is a unit consisting of elements that have interactions with each other and work together to achieve the unity of purpose.

Conceptually, Kees Schuyt in his book “*recht en samenleving*” as quoted in Ariel Sidharta<sup>4</sup> put forward the theory that describes what things are included in a legal system by starting from the reality of society as the basis of analysis, namely that a legal system consists of three elements that have a certain independence (has boundaries are relatively clear) are interrelated, and each can be further elaborated.

If elaborated, elements that create a legal system includes:<sup>5</sup> *First*, the element of ideal, it is formed from the meaning system of legal, consisting of rules, norms, and principles; *Second*, the element of operational, it consists of all the organizations and institutions, which is established in a legal system. Included in this element is a position holder (*ambtsdrager*), which functions within the framework of an organization or institution; *Third*, the element of actual, is overall decisions and concrete actions related to the meaning system of legal, both from the position holder nor citizens, in which there is the legal system.

Regarding the legal system, Friedman stated that the legal system is composed of 3 (three) elements, namely *legal structure, legal substance, and legal culture*.<sup>6</sup> The legal structure is a pattern that shows how the law was implemented according to the provisions formally, which shows how the legal process run by law enforcement officials; The legal substance is a rules used by the legal actors at the time of deeds and legal relations; whereas legal culture is a demand or request that requires solving of legal issues through legal institutions.<sup>7</sup>

Indonesian national legal system is a legal system that applied in throughout Indonesia that includes all legal elements (such as content, structure, culture, facilities, legislation, and all sub-elements) and one another are interrelated and sourced from the preamble and articles of the 1945 Constitution. Refers to Friedman’s theory about the legal system, the legal system is divided into 3 (three) elements namely the *substance* (material/substance), structure, and culture.<sup>8</sup>

The legal system is a system that is abstract and open, it means that the legal system is composed of elements that are not concrete, not showing unity that can be seen, and the elements have a reciprocal relationship with its environment, as well as other elements that are not included the system has the effect against elements in the system.<sup>9</sup> Scolten<sup>10</sup> stated that the law is an open system that are incomplete and may not be complete. Therefore, the criminal justice system is an open system, always requires the input for improvement.

Open legal system does not mean that there is freedom to make changes or creation of new laws in that system, but is said to be open because the legal system is incomplete and formulas in the legal provisions are generally the vague norm, especially regarding terms that can provide a very broad interpretation. So that the openness of the legal system is terms that contain a very broad interpretation. Although, the legal system was said to be open, but in the legal system that there are parts that are closed, which means that the legislator did not give freedom to the legal establishment.

#### 4. The Element of Gratification in Indonesian Corruption Crime

The meaning of gratification can be obtained from the elucidation of Article 12B of Act No. 20 of 2001, the gift in a broad sense, including money, goods, rebate (*discount*), commissions, interest-free loans, travel tickets, lodging, tours, free medical treatment, and other facilities. Gratifications are well received at domestic and

<sup>1</sup> A. Kadarmantha. (2007). *Membangun Kultur Kepolisian*, Jakarta: PT. Forum Media Utama, p, 88

<sup>2</sup> K.J. Veeger. (1985). *Realitas Sosial-Refleksi Filsafat Sosial Atas Hubungan Individu-Masyarakat Dalam Cakrawala Sejarah Sosiologi*, Jakarta: Gramedia, p. 201

<sup>3</sup> *Ibid*, Page. 3.

<sup>4</sup> Arief Sidharta B. (1999). *Refleksi Tentang Hukum*, Bandung: Citra Aditya Bakti, p. 140.

<sup>5</sup> *Ibid*, Pages 140-141

<sup>6</sup> Satjipto Rahardjo. (2000). *Ilmu Hukum*. Bandung: PT.Citra Aditya Bhakti, p 154.

<sup>7</sup> *Ibid*, Page 154.

<sup>8</sup> *Harian Kedaulatan Rakyat, Hukum Nasional Menganut Prismatic Pancasila*, 11 September 2006, p. 21.

<sup>9</sup> Sudikno Mertokusumo. (1999). *Mengenal Hukum Sebuah Pengantar*, Yogyakarta: Liberty, p. 117.

<sup>10</sup> *Ibid*, hal. 117.

abroad and undertaken by using electronic means or without electronic.<sup>1</sup>

The above definition indicates that gratification is gift that is neutral. A gift becomes a bribe if related to the position and contrary to the obligation or duty of the recipient. It must be emphasized considering that there is still a confusion of thought as if the gratification is another form of bribery or equate it with bribery offense. Therefore, the gratification is a new type of criminal offense. This is confirmed in the preface of government for the approval of draft of law on amendments to the Act No. 31 of 1999 concerning Corruption Eradication in the Open Plenary Session of the Parliament dated 23 October 2001:<sup>2</sup>

*“In the draft of law regulates the provisions concerning gratification as a new criminal. Gratification was considered bribes when dealing with the position and contrary to the obligations or duties as a public servant or State administrators. But such gratification is not considered a bribe if the recipient of gratification report to the Corruption Eradication Commission within the specified time and if not report then considered bribery. In this reporting system, to determine the bribery crime or not, recipients of gratification whose value Rp. 10.000.000,00 or more, proving that the gift is not a bribe made by the recipient of gratification, but the value is less than Rp. 10.000.000,00 proving that the gratification as bribery carried out by the public prosecutor.”*

According to Eddy Omar Sharif, Professor of Criminal Law of Law Faculty, Gadjah Mada University, said that differences in gratification and bribes lie on *meeting of mind* at the time of reception. On the crime of bribery, there is a *meeting of mind* between the giver and receiver of bribes, while the gratification crime there is no *meeting of mind* between the giver and the recipient. *Meeting of mind* is another name of consensus or things that are transactional.<sup>3</sup>

In addition, Adami Chazawi gives elaboration the difference of gratification and bribery offences, that the provision of gratification has been no malicious intent (*mens rea*) of the recipient at the time the money or goods received. Malicious intent exists when such gratification is not reported within 30 working days, so that after passing the time until proven otherwise considered bribery. Whereas the provisions on bribery, the recipient has had malicious intent at the time the money or goods received.<sup>4</sup>

Observing the scope of gratification as described above, according of author that gratification is basically a gift from one person to another (the civil service, state administrator) as reciprocating for deeds done or not done that benefit the giver of gifts. This sense, in essence is a definition of bribery, the difference is a *meeting of mind* that the bribery was agreement or intention and demand of bribe recipients, and is usually done before the deed is done. While in gratification, usually reward initiative of gift comes from the giver of gifts as reciprocity and gratitude for the help he received. However, that is prohibited in the case of gratification is the act of receiving a gift, not gives gift.

## 5. Culture Value of Reciprocating: A Comparative Study

The sense of value is ability that believed in an object to satisfy man. Essentially, the value is nature and inherent quality of an object. Thus, the value is a reality that is hidden behind other realities. Valuing means to weigh, a human activity to relate something to other something for further decision is made.<sup>5</sup> According to Max Scheler,<sup>6</sup> the existing value is not similar in its height and noble.

The culture is a way of life that developed and shared by a group of people and inherited from generation to generation. Culture is made up of many elements that are complex, abstract, and comprehensive, including political and religious system. Some reasons why people experience difficulties when communicating with people from other cultures seen in the definition of culture: Culture is a complex device values are polarized by an image containing a view on its merits alone. “Image that encourage” it takes different forms in different cultures such as the “abrupt individualism” in America, “the harmony of individual with nature” in Japan and “collective compliance” in China.<sup>7</sup>

Cultural values are the basic concept of a general nature which is very important and valuable to the life of people. Besides, the cultural value to be a reference the behavior of most members of society as a result of learning from childhood to adulthood. Various tribes have and practice the values such as mutual cooperation, consensus, solidarity, self-esteem, and so that is reflected in various cultures as a result of the learning process.<sup>8</sup>

<sup>1</sup> Corruption Eradication Commission, *Op. Cit.*, page. 9.

<sup>2</sup> *Ibid*, Pages. 9-10. Preface of government for the approval of legislation drafting of the Republic of Indonesia on Amendment of Act No. 31 of 1999 on Corruption Eradication in the Open Plenary Session of the Parliament dated 23 October 2001.

<sup>3</sup> *Ibid*, Page. 9.

<sup>4</sup> *Ibid*, Page. 9.

<sup>5</sup> Yoga Permana Wijaya, *Hakekat Nilai Dan Moral Serta Sosialisasinya Dalam Kehidupan Manusia*, (Unpublished paper).

<sup>6</sup> Kelly, Eugene. (2008). "Material Value-Ethics: Max Scheler and Nicolai Hartmann." *Philosophy Compass* 3(1): 1-16.,

<sup>7</sup> Benedict, Ruth. (1982). *Pedang Samurai dan Bunga Seruni: Pola-Pola Kebudayaan Jepang*. Jakarta: Sinar Harapan, p. 105.

<sup>8</sup> *Ibid*.

### 5.1 The Principle of Reciprocity (Ongaeshi) in Japan

Japanese people know the term *on* or *ongaeshi* means reciprocation. Japanese people feel deeply indebted for all the good it receives. Therefore, they would reject as much as possible the good that we have to offer. Even if “forced” to accept the offer, then will remember until they could repay it receives.<sup>1</sup> The Japanese still pay attention to culture, even a developed country. The culture is not eroded and faded. Each any kindness receives, must be immediately returned. Also, when we receive any kindness of others, our self-esteem is actually falling and “captive” until then we can repay them.

Teachings to reciprocate is embodies the concept of *giri* and *ninjou* that characterizes Japanese culture. The word of *Giri*, has several meanings, among other “the right way to do things or cases, character”. This concept originated from Confucian teachings as basis of the teachings of Shinto. The concept of *Giri* is used in relationships between people, and is a long tradition that converges on Japanese society, especially in rural farming communities. Experts argue that *giri* and *ninjou* are a reciprocal relationship, but there are experts who argue that *giri* and *ninjou* are a reciprocal relationship, or contradictory. The concept of *giri* placed higher than *ninjou*. The concept of *giri* and *ninjou* which gives rise to moral obligations contained in the social life of Japan. In order to walk in a harmonious relationship, if someone gets the goodness of others, then he has a moral obligation to respond. Attitude to reciprocate contained in the data:<sup>2</sup>

- (a) *Kai inu nite o kamareta*, virtue rewarded virtue
- (b) *Inuwa mikka kaeba sannan on o wasurenu*, people who know reciprocation.
- (c) *Nekowa sannan on omikkade wasureru*, people who do not know reciprocation.

In Japanese society, the concept of debt that is *on* is paid on a way to do something or repay someone with the loyalty, and obedience to the obligations that must be paid as a result of wearing *on* them.

### 5.2 The Principle of Reciprocity in Balinese - Indonesia

Balinese, there is a concept of debt innate human birth is *Tri Rna* paid by conducting religious ceremonies. In Bali legend, there is a debt owed to the God called *Dewa Rna*. The payment performed by conducting *Dewa Yadnya* and *Bhuta Yadnya* ceremonials. *Dewa Yadnya* and *Bhuta Yadnya* are conducted as a sense of respect and to pay obligations to God as mankind.<sup>3</sup>

Cultural values such as principle to cultivate character and principle to repay a part of the values of the culture of local wisdom in Indonesia. Almost all local cultural structures contain these values. The majesty of cultural values characterizes social life of nation and state. Cultural values are precisely what gave birth to the value system of tolerance and cooperation.

Implementation of cultural value system of cultivates character and reciprocation, if undertaken in the environment of government, civil service, and state administrator, can be interpreted as a form of *modus operandi* of the practice of gratification. The term such as “thank you” to give something good to others as a form of payment for assistance and cooperation considered beneficial for the people, is a form of expression of the value of reciprocation. In contrast, the formulation of the elements of gratification, it meets the elements of criminal.

## 6. The Influence of Reciprocation Cultural against Gratification

Cultural values such as the principles to cultivate character and repay the character as part of local wisdom values in Indonesia resulting system values of tolerance and cooperation. These cultural value systems characterize the social structure in the life of nation and state. Giving a gift that criminalized become a criminal gratification is one of the *modus operandi* of corruption, is one manifestation of the cultural value of reciprocation. However, in the perspective of criminal law, the gift-giving is seen as a crime that meet the elements of Article 12B and 12C of Act No. 20 of 2001 on Amendments to the Act No. 31 of 1999 on Corruption Eradication.

Looking for the definition of gratification as a neutral, so distinguished by a given related to the position and contrary to the obligation or duty or bribe recipient, then clearly it is understood that the criminalization of gratification is a form of criminalization of cultural values of reciprocation. Basically, the principle of reciprocity which is prohibited in the criminal act of gratification, in fact is reciprocation in the form of a gift to state officials or administrator, especially if the reciprocation in the form of the prize associated with the job, position or influence. Reasons to criminalize the act of reciprocation in the form of a gift to state officials, as follow:

- (a) The civil servant has a responsibility to serve the public, and has been given a salary by the state in

<sup>1</sup> Sriwahyu Istana Trahutami. (2015). “Nilai Sosial Budaya Jepang Dalam Peribahasa Jepang Yang Menggunakan Konsep Binatang”, *Jurnal Izumi*, 5(1).

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

accordance with their responsibilities.

- (b) Excellent service should be based on sincerity and sincerity to conduct or not (without personal gain or reward).
- (c) Every citizen/public has a right to obtain the services of the state through its institutions (public servants or state officials), and therefore every citizen/ community has fulfilled their obligations to pay taxes that one of its functions is to the salaries of the government apparatus.
- (d) Receiving the prize for civil servants or state officials is fraudulent or unfair, because it has been getting salaries and allowances of the state in accordance with the responsibilities of their position.

The arrangement of bribery in the formulation of *the United Nations Convention against Corruption* and not included the elements of acceptance of prize/gifts as a form of criminal offence, according to the author is already right because give a gift as an expression of cultural values of reciprocity cannot be considered a crime as long as there are *mens rea* associated with the position, legal obligations and influence to commit fraud. Therefore, according to the author that it should the elements of gratification adopted elements or merged into the elements of bribery crime. Accordingly, aspects of cultural value of reciprocation are not criminalized in the form of gratification, but efforts to eradicate corruption are conducted through the eradication of bribery

## 7. Conclusion

Refers to the definition of gratification as neutral gift, then the implementation of cultural value system to cultivate character and repay in the form of gift-giving when it is done in the environment of government, civil service, and state administrator, can be interpreted as a form of *modus operandi* of the practice of gratuities. The arrangement of bribery in the formulation of the United Nations Convention against Corruption and not included the elements of acceptance of prize/gifts as a form of criminal offence, according to the author is already right because give a gift as an expression of cultural values of reciprocity cannot be considered a crime as long as there are *mens rea* associated with the position, legal obligations and influence to commit fraud.

It takes some fundamental changes in the concerned legislation, in an effort to synchronize and harmonization between socio-cultural system value and reciprocating culture with the legal system, especially the criminalization of gratification. Should the elements of gratification to be adopted or merged into the elements of the crime of bribery. Accordingly, aspect of cultural value of reciprocation is not criminalized in the form of gratification, but effort to eradicate corruption remains done through the eradication of bribery.

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