

# Corruption Culture on Managing Natural Resources: The Case Political Crime “Papa asking Stock of PT. Freeport Indonesia”

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**Abstract:** This research is the result criminology study on corruption culture of abusing the office and power involved the political elite and state officials in case of 'papa asking the stock' related to the extension of mining contract of PT. Freeport Indonesia. This research is based on the concept of corruption culture, criminological theories and views of some economic and political observers. The research findings revealed the existence of corruption culture on political crime agreement scenario in case of "Papa Asking The Stock" that are provoking the extension of concentrates export license, diversion of issues and political lobbying to suppress stock divestment and smelter development. The nature of social structures and socio-cultural situations, responses to social situations and relationships with the perpetrators affecting individuals and groups crime behavior. A previous social culture behavior encourages learning in behavior at the society afterwards. State creates the crime laws to protect and maintain its power. The perpetrators rationalize the criminal act on securing and save their interests. Rationalization of corruption culture on the case of 'papa asking the stocks' bring forth the law de-penalization mitigating and generating a verdict not guilty to the perpetrators. Corruption culture identical with crime organized state or state crimes against democracy

**Keywords:** Corruption culture, white-collar crime, political crime, crime behavior, social structure.

## 1. INTRODUCTION

The research of corruption culture in Indonesia is a very complex research involved psychological, social, moral law and justice studies should be carefully distinguished. Political crime, in criminology, was explained to be a criminal act of offender that aimed to change an existing social culture situation, change an established political order as well as to state and religion in against the law. Szabo (2011:10) reveal that political crimes are those infractions committed for reasons over and above the self-interest of their perpetrator and which are an attempt to achieve changes of a political, social or religious order. How to do the crime is contrary with opinion of many society so the act committed is violation to the common law. Meanwhile, Borgatta and Montgomery said that many western classical sociologists and criminologists limit definition of political crimes only to crimes committed against the state like treason, sedition, sabotage, terrorism, espionage, subversion and conspiracy (Solomon & Oryina, 2016).

Corruption culture on management natural resources in Indonesia during this time refers to the

treason act against the state or terrorism act to date becomes top agenda of the state. However, during this reform, although in the past it was also committed, corruption culture is more prominent its handling on the criminal behavior of political elite or state official which in the circles of power, particularly related to the abuse of office authority or its authority, using public resources for private purposes and power groups interests

Corruption culture, the relationship between crime and power, actually has been long and intimate. In particular, many people perceived Suharto's New Order regime to be a criminal regime because it's institutionalized corruption, collusion, nepotism and political crimes. In reform era, the efforts to crack down political crimes committed by political elite and state officials, particularly related to the crime acts of corruption, collusion and nepotism, Indonesian Government has established institutions of corruption crime eradication, known as KPK (Corruption Eradication Commission)

Since its inception 20 years ago, the KPK with its surveillance function has been the greatest weapon against corruption and political crime in Indonesia. Wiretapping and 'hand capturing' operations allows the officer for rapid collection of evidence and led to arrests

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of hundreds of national and regional politicians, state managers and officials, judges and businessmen exchanging cash for political favors. But at the top level of political elite and state office the KPK's penetration has been very limited. It has been unable to investigate the biggest case involved a powerful figures like presidents, their spouses and children as well as political bosses (Mulholland, 2016)

The number of cases that cannot be resolved, particularly the crimes handling involved public officials or political bosses for 2 years under President Jokowi-JK administration since 2014-2016 shows clearly the performance of law enforcement that can be said still weak. It was alluded to Democratic Party Chairman, Susilo Bambang Yudhoyono (SBY) the sixth ex Indonesian president. SBY hopes the judicial process for this government no longer enforced by intervention of power, since people saw there is the invisible hand that makes the performance of law enforcement in Indonesia become obstructed and deteriorated (Top News, 2016).

## 2. RESEARCH METHODOLOGY

This research method is qualitative. Creswell defines a qualitative method as a research method that bases on a constructivism perspective, meaning diverse meanings, meanings that are socially and historically constructed with a view to developing a theory or pattern. The researcher collects open-ended data and develops, with the aim of developing the theme of the data that is passed.

### 2.1. Research Analysis

This research aims to study corruption culture in Indonesia on case politic economy that many draw of public attention, the case of 'Papa Asking The Stock' PT. Freeport Indonesia, the evil agreement cases involved many interests and high state officials. These cases involved Chairman of House of Representatives Setya Novanto, Minister of Energy and Mineral Resources Sudirman Said, Oil and Gas Entrepreneurs Rizal Chalid, President Director of PT Freeport Indonesia, Ma'roef Sjamsoeddin and profiteering behalf of President Jokowi and Jusuf Kala and some other state officials such as the Coordinating Minister for Politics, Law and Security, Luhut Pandjaitan (Cerana net, 2015) and follow-called the former Coordinating Minister for Economy, Hatta Rajasa, Indonesia's fifth president, Megawati Soekarnoputri, Gerindra Party Chairman, Prabowo, as well as Office Deputy of Presidential staff Darmawan Prasodjo (Indiana, 2015).

### 2.3. Research Purposes

For researchers, corruption culture on case is interesting to study because the solution was impressed closed and not transparent. Many awkwardness were found in solving this case. The cases that should be in the corruption of culture, realm, and handed over its investigation to police and prosecutors, only submitted to the Council Honor Court (MKD) which considered the case only as a case of violation of the code of conduct based on consideration of the Court of Constitution (MK), then not presented the main witness of offenses to be confronted his explanation until drama of the reported from his resignation as the Chairman of House of Representative, which can freely even got the right of prosecution for vindication to MKD who sat as the reported and regain his position as Chairman of House of Representative.

## 3. DISCUSSION AND ANALYSIS

### 3.1. Corruption Culture on Political Crime Defined

Corruption culture is crime behavior and act is not simply dominated by the criminals on street such as theft, robbery, rape, murder, assault etc. but also have penetrated in the parliament house government bureaucracy and political domain. Sutherland (Ferguson 2010), the crime in the first category is often related to "street crimes", while the other as "white color crime," "political corruption" and "political crime". This three last term are seldom related to penal law but a little They almost identical in case who was doing the crime and under what interest the perpetrator was done the crime, the locus the crime was done, either in state or political domain. Before discussing about political crime in Indonesian parliament, especially in the case 'Papa Asking The Stock of PT. Freeport Indonesia, this article will first describe at a glance the term crime, white color crime, political corruption and the political crime.

Standard definitions of corruption of culture, in society, identical with all behavior that breaks the criminal law or including dimension such as 'evil act'. According to Reiner (Tierney, 2006:13) definition of crime as: 'an illegal act, omission or event, the consequence is that the perpetrator, if he is detected and decided to prosecute, is prosecuted by or in the name of the State'. Reiner uses these statements as a means to explain that lawyers have for a long time accepted that no human activity is criminal and deviance is *not* a quality of the act the person commits,

but rather a consequence of the application by others of rules and sanctions.

Therefore, the deeds of perpetrator can be categorized as "crime" when it involves all the act that may cause the harm, danger, damage, destruction or disadvantage of others people. The people feel threatened to the consequence of doing this act. In addition the deeds that has been recognized and agreed by the society may cause harm and disadvantages and furthermore the society give response again the deeds by punished the perpetrator.

Furthermore, what about corruption of culture perspective white collar crime? Sutherland, a sociologist and pioneer of white-collar crime, defining this term as "a crime committed by respectability person and has high social status in his occupation." Sutherland used the term of white-collar crime to differentiate the crimes committed by professionals and those in the upper echelons of society (who typically wore white shirts with their business suits) from common or "street crimes" such as robbery, murder, or assault. It was also to highlight that these newly identified white-collar crimes did not involve violence or threats of violence but were often identifiable by their basis on fraud, and craft (Ferguson, 2010)

Sutherland expressed that corruption of culture perspective white-collar crime was not an isolated phenomenon, but a significant part of the landscape of criminal behavior. White-collar crime has for the most part been treated as a deviant case, it is used primarily to provide a contrast to the common crimes and street criminals. The white-collar criminals were often middle-aged men of respectability in high social status. They lived in affluent neighborhoods, and they were well respected in the community. Sometimes he stressed that the crimes committed by individuals of high status, while at other times he stressed crimes carried out of one's occupation (Weisburd & Waring, 2004)

According to Gois white-collar crime involves the abuse of power by persons who are situated in high places where they have opportunity for such abuse. White-collar crime refers not to the social positions of offenders but rather to the context in which white-collar crimes are carried out or to the methods used in their commission (Weisburd & Waring, 2004) Albert J. Reiss and Albert D. Biderman proposed that "white-collar violations are those violations of law to which penalties are attached that involve the use of a violator's position of significant power, influence, or trust in the legitimate economic or political institutional order for the purpose

of illegal gain, or to commit an illegal act for personal or organizational gain (Benson & Simpson, 2009)

Corruption culture perspective white-collar crime is also synonymous with the full range of frauds committed by business and government professionals. These crimes are characterized by deceit, concealment, or violation of trust and are not dependent on application the threat of physical force or violence. The motivation behind these crimes is financial --- to obtain or avoid losing money, property, or services or to secure a personal or business advantage (FBI, 2016)

Some definitions above show that white collar crime is a crime committed by respectable people with high social status associated with the job or position held. The perpetrators usually do not use threats or violence aimed at obtaining unauthorized personal benefits by way of abusing the power, office, influence and trust given. White collar crime can occur either within a company or country.

The crime are built in the white collar crime term basically not far different with the term of political corruption. It can be described as the abuse of the public roles or public official and resources for private benefit (Johnston, 2005) It means that all form of transgression acts committed by a people in using public resources based on his public official role for personal interest can be categorized as political corruption.

This, what about political corruption? Political corruption is the abuse of entrusted power by political leaders for personal or private gain, with the goal of increasing power or wealth. Political corruption should not involve undertaking of money; it just take the 'trading in influence' or granting favours that poison politics and threaten democracy. Political corruption involves a wide range of crimes and illegal acts committed by political leaders before, during and after leaving office. It is perpetrated by political leaders or elected officials who have been vested with public authority and who bear the responsibility of representing the public interest. There is also a supply side to political corruption-- the bribes paid to politicians -- that must be addressed. Political corruption is an obstacle to transparency in public life. In established democracies, the loss of faith in politics and lack of trust in politicians and parties challenge democratic values. In transition and developing states, political corruption threatens democracy and makes vulnerable the newer institutions of democracy (Hodess, 2004)

Then, what about the corruption of culture? Corruption of corruption is the abuse of entrusted power by political leaders for personal gain or private, with the aim of increasing wealth or power. Political corruption should not involve exploitation of money; political corruption only do the 'trade' effect or relief is political poison and threaten democracy. Political corruption covers a wide range of crimes and illegal acts committed by political leaders before, during and after the release positions. Political corruption do political leaders or elected officials who have been given public authority and the responsibility to represent the public interest. Political corruption is an obstacle transparency in public life. In established democracies, the loss of trust in politics and a lack of trust in politicians and parties are challenging the democratic values. In transition countries and developing, political corruption threaten democracy and democratic institutions makes it vulnerable new (Hodess 2004)

Corruption culture on political crime involves political decision makers. It takes place when the politicians and public official, who are entitled to enforce the laws in the name of the people, are themselves corrupt. Political corruption is when political decision-makers attempted to sustain their power, status and wealth. Political corruption not only leads to the misallocation of resources, but it also affects the manner in which decisions are made. It manipulate political institutions and procedural rules, affects the government institutions and political system, and frequently leads to institutional decay (Amundsen. 1999).

Furthermore, Amundsen said corruption culture on political crime, which usually supported by the ruling government should be considered as one of the basic modes of operation of authoritarian regimes. It is one of the mechanisms through which the ruling government or authoritarian power-holders enrich themselves. Therefore, political corruption for the authoritarian power is not a disease should be avoided, it is in fact a deliberate, wanted and applied practice; it is one of the rulers modes to enrich and control the economy. As consequently, political corruption is a "normal" condition in the corrupted ruling government.

Corruption culture on political crime, therefore, to be a mean of public officials to perpetuate and maintain their power, position and wealth illegally and damage the state. Political corruption has also become a vehicle to sustain the political parties that support it.

Political corruption as well as other corruption crimes gradually undermine the democratic order built and depriving the people's welfare.

Now, what the relationship of crime, white collar crime and corruption of culture on political with "political crime"? Many sociologists and classical criminologists especially those of the western societies most tend to limit the corruption of culture on political crimes only to crimes committed against the state like treason, sedition, sabotage, terrorism, espionage, subversion and conspiracy Basically, in-depth and critical analysis to the concept would make one agree that there is more dimensions of political crimes such as other politically motivated crimes in search of power like in the case of crimes committed in search of wealth (Solomon & Oryina, 2016).

Louis Poral has postulated a broadened view of corruption culture on political of economic crimes as a criminal offenses which are committed in the course of political activities, such as theft from public funds, corrupting police officers, or misuse of power by officials and it can be categorized as the pseudo-political criminal act (Schafer, 1971) The term corruption on culture on political crime is used also to signify illegal acts that are designed to undermine an existing government and threaten its survival. Political crimes can include both violent and nonviolent acts and range in seriousness from dissent, treason, and espionage to terrorism and assassination (Ross, 2003).

Corruption culture on political of economic crime in this study does not talk about the crimes committed against the state like treason, sedition, sabotage, terrorism, espionage, subversion and conspiracy, but the offence act committed by state or public official to maintain their own power, official and wealth through using an unauthorized public resources for their private or group gain. The political crime in this research was the crime act were committed by political elites, corporate and government official who involved in the case of 'papa asking the stock; of PT Freeport Indonesia

### **3.2. Corruption Culture on Politic of Economic Crime: The Case "Papa Asking The Stock" of PT. Freeport Indonesia**

Corruption culture on politic crime the case "papa asking the stock" have been much discussed when Minister of Energy and Mineral Resources, Sudirman Said reported the recording of conversations of the Chairman of House of Representatives, Setya Novanto, President Director of PT Freeport Ma'roef

Sjamsoeddin and Mining and Oil and Gas Entrepreneurs Riza Chalid to MKD. What actually the interests behind this meeting so that Chairman of the House of Representatives, Setya Novanto dared to profiteer name of President Jokowi and Vice President Jusuf Kalla to discuss the renewal of the contract period of PT. Freeport before expired in 2021 became an interesting problem in this research.

As it is known, the giant mining company from United States, PT Freeport Indonesia (PTFI) during two years of Jokowi-JK administration has spawned some important news, among them cases of "Papa Asking The Stock", the extension of export license for concentrates, the debate of stock divestiture, to the breakdowns in thousands of PT. Freeport Indonesian workers. The divestment became one requirements of contract extension of PT. Freeport Indonesia would expire in 2021 in the agenda of this meeting. This case actually has given the advantage to PT Freeport Indonesia, because the results of meeting the PT Freeport Indonesia can still exporting concentrate after government extended the concentrate export license until January 11, 2017. While the concentrate export license has run out August 8, 2016 and in fact only can be done simultaneously with the extension license contract extension. In fact, PT. Freeport Indonesia has not fulfilled its obligations perform downstream or processing the mining products into value of mine by building a processing plant and refinery (smelter) in accordance to Law No. 4. 2009 on Mineral and Coal Mining (Mining). Until this case sticking PT. Freeport Indonesia building of smelters have not materialized (Jumadil End, 2016)

The majority faction in the Council Honor Court (MKD) assesses that the Chairman of House of Representatives, Setya Novanto has committed an offense for holding meetings and conduct of agreement with the Director of PT Freeport Indonesia, Ma'roef Sjamsoeddin together with Mining and Oil and Gas Entrepreneurs Riza Chalid related to the contract extension PT. Freeport Indonesia and the divestment of stock which in fact beyond their authority. It also has violated the prohibition for the Parliament members had intercourse with partner for a specific purpose with aim to collusion, corruption and nepotism. Therefore, in accordance to Article 39 of Law MD3 that in terms of MKD handling the cases of severe ethical violation and impacted on the dismissal sanction, MKD formed *ad hoc* panel (Cerana Net, 2015)

The settlement of this case shows some awkwardness that illustrate many interests involved. So

the only way is best to safeguard their interests is to free the Chairman of House of Representatives, Setya Novanto from the reported violations errors. Some awkwardness were revealed among other things:

1. All judges MKD (13 judges) who initially agreed to do an open hearing, changed approve a closed hearing to hear explanation from the Chairman of House of Representatives, Setya Novanto.
2. As the reported the Chairman of House of Representatives, Setya Novanto refuse to answer questions if associated with the recording. The reason is the tape was invalid and should be considered non-existent, while he recognized the existence of meeting.
3. Riza Chalid not meet the call and went abroad. Surprisingly, as a the key witness there is no blocking effort made to bring the witnesses or presented forcibly.
4. Sudirman Said pretend innocent in his department who was intervened by the Chairman of House of Representatives, Setya Novanto, whereas he has in fact been aware of the intervention 4 months before reporting to MKD.
5. Maroef Syamsuddin, as President Director of PT. Freeport Indonesia. He appeared with a professional the logic of the foreign corporations who wish entrenched and continue straddling Indonesia's natural resources, still fighting for PT Freeport Indonesia can continue to operate at least 20 years and mentioned a number of emergency situations that will face Indonesia if the contract is not renewed.
6. The President Jokowi responded by showing his anger, because his name has been misused in the agreement. However, surprisingly he was not responding to the judicial process when MKD decided innocent (Nasti, 2015)
7. Jusuf Kalla (JK) as Vice President chose to be Soedirman Said's defenders and blame the Chairman of House of Representatives, Setya Novanto and trying for Sudirman Said in this case not displaced from the working cabinet.
8. MKD grant the Chairman of House of Representatives, Setya Novanto and said the

recordings evidence obtained is unauthorized despite the recording content is true and valid. because it is done not at the behest of law enforcement, so that cannot be used as evidence in criminal case. Armed with the decision of the Constitutional Court Number 20 / PUU-XIV / 2016 dated 7 September 2016, the Setya Novanto Council urged the Council Honor Court to his vindication and honor.

9. MKD grant the demands of the Chairman of House of Representatives, Setya Novanto commit a review of the decision of MKD and decided: 1. grant application for review the trial process under the complaints case of Sudirman Said. 2. declare the trial court did not fulfill the legal requirement to give Decision of Conduct for by the Constitutional Court Decision No. 20 / PUU-XIV / 2016 dated September 7, 2016 that evidence of electronic records as evidence in the main trial process of MKD is invalid. 3. restore the dignity of the Chairman of House of Representatives, Setya Novanto and other parties involved in the trial process of MKD. (Mustain, 2016).

Corruption culture on political crime, at The Case "Papa Asking The Stock" was recognized has been detrimental to the state and society because the presence of agreement has been granted an extension license to export concentrates that should not be done prior the filing back of a contract extension in 2019. This case has caused a very large losses of the state caused the damage of political crime is greater than the damage of street crime. Chambliss. (2001) exemplified the report of The Joint Economic Committee of the U.S. Congress estimating the damage due to street crime every year for \$ 4 billion. While the report of The Senate Judiciary Subcommittee on Antitrust and Monopoly, estimates the cost of corporate crime (state) more than \$ 200 billion one year --- five times from the cost of street crime. The meaning is the state damage caused by political and corporate crime is four times greater than the losses caused by the street crime

### **3.3. Scenario 1. Corruption Culture on Politic Crime at The Case "Papa Asking The Stock" PT. Freeport Indonesia**

Theoretically, there are two possible scenarios underlying corruption culture on case of "Papa Asking The Stock". That what is happening and desirable in this case violated procedures that should be

committed, either from government or corporate parties. It was possible to cover the evil plans of agreement that will be, in the process and has been implemented. The case of 'papa asking the stock' also raised the possibility as a way of the issue diversion.

Another possibility is to prepare divestment design like the extension of previous contract that not be input for government and society welfare but be a cone for group of peoples. As happened in the extension of previous contract. The stock divestment may also be used as a bargaining position that the construction of smelter to be resolved immediately. According Chambliss (2001) for covering the purposes of a crime variety of ways can be done by the law enforcement and politicians such his statements. "Not only the law enforcement officers who can hide behind the smoke screen of street crime. The politicians also can deflect other issues to avoid responsibility". The meaning is that plan to crime can be done with take shelter behind the crime he was created itself, as a way to divert attention of society from more fundamental issues.

This situation can be seen from the way the American large companies perform an imaging issues to cover a big case happened. For example, when Bill Gates of Microsoft in the investigation of monopolistic practices in 1997, its contributions to political parties increased in 1998. A few days after a judge found Microsoft liable for violations of antitrust, Gates being a guest at the White House, he was posing with President Clinton and president of the World Bank. The tobacco industry raised its contributions of political campaign when threatened with imposition of law that would raise the taxes on cigarettes and forced to pay billions of dollars as compensation for medical costs caused by smoking (Chambliss, 2001)

The corruption of culture on case of 'Papa Asking The Stock' reported by Minister of Energy and Mineral Resources (ESDM), Soedirman Said from the recording results of the meeting between the Chairman of House of Representatives, Setya Novanto, President Director of PT. Freport Indonesia Ma'roef Sjamsudin as well as the Mining and Oil and Gas Entrepreneurs Riza Chalid some time ago, according to some economic and political analysts load several scenarios, including:

According to the economic observer, Ichsanuddin Noorsy there are some scenarios in case of 'Papa Asking the Stock' PT Freeport Indonesia, among others,

### **3.4. Scenario 2: Corruption Culture on PT Freeport Indonesia to Provoke the Extension of Concentrate Exports License that had Expired**

The government in this case the Ministry of Mineral and Energy Resources has missed published Memorandum of Understanding (MOU) dated July 24, 2014, which contains about the renewal license on export 775,000 tonnes of copper concentrate for the next six months. The events of meeting President Director of PT. Freeport Indonesia, Ma'roef Sjamsoeddin, the Chairman of House of Representatives, Setya Novanto, and the Mining and Oil and Gas Entrepreneurs Riza Chalid actually shows if PT. Freeport Indonesia requires to export concentrate, the case of 'papa asked the stock' just as an angler not related to matter of the contract renewal, because the extension of contract included in other negotiations (Metrotvnews, 2015)

### **3.5. Scenario 3: Corruption Culture on Diversion of Public Issue Concentrations**

According to PDIP Politicians, Effendi Simbolon the scenario of 'papa asking the stock' is essentially constructed as diversion of public issue concentration. The goal is how nobody touched the corporation of Indonesia and PT Freeport Indonesia. According to Effendi Simbolon, Rini Soemarno (Minister of BUMN) and Sudirman Said is spearheading of the McMoran interests (Own Stock of PT Freeport). Effendi said many officials and businessmen who have been part of conspiracy of the case 'papa asking the stock'. In fact, he was sure, oil entrepreneur at once the elder brother of Minister of State Owned Enterprises (BUMN) Rini Soemarno, Ari Soemarno certainly be in behind of the game played by Sudirman Said, who became the representative of PT Freeport (political Radar, 2015)

### **3.6. Scenario 4: Corruption Culture on Political Lobbying of PT Freeport to Suppress the Stock Divestment and Development the Smelter**

According to the Indonesian Political Economy Association Observer (AEPI), Salamuddin Daeng there are three points behind the case of 'papa asking the stock'. First, PT. Freeport Indonesia is seen have not give contribution in terms of state revenue. Secondly, there is an effort to divert the divestment from government to a particular party. Under the provisions of work contract PT. Freeport Indonesia must divest the stock 51 percent to the government. There are scenarios of political elite to political engineering that the divestment do not fallen into the government hands

but fell into private hands. Third, Daeng assess there is tendency of mining companies to avoid the Mining Law No. 4 of 2009 which requires building a smelter in the country. Since, there is no companies that build the smelter (Daeng, 2015)

## **4. THE CASE OF "PAPA ASKING THE STOCK" PT. FREEPORT INDONESIA AS CORRUPTION CULTURE IN THE CRIMINOLOGY STUDY**

Perhaps it is not wrong to say that the number of cases of corruption culture among politicians and power holders of Indonesian administration at this time to be an evidence of how big a social influence of bad culture inherited from the nation since the days of empire, colonial, old order, new order and reform era. The bad culture is the corrupt behavior of public officials, which should actually provide protection and welfare to the people and not to put its own interest and group.

The corrupt behavior condition of society inherited by this nation continues to imprint and became driving as well as inspiration of bad behavior for most society, although numerous attempts of prosecution and eradication of political crimes or corruption has always been program in each government period in power. Mertons idea of 'social structure and anomie' in his book 'Social Theory and Social Structure', show a correlation with Durkheim's theory in criminology tradition known as 'strain theory'. Merton explains the strain theory to answer the questions that common reason possibility of giving the impression: whether 'faulty' social conditions. makes some people deviated. Merton committed at the sociological level analysis, where the source of m deviation can be traced from the nature of social structure. He reject individualization effort of deviation cause, he found that deviation were born in the certain group, not because of men composed the biological tendencies but because they provide response in normal social situations where they are within it. (Tierney, 2006)

These facts illustrate that in strain theory the behavior of society not born from individual behavior. The behavior of today's society is a response to or from social situations they have experienced before. The deviant social conditions could be the driver of individuals or communities deviant behavior. Political crimes and corruption committed by the society is reflection of social behavior which are ever made public before.

The corrupt behavior exhibited by state and company official in the vcase of 'papa asking the stock',

cannot be separated from the social structure and culture had been inherited of this nation. Lafran Pane (2012) the establishment initiator of HMI say that the corruption culture in Indonesia growing through 3 phases of history, namely; the Empire period, the Dutch colonial period and modern times recently. In the empire periode, the corruption culture recorded how intrigue scramble oh power was done in Singosari Kingdom, Demak Kingdom, Banten Kingdom and so on. Kingdom period have contributed implanting embryos of oportunisme of the nation. For example, the existence of "courtiers" that tends to be nice to draw the king's sympathy or sultan. This circle is considered to be embryo of the opportunistic that has corrupt character in our recent administration order.

In the Dutch colonial period the corruption practice start come into the socio-political and culture system of Indonesia nation. The corruption culture of colonialist was built during 350 years. They choose local leaders deliberately to made as the political clown used to control their powers administrative area, such as headman, *tumenggung*, and other officer which is the colonial Dutch people to maintain and supervise the certain territorial areas. They appointed and employed by the Dutch to harvest tribute or taxes of the people, used by colonists to enrich themselves by sucking the right of Indonesian people. In explicit, the colonial culture practicing this hegemony and dominance educate Indonesian people not hesitate to oppressive their own nation through the corruption behavior and practices. Furthermore, in modern times the development of corruption practice begins when the Indonesia nation free from colonial bondage. However, the corrupt culture was inherited since the days of Kingdom and Colonial does not necessarily disappear. The corruption, collusion and nepotism culture to be more obvious in shape at the democratic era. This is reflected from the government officials behavior from the old order of Sukarno, Soeharto's New Order until the President of the current reforms era.

The depiction of Indonesian political crime history above explaining how the cultural and social behavior of society, in this case, the crime behavior became a part of culture or social behavior can influence and encourage similar behavior on the society afterwards. That mean a crime behavior existed currently cannot escape from the culture influence and social behavior of the previous society. The previous culture and behavior of society become learning for the culture and society behavior afterwards.

The behavior crimes never escape from the motives and objectives of the implementation of a crime. In the case of 'papa asking the stock', there are many conflicts of interest, whether individuals, groups, corporate, political parties and government interests. Interests of the government have a relationship that cannot be avoided with the individuals, groups and political parties interests. Political crime involved the government officials would be a political crime if government officials involved to play an important role in organizing the laws to protect its interests.

The government political crimes related to his belief in political sovereignty. Public acceptance of a political crime depends on the level of government policy which considers it as a legitimate policy. This mean that the crime accepted by the society when the ruling government policies assumed it as a legitimate act. Therefore, the political crimes committed by political elite and the ruling government officials will always hide behind the political sovereignty. Consequently some people will judge right or justify the political crimes committed by the political elite or powerful government officials although basically the policy is unlawful.

Corruption culture committed by the Chairman of House of Representatives, Setya Novanto, President Director of PT. Freeport Indonesia Ma'roef Sjamsudin and Riza Chalid essentially aimed at securing its interests by utilizing their position and power. According Clinard & Quinney (1973) in addition to political crime the crimes act they did could also be categorized as occupation crime. This means that the rules of employment or occupation is created in such a way to protect their occupation. The perpetrators generally work the same offense together with occupation activities. Before committing the crime, they rationalize beforehand carefully the plan of crime. Some of occupation , or a occupation group, tolerates or even supports such crimes. This crime is generally done respectable people.

The happy ending case of 'papa asking the stock', in which the Chairman of House of Representatives, Setya Novanto, is not innocent, vindicated his name, reappointed as the Chairman of House of Representatives after his resignation, and no convictions of all those involved in this case, was a case example of political crimes successfully implemented. The society considers this case has been resolved and did not know many people have been benefited. The settlement of this case can be regarded as a win-win solution. The political crime in this case of



'papa asking the stock' showing how the political criminals have to count maturely in their actions. In the classic criminology Sandra Walkate (2002) says that the main characteristic of classical criminology is essentially the assumption that the perpetrators are individually involved in the decision making process are taken into account rationally when going to commit a crime. This means that one character of the perpetrator is doing rational calculation before committing a crime.

One form of a rational calculation to corruption culture on political crime in the cases "Papa Asking The Stock" is the government's actions taking de-penalization. It's means made the case actually in the criminal realm just put in another realm that is the civil realm or even simply categorized within the offence realm of code of conduct for board members as in the case of 'papa asking the stock' involved the Chairman of House of Representatives, Setya Novanto, According to Simanjuntak (1981) in the de-penalization process, criminal sanctions are removed at the criminal threatened behavior. The criminal qualification omitted, but the nature of the fight or unlawful was retained. The settlement of the case was entrusted to the other realm, such as the civil law realm, administrative law, or otherwise. In this case, as is known the solution just decided as the violation case of the code of conduct.

In the settlement of legal cases, the law enforcement officials and prosecutors want to give punishment. They want the guilty man be punished even though they are not enough evidence to convince the judge. The demands for punishment encourages law enforcer planting the evidence, to doctor the evidence, and lied in front of the court. (Chambliss. 2001). In the effort to de-penalization the case of 'papa asking the stock' which should come into the criminal law was changed into the offense to the ordinary code of conduct

Based on the scenario corruption culture of political committed in the case of 'papa asking the stock', the decision of law enforcement to *de-penalization* the case, and the settlement of happy ending case can be assumed if this crime drama of politics crime may have been agreed by the perpetrators, so in the final result the society accepted that the complained parties, the Chairman of House of Representatives, Setya Novanto was innocence, that this case was not detrimental to the state, and that the Chairman of House of Representatives, Setya Novanto is entitled to reoccupy his position as the Chairman of House of Representatives after resigning during play the political

crime drama. According to Chambliss this phenomenon is closely related to the form of 'organized state crime' that is the crimes committed by the state officials in connection with the policy (Carrabine, et.al, 2009). Meanwhile, according to Smith, (2006), political crime in this case including the state crimes against democracy (SCAD). That is a crime involved the use of illegally state authority and resources by the public officials to achieve a specific goal. The organized state crime and state crimes against democracy is the form of organized political crime committed by the political elite and public officials to the state for obtaining personal gain or group to sustain the cost of maintaining their position or power.

## 5. CONCLUSION

The case of "Papa Asking The Stock" PT. Freeport Indonesia is a very complex case of corruption culture on political crimes with perfect design of political game represented by the political elite, government and corporate. The perfection of political crime design involved the state officials such as the Chairman of House of Representatives, Setya Novanto, Minister of Energy and Mineral Resources Soedirman Said, President Director of PT. Freeport Indonesia Ma'roef Sjamsoeddin, Mining and Oil and Gas Entrepreneur Riza Chalid, scalp the name of President Jokowi and Vice President Jusuf Kalla as well as mentioned the involvement of other important state officials and political elite

This perfection of evil design culminated in happy ending case. The vindication of the Chairman of House of Representatives, Setya Novanto, and restoration the abandoned positions temporarily during the trial. Based on decision of Constitutional Court and the Council Honor Court the Chairman of House of Representatives, Setya Novanto is stated not guilty, which means not violating the code of conduct for board members although obviously there is a violation. Everyone involved in this case is implicitly decided innocent including the key witnesses the Mining and Oil and Gas Entrepreneurs Riza Chalid. President Director of PT. Freeport Indonesia Maroef Sjamsoeddin and Sudirman Said as Minister of Energy and Mineral Resources.

The research findings revealed the existence of corruption culture on political crime agreement scenario in case of 'Papa Asking The Stock' that are provoking the extension of concentrates export license, diversion of issues and political lobbying to suppress stock

divestment and smelter development. The nature of social structures and socio-cultural situations, responses to social situations and relationships with the perpetrators affecting individuals and groups crime behavior. A previous social culture behavior encourages learning in behavior at the society afterwards. State creates the crime laws to protect and maintain its power. The perpetrators rationalize the criminal act on securing and save their interests. Rationalization of corruption culture on political crime in the case of "Papa Asking The Stocks" bring forth the law de-penalization mitigating and generating a verdict not guilty to the perpetrators. Corruption culture on political crimes identical with crime organized state or state crimes against democracy.

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