

Criminal Behavior Politician During Reform in Indonesia

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Abstract

Criminal behavior politician during reform in Indonesia perspective white-collar crime is a crime committed by respectable men in corporation and government environments. This study aims to assess and analyze the behavior of white-collar criminals involving an individual of state officials, parliament or political parties politicians and the ruling government in Indonesia during the reform period. This study is qualitative research based on the literature, journals and reporting publications of Indonesian white-collar crime. The result of study concluded that white-collar crime in Indonesia has reached a very alarming level. This crime could even can be called state organized crime in a corrupt government. This crime is based on the achievement of individual interests, group or political party and retains the power. The lack of success of Indonesian government in resolving the case of state officials or politicians involved in corruption, collusion and nepotism rapidly, lightly court decisions, many cases delayed in its prosecution process, even termination of the case of important officials state to be indication the weakness of law enforcement against white-collar criminals in Indonesia. This happens due to the severity of conflict of interest so the solution is often based on the interests or political bargaining and abuse of power. This situation reinforces Hobbes' theory that a crime act, and fault can be assessed otherwise when the ruling government decided that the action was not malicious and wrong. This means that a value either good or evil depending on the assessments decision committed by the authorities.

Keywords: *Criminal Behavior, Politician, White-Collar Crime*

INTRODUCTION

Criminal behavior politician during reform in Indonesia perspective white-collar crime is different with general traditional crime, either in social stand point, where the crime was done and who was doing the crime. White collar crime was the most dangerous crime than street crime and have broadest impact to the poor of state government or corporate performance. The poor of government performance will result in the loss of prosperity and welfare rights should be given to people, while the poor of company performance will impact on the setback and decline of the corporate.

According to Sutherland (1940) a leading sociologist and 29th President of the American Sociological Society, white-collar criminals were often middle-aged men of respectability and high social status. They lived in prosperous neighborhoods, and well respected in society. He argued that conceptions of crime in his day were misleading because they were developed from biased samples of criminals and criminal behavior. He noted that vast areas of criminal behavior of persons not in the lower class had been neglected in prior studies. He claimed that poverty and social disorganization could not be seen as the primary causes of crime, if crime could also be found among people who grew up in good neighborhoods and good homes and lived in situations of authority and privilege (Weisburd & Waring, 2004:2).

Criminal behavior politician during reform in Indonesia perspective white-collar crime occurs as a part of the violator's occupational role and it become the major issues in white-collar controversy, because most of the laws involved are not part of the traditional criminal code, and most of the violators are above the ordinary criminal in social standing. However, the members of high-status white-collar occupations who commit ordinary penal law violations, such as murder, robbery, rape, non occupationally-connected thefts, and the like, would not considered to be white-collar criminals. (Newman, 1958:737)

Many scholar recognized that the impact caused by Corruption culture in Indonesia perspective white-collar crime are far exceeds that of street crime. The likelihood of being victim of white collar crime is far greater than serious street crime; and the damage suffered by people of white collar criminals can be more devastating to

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their quality of life that of street crime. The economic and financial crises occurred in various countries were ultimately complex, there can be no question that white collar crime played a central role in bringing them about (Friedrichs, 2010:XX-XXII).

The finance loss from white-collar crime, great as it is, is less important than the damage brought to social order. White-collar crime violates trust and therefore creates distrust, degrades social morale and produces social disorganization on a large scale. Other crimes have relatively little effect on social institutions or social organization. White-collar crimes can undermine the social fabric and create a distrust of a nation's leaders (Geis, 2011:4)

Since the reform era, white collar crime behavior in Indonesia, is not only a form of infidelity that dominate an executive and judicative domain like has happened in the reign of new order government but it just grown into triangle infidelity that involves the legislative. The white collar crime behavior occurs in almost all levels of Indonesia government administration (Yamin, 2002)

This study attempts to describe and analyze white-collar crime involved the Indonesian state officials and parliament politicians during the reform government, from President BJ. Habibie to President Jokowi. In addition to study white collar crime as happen during reform government has close relationship with white collar crime in the New Order Era. This study is also outline the most damage of Indonesia justice system from the white collar crime. Since of all white collar crime occurs among the state official and politician has estuary on their private interest, groups and politics. While the crime they have done are always hiding behind the people interest.

DEFINING CRIME AND WHITE COLLAR CRIME

In order to understand white-collar crime, it is important to first understand the definition of crime itself. In his *Criminal Justice* Jay Albanese asserts that crime is a natural phenomenon, because people have different levels of attachments, motivation, and virtue. He based his opinion that was proposed first by Emile Durkheim. In the *Rules of Sociological Method* Durkheim defined crime as being actions that offend certain very strongly held collective sentiments. What causes the crime normal is society's inability to be released from it. All societies experience transgressions, albeit in varying forms and levels of severity. The existence of crime across time and place makes it a normal and expected part of group living (Turner, 2006: 96)

According to the *Black's Law Dictionary*, crime is any act done in violation of those duties which an individual owes to the community. A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and which combination, of the following punishments: death, imprisonment, fine, removal from office or disqualification to hold and enjoy any office of honor, trust, or profit (Black, 1999:370)

Shepherd, in his consensus approach, as reported by Hollin (1989:4) defined the crime under functionalist school within sociology. He told that society functions as an integrated structure, its stability depended on agreement, or consensus among its members about the norms, rules, and values which are uniformly respected. Thus, a society's legal system is a reflection of the consensus of what will and will not be tolerated as acceptable conduct. A crime is violation of criminal law, an act which meets with the disapproval of the majority. This explanation containing a number of important consequences that are an act cannot be said as the crime before the act was really committed, thought without action is not a crime, the act must be legally forbidden and anti-social behavior is not a crime unless prohibited by law.

In contrary to consensus approach of the crime, Marxist views the crime as function of rge capitalist system which produces those have wealth and power and those do not. Each group, or class, within society commits the type of crime is dictated by their respective system. the poor commit crimes within their scope, such as theft, murder, and burglary; the middle class commit typical white-collar crimes such as tax evasion and theft from employers; while the wealthy and powerful upper class indulge in activities such as exploitation, profiteering, and environmental pollution and damage (Hollin,1989:7) While, in the Union Soviet system, the crime is "social danger" that means the damage, risk, or danger which cause economic and political institution, as a prevailing ideology representation, inflicted to its impact (Schafer, 1971:380)

A more broader definition of crime proposed by Herman and Julia Schwendinger who argued that crime as violation of basic human rights:

“Basic rights are differentiated because their fulfillment is absolutely essential to the realization of a great number of values ... [hence] the right to racial, sexual and economic equality. The abrogation of these rights certainly limits the individual’s choice to fulfill himself in many spheres of life. These rights therefore, are basic because there is so much at stake in their fulfillment. It can be stated ... that individuals who deny these rights to others are criminal. Likewise social relationships and social systems which regularly cause the abrogation of these rights are also criminal. If the terms imperialism, racism, sexism and poverty are abbreviated signs for theories of social relationships or social systems which cause the systematic abrogation of basic rights, then imperialism, racism, sexism and poverty can be called crimes according to the logic of our argument” (Lea, 2002:6)

While according to classical strain theories, individuals from all social classes are tend to pursue the financial achievement goal or high status. However, lower class individuals, often troubled on achieving these goals through legitimate means. The disappointment caused of unachieved this goal drives some individuals doing the crime. Crime may be used to achieve financial goal, obtaining status in the eyes of one’s peers, seek revenge against perceived source of goal blockage, and reduces the disappointment and other negative emotions. (Agnew et al., 2009:35)

From some concept of crimes suggested by the experts, it is generally can be concluded that crime is a normal phenomenon in the society. The violation phenomenon were committed by individual and groups toward the norms order, rule and value which becomes general consensus, agreed and being collectively believed. The violation toward prohibition and command that has been legally organized in the social orders. The crime was created through the social order system in accordance with their respective level of social class. In the wide context the crime is all offenses the individual or group committed toward the basic right of human life that has purpose to fulfill a financial requirement and achieves the desired social status

Furthermore, what is meant white collar crime? What distinguishes traditional crime with white collar crime? E. H. Sutherland in his initial characterization of white collar crime, published the following year in the American Sociological Review, Sutherland alluded to crime in the upper or white-collar class, composed of respectable or at least respected business and professional men. The principal attribute of this crime is that it consists of “violation of delegated or implied trust” Examples of white collar criminality in business included various forms of misrepresentation, manipulation, embezzlement, and bribery. (Sutherland 1940:1-3; Friedrichs, 2010:4).

Edwin Sutherland in a speech to American Sociological Society defined white collar crime as a crime committed by a person of respectability and high social status in the course of his occupation (Zagaris, 2010:1). Sutherland used the term of white-collar crime to distinguish between the crimes committed by professionals and the upper echelons of society (which usually wore white shirts in their work clothes) against the crimes committed in public or “street crimes” such as robbery, murder, or assault. He also highlight that white-collar crimes did not involve violence or threats of violence but were often identifiable by their basis on fraud, trust, and craft. In addition, most white-collar crime is connected to legitimate business activity, it is part of a continuum between legal business endeavors and illegal business practices (Ferguson, 2010:13) .

Sutherland sometimes asserted that white collar crimes are committed by a high status individuals, while at other times he stressed that carried out in the course of one’s occupation. In his major empirical contribution studying white collar crime, he focused on crimes committed by organizations or individuals acting in organizational capacities. Although he used various explanation, the most frequently cited explanation were both to the established social standing of white-collar criminals and the special opportunities for crime that come from distinguished occupational positions (Weisburd & Waring, 2004:8) Sutherland attempted to drain the word “crime” of its meaning. He made distinctions not on the basis of an act or intent, but according to the status of the accused (Ferguson, 2010:31).

Criminologists who study white collar crime have generally been in agreement that it (1) occurs in a legitimate occupational context; (2) is motivated by the objective of economic gain or occupational success; and (3) is not

characterized by direct, intentional violence. (Friedrichs, 2010:5) Wheeler et al. (1982:642), for example, explains white-collar crime as “economic offenses committed through the use of some combination of fraud, deception, or collusion” Meanwhile The Federal Bureau of Investigation (FBI) which entire division dedicated to white collar crimes defines it as crimes:

“categorized by deceit, concealment, or violation of trust and are not dependent on the application or threat of physical force or violence. Such acts are committed by individuals and organizations to obtain money, property, or services, to avoid the payment or loss of money or services, or to secure a personal or business advantage” (FBI, 2016).

Another concept about the white-collar crime described that white-collar crime involving the events often done with a pen or a computer than with a gun or knife (Geis, 2011: 1-5). White collar crime model in the development in the future will be more advanced in the crime technique committed, such as what has been written by Terry Leap in his book *Disbonest Dollars* :

“In the future, the mix of white-collar crime is likely to change. There are two major crimes that may increase: health-care fraud and crimes that use computer technology..... Computer technology and the Internet will continue to provide a springboard for white-collar crime. Telemarketing fraud may decrease as consumers become increasingly wary of cold calls from strangers, but Internet-based consumer fraud may increase” (Ferguson, 2010:86).

According to Friedrich (2010:5) white collar crime as elite deviance may include various life sector such as: economic crime, commercial crime, business crime, marketplace crime, consumer crime, respectable crime, ‘crime at the top’, ‘suite’ crime, official crime and deviance, political crime, governmental crime, state (or state-organized) crime, corporate crime, occupational crime and deviance, workplace crime, employee crime.

Based on the crime concept and white collar crime above, it can be concluded that most noticeable difference between crime and white-collar crime is on social status of the offenders and the crimes forms are committed. The conventional crimes are often referred to as ‘street crime’ is more associated with various crimes had been committed by society and ruled in the criminal law. White collar crime is not in touch with criminal action, but in connection to the violation of civil law, which is committed by respectable people in high social status within a state and company organization. The offenders of white collar crime is always involved in the financial abuse crime to the individual and group interests or for the purpose of maintaining power and obtaining a desired social status

CORRUPTION CULTURE PERSPECTIVE WHITE COLLAR CRIME IN GENERAL TRADITIONAL THEORY APPROACH

As a special form of crime, white collar crime can be studied from several general traditional theory. Some conventional theories may provide basic concepts related to what to be impetus doing the crime. According to Benson & Simpson (2009:53-54) Sutherland has not been attempted to develop a theory of white-collar crime. Just as with conventional crime, many theoretical approaches have been tried in the search for a better understanding of this form of white collar crime. They claimed that differential association, anomie, control, rational choice, and integrated theories have been proposed to explain white-collar crime in classical criminology

Differential Association

Sutherland’s (1947) differential association theory is based on the premise that delinquency is learned through intimate social relations with individuals. The adolescents’ attachments to peers is not only important for delinquency involvement, but also the context or norms of the friendship group determine whether attachment to friends results in conventional or delinquent behavior. The social transmission of delinquency occurs within friendship network through transference of attitudes about the appropriateness of delinquent behavior (Haynie, 2009: 126)

Akers’s (1985) suggests that the adoption of delinquent behavior occurs through imitation of peers’ behavior or through the observation of its consequences, either positive or negative. The important point made by these socialization theories, including differential association and social learning theories, is that delinquent behavior

is learned through intimate personal relations, with friends serving as an important mechanism in adolescence by which delinquent behavior is observed and passed on (Haynie, 2009: 126).

Sutherland assumed that the cause of other sorts of crime also the cause of white-collar crime. The criminal behavior is learned in association with those who define criminal behavior favorably and in isolation from those who define it unfavorably. He revealed that attitudes and cultural orientations that define illegal business behavior in favorable terms are pervasive throughout the business world. The newcomers are socialized to accept these attitudes and orientations. They learn how to commit certain types of offenses and rationalize these offenses so that in the offender's mind, they are seen as acceptable, ordinary, and necessary business practices (Benson & Simpson, 2009:55). Sutherland analyzed criminality in terms of a person's exposure to particular cultural influences, seeing this as the mechanism whereby some became criminals and others did not: a person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law' (Tierney, 2006: 92)

This Sutherland's theory of differentiation defined clearly that act or delinquency behavior, either in traditional crime or white collar crime occurred from closed social relationship between the offenders and non offenders. This relation can encourage further the learning process and rationalization to the crime behavior in which finally causes the behavior imitation. The offenders learns how to do the crime and rationalize the behavior so that created in the mind of the offenders that the crime behavior can be accepted, committed and even it is necessary to be committed.

Anomie Theory

The anomie theory was originally developed by Robert Merton (1938). He stated that 'anomie' referred not only to normlessness sense, but to a distinctive feature of American society. According to Merton, American society most emphasizes the desirability of material success and individual achievement. These goals are promoted as worthwhile objectives that everyone should achieved. At the same time, opportunities to achieve these goals is not equally available to everyone, and less emphasis is placed on achieving these objectives through legitimate means. The strong emphasis on the goals of individual material success with limited access to and emphasis on legitimate means of achievement meant that goal-seeking behavior is not well-regulated. Therefore, people look for other ways to get ahead and sometimes resort to criminal means (Benson & Simpson, 2009:58).

Knepper explained that Merton in his essay, 'Social Structure and Anomie', tried to answer why the crime occurs. He said that culture establishes the meaning of success, specifies 'the goals', what things are worth pursuing, and the 'means,' to go about obtaining them. Structure has to do with distribution of the means. In a well-ordered society, the goals and means are consonant. That is, society affords all of its members a reasonable expectation of achieving success during their lifetimes. But too many of those in American society experienced dissonance between the goals and means, because they had been led to desire a way of life social circumstances made it impossible to achieve (Knepper. 2007:25)

Control Theory

Control theory in its modern form is primarily associated with the American criminologist Travis Hirschi and his book *Causes of Delinquency* (Tierney, 2006: 2004). An intellectual basic of social control theory is really can be understood from Thomas Hobbes' works *Leviathan*. He assumed that humans seek for personal advantage naturally without regard to the rights or concerns of others. In the absence of external restraints, crime is a rational choice, as a consequence "war of all against all" naturally follows, and everyone is "nasty, poor, brutish, and short." However, in Hobbes's view, among chaotic state of nature there is individuals capable of calculating their costs and benefits of actions. They can continue in a war, or establish a laws system and government empowered to punish those who resort to force and fraud in pursuit of their private interests. (Schreck & Hirschi, 2009: 307)

In his social bond theory which is well-known by control theory, Travis Hirschi (1969) claimed that a deviance act is natural and should be controlled by external social forces or internal predispositions. This social control

theory of delinquency is based largely on the assumption of social integration and idea that individuals form bonds to society that restrain from their delinquent impulses. In terms of friendship networks, social control theory posits that the more bonds an adolescent has through friendship ties, the less delinquent the adolescent will be. (Haynie, 2009: 126)

The social control theory starts with premise that delinquent acts are more likely occurs when individual's bond to society is weak or broken. The social bond is composed of four interrelated elements: attachment to others, commitment to conventional lines of action, involvement in conventional activities, and belief in society's common value system. These elements restrain individuals from involvement in criminal behavior. But if they are weak, the individual is free to engage in crime (Benson & Simpson, 2009:62).

Although the control theory is most often applied in the juvenile delinquency context or ordinary street offending, but it also be used to explain white-collar crime by corporate executives. To do so requires that social bond elements be reconceptualized within the corporation context and its executives. It is the strength of the executive's bond to the corporation, that regulates involvement in executive white-collar crime. James R. Lasley (1988) proposes four theorems of white-collar crime which are straightforward translations of Hirschi's basic propositions regarding juvenile delinquency and the social bond (Benson & Simpson, 2009:62):

First, the more strongly an executive attached to other executives, coworkers, and the corporation, the less likely the executive is to commit white-collar crime. Second, the more strongly an executive is committed to corporate lines of action, the lower the frequency of executive white-collar crime. Third, the more strongly an executive is involved in corporate activity, the lower the frequency of white-collar offending. Fourth, the more strongly an executive believes in the rules of the corporation, the lower the frequency of white-collar offending

Rational Choice Theory

The rational choice start with basic assumption that groups and or individuals behaviors will reflect attempts to maximize pleasure and minimize pain (Hochstetler, 2009:201) The more recent economics based theories assumed the offenders as rational decision makers who base their decisions to commit crimes on the venture risks analysis compared with the expected profits or the offenders does cost-benefit analysis before doing the crime. The offenders freely and actively choose to commit crimes, the decision to commit the crime was done in response to immediate circumstances and situation in which the offence is contemplated. The motivation to offend is dependent on a calculation of costs and rewards (Geason, 1988:5).

Human being are rational and self-interested creature who are affected by their actions. In the rational choice theory, criminal behavior is not different from noncriminal behavior in which the persons intentionally choose doing a crime, and the reason of committing a crime is it would be more rewarding and less costly than noncriminal behavior. They choose doing crime under rational consideration against costs and benefits of an intended action. The rational choice offender, is rational and self-interested and chooses of committing a crime under his assessment that his behavior should profitable to some need better than a noncriminal behavior. It gives human beings what is called in the criminology field an *agency*. People with agency act as if they have free choice over which courses of action they can take—they act as agents on their own behalf. The other side of agency might be thought of as *determinism*—people behave in a particular way not because they want to or choose to do so but because some cause has acted on them to compel them to behave in a certain manner (Paternoster, 2009:237)

The rational choice theory focuses on benefits and costs as subjectively perceived by individuals. It is aimed at individual decision makers rather than corporation as a whole. The individual's decision to commit a crime or violate the rule involves a series of factors. To calculate the potential costs of crime, actors subjectively estimate the certainty and severity of formal and informal legal sanctions, and the certainty and importance of loss of self-respect. The offender consider the benefits of crime, including the perceived higher benefits of noncompliance and the perceived cost of rule compliance (Benson & Simpson, 2009:66)

In this case, the rational choice works alongside with the classical theory. It hold central concept of free will in explaining why a person commits a crime. When the opportunity for crime arises, the individual has a free choice between criminal and non-criminal behavior. If the payoffs for the criminal act are greater than the

retribution it will bring, so the probability of a crime increases. At its most basic this suggests that severe retribution will deter people from any criminal act (Hollin, 1989:4).

Integrated Theory

The criminologists tried to integrate some standard criminological theories, such as differential association, anomie, and control theories, on elucidating the crime behavior. In this case, John Braithwaite (1989) expanded this thought to white-collar crime and organizational crime. He said that to understand the causes of organizational crime, it necessary to integrate the insights of strain, labeling, subculture, and control theories. From strain theory, he built a premise that failure to get the most valued goals, like material success, creates strain to deviate. To release the strain the actors, including corporate actors, may resort to crime as an alternate means of achieving success. They depends in part on the availability of illegitimate means for achieving the blocked goal. Illegitimate means are made available through deviant subcultures. With respect to corporate crime, business subcultures can transmit knowledge of how organizations and their leaders may successfully violate the law. In addition, deviant subcultures may attempt to force members to conform to the subculture's values and expectations. Thus, strain, the availability of sub culturally endorsed illegitimate means and enforced conformity to deviant sub cultural values are criminogenic forces that foster corporate crime (Benson & Simpson, 2009:67).

All these concept of theories above explains that the crime behavior according to the traditional theory approach can be formed from the closed relation with the crime or delinquency behavior that is learned through intimate social relations with individuals as proposed by Sutherland's (1947) differential association theory. The crime behavior may occurs when there is desirability of material success and individual achievement, but there is no similar opportunity to achieve the goal so the people attempt to achieve the goal through an illegitimate means and this because of normlessness sense, like suggested in Merton's (1938) anomie theory.

Thomas Hobbes assumed that humans seek for personal advantage naturally without regard to the rights of others and this triggered the crime behavior. Travis Hirschi (1969) claimed that a deviance act should be controlled by external social forces or internal predispositions. The social control theory of delinquency is based on assumption of social integration and idea that individuals form bonds to society that restrain from their delinquent impulses, the more bonds an adolescent has through friendship ties, the less delinquent or criminal act will be. In his rational choice theory Gerson, (1988:5) claimed that offenders freely and actively choose committing the crimes. The motivation to offend dependent on calculation of its costs and rewards. They choose doing crime under rational consideration against costs and benefits of an intended action

Politician Crime Perspective White-Collar-Crime Theory

Basically, what is person said about the state or government crime cannot be independent, but it always involves the crime individual committed as the state official or politician. The form of crime committed is usually in the form of individual or group crimes in purpose to reach personal or group gain through using their power and authority, which in fact is the state facilities that should be devoted to prosperous and welfare of the people.

White collar crimes are committed by the offender in a state is certainly involve the respectable person, have an authority and high social status in a government. With the status they have, it is not meant the violation or offence act they committed were not a form of crime. In fact, what are committed by white collar criminals is similar with the crimes are committed by the traditional criminals. This usually committed in common to obtain a big gain. Ferguson said:

"This is not to say that criminal acts did not occur. Clearly, the white-collar criminals actually do commit crimes. But the crimes they commit are usually not committed alone. Often others are needed, whether they are investors wanting to make big returns without having to work or office staff who turn a blind eye when environmental-safety standards are not exactly met". (Ferguson, 2010:56)

Individuals or group of individual are always doing white-collar crime when they associate with other white-collar criminals and beliefs favorable to white-collar crime. Data indicated that such beliefs increase the possibility of white-collar criminals offence. White-collar crimes behavior in such case may be generally

acceptable. The offense are justifiable or excusable if necessary to protect their interest for breaking out from hardship. These individual or group white collar crime may develop within an organization, across organizations, and in particular sphere (Geis 1977; Agnew et al., 2009:52-53).

The forms of white collar crime are not only classified as corporate, occupational, or governmental crime. Sometime, they are hybrids that combine attributes of two or more of an established forms of white collar crime. For example, white collar crimes in the state government term are frequently found committed in the form of state-corporate crime. Much illegal governmental activity has relationship with private enterprise. Many linkages exist among the power elites and many interlocks occur between public and private entities (Friedrichs, 2010:159).

The concept of state-corporate crime is that the modern states and corporations are profoundly interdependent. The theory of state-corporate crime focuses on how state and corporate managers engage in cooperative endeavors that result in death, injury, ill health, financial loss, and cultural destruction (Kramer et al., 2002). The state crimes is always involving the rulers and top-level official action transgress national or international criminal laws. These form of white-collar crime is concerned with the power abuse in attaining a goal that violates the criminal laws (Geis, 2011:169) The state criminality, as a specific subtype of governmental crime, takes many forms and occurs on many different levels. When some form of state criminality becomes a dominant force in the operation of the state, we may be justified in labeling the state as a criminal state (Friedrichs, 2010:183).

Geis exemplifies the state or government crime cases. First, the case of Abscam bribery, in Federal courthouse, New York City, which ensnared some federal and municipal legislators. Second, the notorious Watergate events in White House in Washington, DC., which resulted in the resignation of an American president who otherwise almost certainly would have been impeached and removed from the office. Third, we consider extraordinary rendition in Milan Italy, a procedure in which American agents kidnap persons on overseas territory and transport them to a country where almost assuredly likely to be tortured (Geis, 2011:169)

In the state or government and corporate crime terms, there is state-organized crime. William J. Chambliss (1989:184), in a presidential address to the American Society of Criminology, defined the concept of state-organized crime as acts defined by law as criminal and committed by state officials in pursuit of their job as representatives of the state. Chambliss specifically excluded criminal acts that benefit individual officeholders. Even though state-organized crime is carried out on behalf of a government entity, the lines between individual and organizational benefit cannot always be so easily drawn (Friedrichs, 2010:141).

The state crimes involve an actions of the rulers and other top-level state official that violate national or international criminal laws. The white-collar crime category is in touch with the abuse of official position power to achieve a goal, whether or not it is assumed as a crime act, self-evidently violates criminal laws (Geis, 2011:169) Although sometime the government policy is supportive of the piracy, and in certain periods the governments hostile toward it, the overall history of relations between governments and pirates shows that plundering is overlooked or actively encouraged by the state/government when it benefits from such activity. Chambliss (1989) identified various other forms of state-organized crime, including state complicity in smuggling, assassinations, criminal conspiracies, spying on citizens, diverting funds illegally, selling arms to blacklisted countries, and supporting terrorists. (Friedrichs, 2010:141)

In addition much illegal governmental activity has connections with private enterprise. Many linkages exist among the power elites (the top political, military, and corporate leadership) and many interlocks occur between public and private entities. Kramer and Michalowski (1990:3, Friedrichs, 2010:159) called for recognition of state corporate crime that occurs at the interstices of corporations and governments

These explanation above suggested that the state organized crime that occurred in a state or government can involve the form of crime behavior of white collar crime that committed by the state officials, politician and corporate leader. They commit illegal act cooperatively against the law in purpose of their personal or group interest and gain.

Criminal Behavior Politician During Reform in Indonesia Perspective White-Collar Crime Theory

The reform agenda of Indonesia government in the implementation of law enforcement against white-collar crime that has involved state officials in bureaucratic structures or parliament politicians during reform administration does not work as expected. The implementation of law enforcement against white-collar crime in fact encounters many obstacles from white collar criminals themselves were largely within the power circles of government

One initiator of the reform movement is the massive of white collar crime in all government line which began uproar from the new order government. The refusal protest of people who want to build a government clean from corruption, collusion and nepotism has been responded by government with various efforts in the law formulation, the establishment of institutions or agency that deal with white-collar crimes, but in practice this crime has remained strong so has to be stopped by the students together with people in the reform agenda.

The important agenda of Indonesian student reform movement that began in 1998 are demands on the law enforcement. These demands are very reasonable considering during three previous decades, the law supremacy is only rhetoric and have never become a reality. In the new order the law only becomes an instrument for the authorities to preserve the power and protect the bureaucracy crime of a corrupt executive and legislative. The law enforcement agencies have been catrasted and fully under the executive power control so that they have not freedom and independence, as well as cannot be separated from the ruling elite intervention (Yamin, 2002)

Indonesian reform agenda to realize the clean government and independent from corruption, collusion and nepotism have run more than a quarter century. The efforts to materialize the reform agenda continues to be implemented, despite walk in hobbling. During five period of reform government from 1999-2016, there is no any government period clean from white-collar crime that involved state officials and parliament politicians. The following explanation is description of the law enforcement efforts and white-collar crime cases occurred during the reform government.

The Reform Government of The Third President of Republic of Indonesia, BJ Habibie

The attempts to eradicate white collar crime on the reform government after the fall of New Order government was began of the third President of Republic of Indonesia who served only for 1 Year 5 Months since 21 May 1998 to 20 October 1999 (Sindownews.com., 2014) It issued the Law No. 28 1999 on the State Implementation that clean and independent from KKN (Sindownews.com. 2015) specifically enacted the Law No. 31 of 1999 as substitute of Law No. 3 of 1971 on Corruption Eradication. The government also issued Presidential Decree No.30 Year 1998 on the Formation of Investigation Commission of State Officials Wealth (KPKPN), KPPU, or Ombudsman Agency (Sembirin 2015)

The Case Criminal Behavior Politician During Perspective White Collar Crime in BJ. Habibie Period

The commitment to eradicate KKN was conveyed by the third Indonesian President of reform era, when announced the members of Development Reform Cabinet. But the commitment was tarnished by the release of phone records of President and the Attorney General (AMG), regarding disclosure and investigation of various corruption criminal acts of the New Order president so doubt the commitment of corruption eradication. The case of white collar crime sticking out due to the pressure of some NGOs such as ICW (Indonesian Corruption Watch) is the case of Attorney General which resulted in the resign from his post as Attorney General (Suara Merdeka, 2008).

ICW reported the Attorney General to the Armed Forces Military Police on charges of accepting bribes from a businessman, who was later freed from the investigation the Attorney. In his press conference, ICW revealed a number of personal accounts of Attorney General and his wife, valued at no less than USD 9 billion, although salary as Attorney General no more than \$ 7 million (Tempo, 1999)

The Reform Government of The Fourth President of Republic of Indonesia, Abdurrahman Wahid

The attempt to suppress and combat white collar crime by this fourth president is done through of the Law enactment No. 28 years of 1999, namely the establishment of Commission for Investigation the Wealth of State Officials (KPKPN) (Tragedi Sosial dan Sejarah, 2016) Furthermore, it also established the Ombudsman Agency and the issuance of Government Regulation No. 19, 2000 and then formed a Joint Team on Corruption Eradication (TGPTPK), however, after through a judicial review of the Supreme Court, TGPTPK finally dissolved (Hukum online, 2014). The dissolution was done because TGPTPK considered not in line with Law No. 31 of 1999. (Jaya, 2005: 75) The dissolution consequences of TGPTPK, the fourth President are considered not support the efforts to combat corruption (ICW, 2003)

The Case of Criminal Behavior Politician During White Collar Crime in Abdurrahman Wahid Period

During the fourth president of Indonesia is going direct fired against two ministers involved in corruption cases without further action of law enforcement through the judicial process. The two ministers involved in these cases is Minister of Industry and Trade (JK) and the Minister of State-Owned Enterprises (LS) (Sindownews.com, 2014) The President in this case also considered by public is not able to show the leadership that supports to the eradication of corruption. President frequent take meetings outside the presidential agenda even in places that are inappropriate in his capacity as the state supreme leader. For example, the president met with the son of the Second President of Republic of Indonesia at Hotel Borobudur, whereas at the time he involved in corruption cases and firing the Chief Justice. Then the conglomerate (SW) through the Attorney General (MU) gave warrant to Termination of Investigation (SP3). Other cases that plagued this fourth president is the case of Buloggate and Brunaigate (ICW: 2003)

The Reform Government of The Fifth President of Republic of Megawati Sukarno Putri

The new institution of law enforcement and white collar crimes during the government of President Megawati was the establishment of Corruption Eradication Commission (KPK). Before the Commission formed the government has conducted a study of Law No. 31, 1999 as amended by Act No. 20 of 2001 on Corruption Eradication. Based on Law No. 30 2002 on the establishment of the Corruption Eradication Commission then established the KPK (Sindonews.com, 2015)

However, in line with establishment of the KPK the law enforcement efforts against white-collar crime was assessed declined compared to the previous reform period. International Transparency Society states that lack of sharpness President Megawati in combating corruption under human rights violations indicate the absence of the government's intention to create a clean government independent from corruption. Based on the annual reports of international institutions of Political and Economic Risk Consultancy, Indonesia recorded his worst score on overcoming corruption during President Megawati (Indrayana, 2008: 37)

The Case of Criminal Behavior Politician During Perspective White Collar Crime in Megawati Sukarno Putri Period

Corruption Culture Perspective White Collar Crime are reported by the public after the formation KPK was quite a lot. Less than a year, KPK has received 1,452 reports from the public about corrupt practices. Ten cases were followed up in the investigation process and already two corruption cases were successfully delegated to the Corruption Court. The major corruption cases overcome by KPK was corruption in the General Election Commission (KPU). The results of investigations and inquiries of KPK has succeeded to throw the chairman and members of KPU as well as some employees of Commission Secretariat to prison (Police and Security Studies, 2011)

In addition, the case that sticking and dragging the involvement of the Fifth President is legal case of BLBI (Bank Indonesia Liquidity Assistance). According to BPK audit the state losses estimated to reach Rp.144.54 trillion. However, the National Bank Restructuring Agency (BPPN), which issued the Settled Certificate (SKL) to bankers who received BLBI funding issued SKL, pursuant to Presidential Instruction No. 8, 2002. Based on

the instruction, the Attorney General issued a Warrant to Termination of Investigation (SP3) for parties that receive BLBI funds (Merdeka.com, 2015) Another quite shocking corruption case is corruption in congregation by Parliament member (DPRD) of West Sumatra that involved Governor of West Sumatra and 43 of 55 members of West Sumatra DPRD 1999-2004. They were sentenced from 24 to 27 months in prison (ICW, 2015)

The Reform Government of The Sixth President of Republic of Indonesia, Susilo Bambang Yudoyono (SBY)

In the first 100 days of work program of United Indonesia Cabinet, President SBY declared the eradication of corruption with theme "Creating an equity and Democratic Indonesia." SBY actualize its support in Presidential Instruction No. 5 Year 2004 on Acceleration of Corruption Eradication to assist KPK on organizing the report, registration, announcements and examination of LHKPN (State Organizer Wealth Report). Based on the Instruction BAPPENAS (National Development Planning Agency) issued National Action Plan for Eradication of Corruption (RAN PK) 2004-2009 (Hukumpalembang, 2015)

Anti-corruption team established during President SBY is Coordinating Team for Eradicating Corruption (Timtas Tipikor) under Presidential Decree No. 11, 2005. The important task of team is inquiry, investigation and prosecution in accordance with the law applicable to the case and/or indication of corruption. Then seeking and arresting the offender allegedly committing the criminal act as well as tracing its assets to the optimal finance return (Police and Security Studies, 2011)

The Case Criminal Behavior Politician During Perspective White Collar Crime in Susilo Bambang Yudhoyono Period

The government period of President SBY can be said that of which many ensnare the white-collar offenders. In law enforcement the case of white collar crime was done without selective, so no wonder in the administration period of SBY many politicians or party cadres whether as state official or parliament politician entangled in the law case. Here are names of state officials and politicians in the circle of President SBY involved in white collar crimes

Minister of Youth and Sports as well as Secretary of High Council of Democratic Party becomes suspected in corruption case of development of Training Center and Education of Sports School (P3SON) Hambalang, Bogor, West Java, sentenced 4 years in prison (Antaraneews.com, 2014)

General Chairman of Democratic Party suspects of gratification related to development of Training Center and Education of Sports School (P3SON) Hambalang, Bogor, West Java. The Cassation Court sentenced 14 years imprisonment with fine 57 M (Kompasiana, com, 2015).

House of Representatives Members from Democratic Party, the suspect of bribery scandal of athletes homestead, Palembang. Anti-Corruption Court sentenced 10 years in prison and fine Rp 1 billion to restore state losses Rp 12.58 billion and USD 2.35 million or around Rp 27.4 billion (Kompas.com, 2015)

General Treasurer of Democratic Party becomes suspect for bribery scandal of development projects SEA Games athletes homestead, sentenced 8 years in prison by the Corruption Court, Jakarta.

Members of Supervisor Board of Democratic Party become suspected in bribery scandals of Buol Regent, Central Sulawesi, sentenced 2 years 8 months in prison (Kompas.com, 2013)

Head of Work Unit of Oil and Gas Upstream Executive and the Deputy Minister of Energy and Mineral Resources (ESDM), a suspect of bribery in Ministry of Energy and Mineral Resources. Minister of Energy and Mineral Resources in this case is responsible to this scandal

Former Vice President and Governor of Bank Indonesia was rated responsible for the Bank Century scandal.

General Secretary of Democratic Party, youngest son of President SBY involved in corruption received USD 200 thousand. But until now KPK has not followed up the allegation.

Housekeeping employees of President SBY involved scandal of Hambalang project. However, KPK has not set the status of the suspect.

Members of Parliament RI from Democratic Party are touted receive money from Chairman of SKK Migas (JPPN.com, 2014)

Other case of white-collar crime are sentenced during the Corruption Court President

Previous Indonesia Police Chief involved in corruption cases of processing immigration documents while serving as Indonesia Ambassador in Malaysia. Sentenced for 2 years.

Two Indonesia Bank officials as suspected in use of YPPI funds amounting to Rp 100 billion. Each was sentenced to four years in prison,

The Governor of Bank Indonesia suspects use of YPPI funds amounting to Rp 100 billion, was sentenced to five years in prison,

Besan President along with another suspect becomes suspect disbursements Indonesian Banking Development Foundation (YPPI) amounting to Rp100 billion.

The prosecutor was caught accepting bribe 610,000 dollars from obligor BLBI, sentenced 20 years in prison, and the obligor sentenced for 5 years in prison.

Project Manager of Training Development and Procurement training tools of Depnakertrans involved inflating additional budget amounted to Rp 15 billion and Checklist Budget Rp 35 billion, sentenced 4 years in prison.

Former Governor of Riau as well as Golkar Parliament members be suspects corruption in procurement 20 units of fire trucks worth Rp 15 billion, sentenced 4 years in prison.

Former governor of West Java and Director General of Regional Autonomy Department of Interior became suspect in Damkar Case. KPK also makes suspect Former Head of Program Management Bureau, West Java and Former Supplies Head, Finance Bureau staff in East Kalimantan and Chairman of Commerce Chamber and Industry, Depok.

PPP Party Member of Parliament and District Secretary of Bintan was caught in bribery case

Golkar Party Member of Parliament and former Member of Parliament who serve as Deputy Governor of Jambi receive disbursement of Rp 31.5 billion from Bank Indonesia.

The Reform Government of The Seventh President of Republic of Indonesia, Joko Widodo (Jokowi)

The attempts of Jokowi government to eradicate corruption is promoted through bureaucratic reform. Good governance will result in professional office holders and high integrity. To implement this agenda Jokowi President issued Presidential Instruction (Inpres) No 7, 2015 on Prevention and Combating Action of Corruption. This instruction is elaboration and implementation of Government Regulation No. 55 2012 on National Strategy for the Prevention and Combating of Corruption for Long Term 2012-2025 (PresidenRI.go.id, 2015)

The Case of Criminal Behavior Politician During Perspective White Collar Crime during Jokowi Period

According to ICW total case of corruption in 2014 during administration of President Jokowi is 629 cases with 1328 suspects and total losses amounting to Rp 5.29 trillion. Four high state officials are decided to be a suspect. Among them is Minister of Religious Affairs and Minister of Energy and Mineral Resources. Then Chairman of Audit board of Finance and Chairman of House Commission VII 2009-2014 In addition, 43 heads of regions was suspected of corruption and mostly from Golkar and Democrat Parties. Meanwhile 81 parliament politician members became suspected of corruption (Selatpanjang Post, 2016)

Indonesia Corruption Watch provides five record one year of government's performance in combating corruption. First, government still hostage to the political parties interests, especially the supporters party. Second, the performance on eradication of corruption, especially, the handling of corruption cases by police and prosecutors are still far from expectations. The performance in eradication of corruption is dragged into the noise of laws, in particular criminalization and weakening KPK. The Prosecutor Corruption *Satgasus* established in January 2015 has not produced the results. The measures of prosecutor's investigation are grounded in two pretrial hearing involved Minister of State Enterprises Board and Victoria Securities Indonesia. The Prosecutor ended corruption case of the fat accounts ownership of 10 heads of regions based on the findings of PPATK. Handling corruption of misuse the *Bansos* funds in North Sumatra Province became unclear since handled by the Attorney General. Third, government is considered not able to save KPK from weakening efforts. Criminalization toward non active KPK leaders cannot be stopped. Fourth, do not appear the strong regulation to support eradication of corruption, such as Asset Confiscation Bill, Bill on Mutual Cooperation (MLA), and Bill of Cash Transaction Restrictions. Fifth, government has not fully implement 15 anti-corruption agenda as stated in Nawacita Program. This impressive an anti-corruption agenda is not a government priority (Sindownews.com, 2015a)

The case that draw most attention of Indonesian people both nationally and internationally are corruption and desecration cases committed by Jakarta Governor. The corruption case that ensnared Jakarta Governor as suspect linked to the purchase of land in Cengkareng and Sumber Waras hospital, but so far the case has not been decided. The expert of Constitutional Law Yusril Ihza Mahendra said, police, prosecutors and KPK was too slow in dealing with this case (Sindownews.com, 2016). Likewise, the cases of religion defamation is offending majority of Indonesian Muslims and seized a long time and finally made suspect status to Governor of DKI.

Indonesian government's efforts in law enforcement against violation of white-collar crime can be said has not successful or still far fire from the roasted. The findings of crime and law enforcement to the offense still collide with the ruling interests, so it can be said the efforts of law enforcement against white-collar crime was not effective and it still needs hard work to solve problems and face challenges to realize the form of good governance independent from corruption, collusion and nepotism.

White collar crimes are involving Indonesia state officials and parliament politicians has reached to the very alarming rate. The portrait of crimes that the state official and parliament politician committed as has been explained above reflects how severity of moral decay condition and integrity of state organizers. Actually, commitments were sounded in each government period on realizing good governance that independent from corruption, collusion and nepotism is only a jargon or state officials rhetoric. This proved by crimes they committed, in which not uncommon the crime was done in congregation to get benefit upon their own interests either individually or groups and violates the rights and people interests.

A large part of white-collar crimes occurs involved government or individual crimes either as state official or politician who doing crime in the name of state. Government crime is the worst evil and most detrimental to social order and society. The worst crimes, in terms of physical harm to human beings, abuse of civil liberties, and economic loss, have been committed by individuals and entities acting in the name of government or state. (Friedrichs, 2010:127)

The crime against government is different with crime by government. In the first place generally it is meant the attempts to protest, express belief about, or alter in some way the existing social structure. This crime is regarded by the authorities as detrimental to the state. While, the crime by government is violation committed by government, more particularly by government agents, which are usually called as white collar crime. It has been classified most typically as the type of political crime in which the crime was designed by the ruling interest. Since government have sovereignty over the people and able to control the citizen so as long as the classic tradition the immunity of government from the law is tacitly accepted (Clinard & Quinney, 1973:154-158).

Governmental crime is closely related to white collar crime committed by corporations, professionals, business-people, and others because the parties involved have respectable status, occupy position of trust, most

particularly have moderate or higher incomes. Clearly, it is symbiotic relationship, mutual interdependence, exists between governmental and traditional white collar crime. Although it is not easily to discriminate between those who commit crimes on behalf of the state and those who use their state or governmental position to commit offenses for their own personal benefit. This cooperation of white collar criminals between Indonesia state official, parliament politician and corporate in doing the crime, characterized by Sutherland as form of state organized crime. Chambliss (1989) identified the forms of state-organized crime, including state complicity in smuggling, assassinations, criminal conspiracies, spying on citizens, diverting funds illegally, selling arms to blacklisted countries, and supporting terrorists. (Friedrichs, 2010: 128-141).

The crimes by corporations (state or organization) were committed rationally, deliberate, persistent, and more extensive than prosecution of them indicated. Victims were frequently quite impotent to respond effectively to the corporate crimes, which were difficult to prove, and corporations were well positioned to “fix” cases against them. (Clinard & Quinney, 1973:154). It is basically identical to the form of Indonesia white collar criminals, whether the crimes committed by white collar criminals in the old order, new order or reform period. White collar criminals can collaborate against the law to get their monetary, politics and power interest. Personal goals, corporations and even political parties can do against the law to achieve collective personal and group gain.

Based on the theoretical analysis of crime behavior on Indonesia white collar crime, there are three explanations about a goal the offender wish to achieve when they do a crime. First, white collar criminals committed under their personal interest. Second, they committed crime under their group or party interest and finally, committing a crime to preserve their power interest. In these three cases of white collar criminal interest, not all of the offender can be easily ensnared by law and sentenced. Many reasons that can save the offender from charge, it could be the official protection, guarantee from the ruler, and the result of political bargaining among parties in the state.

According to Chairman PP. Muhammadiyah, there are four obstacles of law enforcement to white-collar criminals in Indonesia: First, law enforcement still weak even there is systematic effort to weaken KPK and role of anti-corruption agency. Second, the lack of cooperation and overlap between state agencies, whether police, attorney, and KPK. Third, political intervention from executive and legislative board in corruption cases involved public officials or particular political party. Fourth, has not grown and developed an anti-corruption culture, both in bureaucracy and society. (New Republika.co.id 2015)

A lot of Indonesia white collar crime cases, which does not quickly resolved and impressed being protected in each reform government period, either it was a crime of corruption, collusion and nepotism committed by state officials and politicians parliament in the ruling government circles has strengthened Hobbes's view that the important costs of crime are imposed by the state. In this case, the state has an important role to create what can be called as the crime. The definition of crime dependent on the crime defined by the state. Basically, Hobbes's view precisely rejects assumption that crime resulted in consensus, in which everyone agrees for example the theft, robbery, and murder are the crimes. Therefore, an act can be said as the crime based on the society assumption about the crime itself (Schreck & Hirschi, 2009: 307)

Some possible analysis causes Indonesia white-collar criminals that are involving state officials, politicians, parliamentarians or corporation stuck in criminal behavior, as has been described is because of personal, group or party interests and retain the power. But the most fundamental reason is because of economic strain becoming the needs of individual interests. The economic strain here not only means in the form of money but also attainment of status, revenge against disappointment source of personal, political and bargaining positions of power. They abuse of power in the name of the state and commit the acts that violate laws to accomplish their improper or prohibited objective. (Friedrichs, 2010: 129).

According to the classic strain theories (Agnew et al., 2009:35-36) individuals from all social classes are encouraged to pursue the goal of monetary success. The frustration resulting from this goal blockage drives some of these individuals to crime. The crime may be used to achieve monetary goals, obtain status, seek revenge against perceived source of goal blockage or other targets, and alleviate frustration and other negative emotions. In

particular, economic strain is said to be an important cause of white collar crimes committed strictly for personal or group gain.

The difficulty of law enforcement for combating white-collar crime in Indonesia basically lies in the lack commitment of all components of nation to aware the importance of cooperation against white-collar criminals. This awareness is important to built from personal consciousness, then support of groups and political parties as well as all the instruments of state officials to achieve a good governance.

CONCLUSION

Criminal Behavior Politician During Reform in Indonesia perspective white-collar crime is a crime committed by respectable men in government and corporation environments. Differences of white-collar crime and traditional crime is that white collar crime is not related to physical violence or threats. However, the impact is very damaging and has massive influence on the failure of achieving the of state or corporation goal

Corruption culture in Indonesia perspective white-collar crime in Indonesia that involves individuals interests, state officials, parliament or political parties politicians and the ruling government has long standing since administration of the old order, new order and even more rampant in the current reform government. The reform period basically voicing a goal attainment of good governance independent from corruption, collusion and nepotism. However, many political parties involved in the state organization has been growing the amount of interest must be accomplished each individual, group or concerned party and the ruling government. Corruption, collusion and nepotism that occurs in the reform government period has driven each government to formulate agenda and law enforcement against white-collar criminals. During the reform period white collar crime increasingly showing its existence. This is caused by governments' commitment to enforce the law against white-collar criminals in government and corporate environments, although only to the finding invention level of the white-collar crime suspects

Corruption culture in Indonesia perspective white-collar crime during the reform period has been to the very alarming level. The amount of the individuals interest, groups and political parties and the ruling government hat included in government crime can be considered as state-organized crime in a corrupt government. The lack of success of government in resolving the case of officials or politicians who stumbled in corruption, collusion and nepotism rapidly, lightly court verdict, many cases delayed in the its prosecution process, even termination of cases involved an important officials of state and influential are normal phenomenon found in Indonesia state politics atmosphere. All this happened due to the conflict of interest in each individual, groups and political parties and ruling government that often in getting solution based on the interest or political bargaining and abuse of power committed by the ruling government. The law enforcement occurs at this time reinforces Hobbes's theory that a criminal act and fault can be assessed otherwise when the ruling government decided that the action was not malicious and wrong. This means that a value either good or evil depending on the assessments decisions committed by the authorities.

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