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ANALYSIS OF CORRUPTION JUSTICE FROM THE PERSPECTIVE OF LEGAL SOCIOLOGY

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Abstract: Sociology is ethical behavior. It is known that it is usually distinguished between mere behavior and ethical behavior (which is based on a clear conscience). His behavior includes behavior in the areas of trust, decency, disobedience, and law. Behavior that can be distinguished between normal behavior (fixed) and unique behavior Sociology of law pays attention to its attention to the law as a social phenomenon (behavior) with its reciprocal influence on other social phenomena (behavior too). Thus the possibility that one party is considered as an influencing factor (independent variable) and the other party is considered as an influencing factor (independent variable). Careful research activities are required. However, the sociology of law does not prioritize because both are the center of attention of science. Thus, the sociology of law first focuses on unwritten or customary law, usually customary law. With the first criterion, the behavior of carrying out the law (as), from other symptoms.

Keywords: Sociology of Law; Ethics; Behavior.

INTRODUCTION

Corruption in indonesia is currently in a very severe position that takes root in every communal life. The development of practice corruption from year to year is increasing, either in quantity or amount loss, finance country and terms of quality the more systematic and sophisticated, and its scope already expand in whole aspect society. An increase (Budiardjo, 2008) in criminal acts of corruption that are not under control will bring disaster not only to the life economy national but also to the life nation and state in general. The rise of case criminal acts of corruption in Indonesia no longer know boundaries of who, why, and how. Not only the holder position and interests only who committed criminal acts of corruption, good In lsector public and private, but criminal act corruption has already become a phenomenon (Hans Kelsen, 2009).

The implementation of the country clean become essential and is very needed to avoid practices of corruption that involve not only the officials concerned but also family and cronies, which, if left, then people indonesia will be in a position very wronged. According to Nyoman Union Putra Jaya mentioned that criminal acts of corruption are not only done by the organizer country, between organizers countries, but also by the organizers country with other parties like family, cronies, and business people, so that damage joints the life of society, nation, and state, and endanger the existence of State. Crime criminal corruption is an act that not only can harm the finances of the country will but also can inflict losses on the economy and the people. Barda Nawaw Arief argues that criminal act of corruption constitutes acts very despicable, damned, and very hated by most society, not only by society and nation indonesia but also by society nations around the world. Corruption in Indonesia occurs systemically, massif and structured so that it not only harms the financial condition State but (Herman Bakir, 2009) also broadly violates social rights and the economic society. As per opinion Lord Acton (John Emerich Edward Dalberg Acton), in his letter to Bishop Mandell Creighton, wrote an expression that connects corruption with Power (Herman Bakir, 2009) "Power tends to corrupt, and absolute power corrupts absolutely" that power tends to corruption and power that absolute end corruption. The expression is a condition that occurs when this happens in Indonesia. If sea travel eradication of Crime and Corruption currently, it can not (Rahardjo, 2009) separate from the critical role of the Institution Judiciary in law enforcement in Indonesia. The judge as an enforcer has a duty principle in the field of the judiciary, accept, check, decide, and resolve every case addressed to him; the duty can be stated that the judge the execution core, which functionally exercises power judiciary as mandated Law Number 48 the Year 2008 concerning Power Judiciary.

Cases of criminal acts of corruption are difficult to disclose because the perpetrators use sophisticated equipment and commonly do by more than one person in a state veiled and organized. Therefore, this crime, called white collar crime or white crime collar, seems to be the case in Djoko Tjandra. Case scandal

corruption bank ball that happened since 1999 again discussed public. This was after convicted corruption transfer rights charge (cassie) bank Bali, Djoko Tjandra, succeeded arrested Bareskrim Polri. Director PT Era Giant Prima (EGP) was known to hide in Malaysia before he was arrested, specifically CID. He digelandang ke indonesia after fleeing since the year 2009. Djoko Tjandra known had been out in Indonesia. On 8 June 2020, he had to register Review Reviewed (PK) in Court Negeri Jakarta Selatan over a case that bought it. He also had taken care of KTP in Kelurahan Grogol and had applied to make a passport at Office ImmigrationNorth Jakarta (Mukthie Fadjar, 2008).

That the existence of Nessie is also not reported to bapepam and pt, be, even though the bank has already entered the bursa. In addition, regarding billing to BPPN, it turns out that they still do bank Bali, not Erai Giat. Chairman BPPN, Glenn M.S. Yusuf, realized that would cassie Bank Bal and then canceled the treaty cession. It started when the investigation began. Setya Novato then sued BPPN to Court Administration State (PTUN) and won. Although he still won in level appeal, Supreme Court (MA), through judgment on his appeal on November 2004, won BPPN. Not enough there, Era Giat also brought this case to realm civil with sued Bank Baland to disburse funds of Rp 546 billion. The court, on April 2000, ruled that Era Giat was entitled to more than half a trillion rupiah. Process justice crime corruption is the same as crime other. Started from stage Investigation, Investigation. The prosecution, Examination Trial Court, and PhaseI Implementation of Judgment. Kitab Law Law Procedure Criminal (KUHAP) has regulated duties and authority, and each institution must carry it out. However, disputes and disharmony, responsibilities, and power between institutions in the System of Criminal Justice still often occur. Dispute it even very tapered so give rise to cynicism in society. For example, alone, society criticizes the existence of usurpation authority to investigate the case of criminal corruption between police and kpk in the case click and crocodile, that two agencies of enforcement law the by part society judged to form seizure power eradicate criminal anti-corruption.

MATERIALS AND METHODS

Research is one of the activities in science carried out according to rules and scientific methods obtaining information, data, and information relating to the understanding and the truth and versa, an assumption of the purpose of improving the quality of human beings through the development of science. Research is helpful if it produces a new theory, corroborates an idea, finds a concept, or corroborates a statement. The type of research used by the author is juridical normative (Z. Ali, 2009). Research Law is done by the way research material library called research Law Literature. Consideration author in use type research this is to know, analyze, and explain about Analysis about justice corruption in perspective sociology law.

RESULTS AND DISCUSSION

This discussion will discuss the case of corruption of Djoko Tjandra in some theory.

1. Theory in Donald Black

Purnad Purbacaraka and Soerjono Soekanto mention nine kinds of legal meanings: law as; knowledge, discipline, rules, legal systems, apparatus, decision authorities, government processes, attitudes to act, and direction as a link. Philip Selznick, as quoted by Cahyadand Fernando, defines the direction of Asian order rule as a unique mechanism to legitimize (declare) that they have authority and is set up to protect the creation and application of rules from the pollution of other forms of guidelines or rules or controls. Donald Black, in his book "The Behavior of Law," defines law from a sociological point of view, stating:

Law is the government's social control; in other words, the normative life of the state and citizens, such as legislation, litigation, and adjudication. In contrast, it excludes the social control of the everyday life of government services, such as the Asian post office or the fire department, because this is the social control of employees, not citizens.

The translation is thus this: Law is controlled colonial government; in other words, the law is the normative life of A state and its citizens, like legislation, process court, and judgment court. However, social control should be included throughout government institutions, like office posts or fire departments, because these institutions control society only on the scope internal over their employees, not the size of the country (Bouman, 1976). The related definition proposed by Black, Gunaryo, forward; in detail that every law depends on the social conditions surrounding it. Social context also always influences disposition law, with word else displaying static but dynamic. That In Djoko Tjandra, in perspective sociology according to the Theory of Donald Black, Corruption is something thing that violates provisions of social norms. Corruption needs to control social from socie.

2. Oliver Wondel's thoughts

That development finally gave birth to sociology, which also projected background thoughts of formalism. In the plot, history increasingly rejects ways to study and positively analyze it; Merton white talk about the revolt against formalism in social sciences. The statement by Merton White is based on several in and of various fields of science in the united states that can trace tillite oliver wendell holmes jr., who rejected opinion law, something abstract that pre-existing and stay wait to be discovered by a judge (Soerjono Soekanto, 2013). According to Oliver Wendell Holmes Jr.'s direction, it was made by the. The formalism that so it very is also good for projecting social studies against the law, which is out of the traditional legalists' information mentioned above. As mentioned earlier, more sub-specialties can meet and work because equation object research, way research, and system are the same. Sociology law, as a field new to the direction, arises from mixing rule law criminal with sociologist that becomes a group rule law that is round, homogeneous, and personality. It thus

strengthened by Soedjono Dirdjo sisworo and Soerjono Soekanto. Science law that study law as one symptom social because of its relation to various aspects of human life with facets-broad become the more developed branches so that there is khansamah science law, some science law which specializes deepening with utilize Approach Disciplines Other Sciences and Develop Become Branch of Law Which am increasing, for example sociology law.

In perspective, this theory of justice corruption Joko Tjandra must be based on discipline law and regulatory law.

3. Theory in Responsif Philip Nonet

The law responsive is a model or theory in initiated nonet-Selznick in middle criticism scathing Neo-Marxist against liberal legalism. As is known, liberal legalism presupposes law as an institution independent of system regulation and procedure objective, not impartial, and autonomous. Icon legalism liberal is autonomy law. The form (A. Ali, 2002) most real of autonomy itis the regime rule of law. With its independent character, it is believed that the law can repress and keep its integrity. Viewed from interests in internal system law itself, postulate integrity indeed can. However, the law is not the purpose for me. Law is a tool for man. He is an instrument to serve human needs. This meaning isolates system law from various institutions' social in the vicinity, precisely bade from the side human needs it. Law quickly changes into an institution serving self, no longer serving serviceman. The law can no longer rely on tool change as a tool to achieve substantive justice. Sign danger of eroding authority and the inhibition of substantive justice has become the focus of criticism.

Having a search law responsive has been concern am very significant that continuously from theory law modern to make the law more responsive to need social and to calculate more complete and more intelligent social facts, which become the basis and objectives application and implementation of the law. The nature of responsiveness can be interpreted as service needs and social interests experienced and found not by officials but by the people (Anthony Giddens, 2005). it forward authentically need special efforts will allow this Done. This required a new path for participation. Nonet and Selznick show the dilemma of thorny din institutions between integrity and Openness. Integrity means an institution's incisive social needs remain bound to procedures and the ways work that distinguishes it from other institutions. Maintaining integrity can result in institutional isolation. I will continue to speak in my language and use its concepts in distinctive ways that already need help understanding my expert law. Talking with expert law and activities institutions will be most socially relevant. On the other side, openness is perfect, will mean that language institutional becomes equal to the language used in society in general with the language used in association but does not contain special meaning, actions institutional will be fully adapted with for cousin

environment social (Yanikasiani, 2016). concept law responsive see a solution for this dilemma and try combine opennesswith integrity. Writing will analyze a more profound concept law responsive net and Selznick, regarding the difference between type law responsive and type law autonomous and law as institution social that serves social needs in period transition.

In the middle of the series, critiques of the legal reality crisis authority, namely the legal response of the nonet and Selznick file models. Social change and social justice require a responsive legal order. This need is the central theme of experts who agree with the spirit of functional, pragmatic, and purposive (goal-oriented) energy, Roscoe Pound, adherents of legal realism, and contemporary criticism. The rule model proposed by Dworkin can now only rely on the dynamics of handling, which require a social team amid changes that need to be matured side by side. The answer to the concept of normative law is a selective adaptation to new demands and pressures. The criterion for its selection is the rule of law, which aspires to no longer mean formalities of procedural merit but to progressively reduce arbitrariness and abuse of power in life, politics, and the economy. This law does not discard the notion of justice but expands it to include substantive justice.

Responsive law is itself from autonomous law in its emphasis on an objective role in regulation. Law-making and enactment of laws no longer serve a purpose, but their importance results from a larger social purpose. They are seen from the side, the rule of law, which is minor, is strict. These rules are now seen as a unique means of achieving a more general goal, and the many kinds of rules are expanded or even discarded when viewed properly from the point of view of the goals to be achieved (Musakkir, 2010). What is the purpose of the law, and what must be upheld by the rule of law is only sometimes visible, can be hidden, and has implications. The critical point is that the information meaning of the rules must be asked about what intentions are being served and what values and interests are at stake. Analysis may be required to uncover such claims, make appropriate values, and clarify legal objectives. Nonet and Selznick explain this approach with an example of a proper legal process. Under an autonomous legal regime, this concept may mean nothing other than the procedural order of decision-making established by the rule of law. (Munir Fuady, 2011). However, the type of responsive directive one aspires to demand a more flexible interpretation that sees the rule of law abound in specific issues and contexts.

Institutions are responsive and maintain things essential for their integrity while paying attention to or considering the presence of new forces in their environment. For this reason, legal responsiveness strengthens how openness and integrity can support each other even though there are conflicts between the two. Responsive institutions regard social pressure as a

source of knowledge and opportunities for self-improvement. To obtain this number, an institution requires guidelines in the form of (A. Ali, 2009) purpose. Goals set standards for critiquing well-defined actions and, therefore, open opportunities for change to occur. At present, if the objective of the guidelines is made, it can control discretionary administration to reduce the risk of institutional (institutional) surrender. On the other hand, meaninglessness is rooted in rigidity and opportunism. The bad condition of the number of voters coexists and is interrelated with one another.

An institution which formalist, bound to rules, is an institution that needs to have the completeness that is adequate for things to begin to conflict with the environment. This institution tends to tend to adopt opportunists because they do not have or lack the criterion for rationally reconstructing policies that are outdated or that are not worthy anymore. Only when it has purpose can there be a combination between integrity and openness, rules and discretionary. So, law responsive assumes that the goal can make enough objective and enough governments control creation rules which adaptive (Soerjono Soekanto, 2012). In the case of Djoko Tjandra, no one may apply theory because the Trial of Djoko Tjandra must be based on the rule of law. After all, if used approach precisely will not realize justice for the community.

4. Theory in Harry in C. Bredemeirer

According to Harry C. Biedermeier, that done by law (in this Court) indeed coordinate various interests which walk individually, even that may contradict one another it to one relationship the orderly and thus become productive for its society (Rahardjo, 2008). The community must also accept the law to carry out its functions, meaning that the community must recognize and use the law to resolve conflicts to benefit the community. In the Djoko Tjandra case, should the public accept the results of Joko Tjandra's trial?

5. Progressive Thought Satjipto Rahardjo

Legal Progress Correcting the weaknesses of the modern legal system, which is full of bureaucracy and procedures, has the potential to override the truth. According to (to Satjipto Rahardjo, 2009), the law needs to return to the fundamental principles of philosophy. With philosophy, humans become determinants and legal orientation points. Legal obligations serve humans, not the other way around. Therefore (Johnstone, 2020), Law is not an institution separate from human interests. The quality of law is determined by its ability to serve human welfare. This causes progressive law enforcement to adhere to the ideology of "law that is pro-justice and law that is pro-people."

Progressive law does not accept absolute or final legal institutions but is primarily determined by the ability of the toman's reserves. The legal

progressives rejected traditional analytic jurisprudence, the interests of German jurisprudence, the nature of law theory, and critical legal studies. Progressive law is a correction to the weaknesses of the modern legal system, which is full of bureaucracy and wants to free itself from the domination of type-liberal law. Legal progressives reject the notion that order only works through state institutions. Progressive law is intended to protect society in an ideal direction, reject the status quo, and not want to make legal technology a moral institution. Life requires social rules in the present; the law is a prima donna. This happens because the law has the completeness, legitimacy, and power to impose the order it wants. Through created institutions, humans produce laws. However, uniquely, the rules here feel shackled, and humans want an escape from those above being shackled (Alvin S Johnson, 2004). I have too often heard say "ubsocietas ibis" (where there is a society, in there exists the law); the news is the simple statement that man cannot live outside order. However, do not discuss the complexity between "society" and "us." Refrain from describing how intensive and complicated the relationship between both is since I am now using modern law. The distance between society and its law becomes farther, like a "foreign object in the body." Partly people say that the current law has been sliced into its flesh, which describes how sharp the modern law is. In contemporary society, as do on communities, ancient shared ownership over rules and morally supported social togetherness, and therefore the source to remain maintained order.

The bottom line weakens the strong attention expressed on "Progressive moral law enforcement offers a form of thinking that law enforcement is not subject to the existing system, but is more affirmative (normative law enforcement). This would give rise to indentations in liberal terms that the more popular type of parking is currently making inroads. Law advances look at other goals as social ends and social context. Affirmations support my desire to use law for the benefit of people over individuals. For this reason, courage is needed to liberate from the absolute domination of Liberal principles and doctrines. In this context, progressive law puts forward the saying, "The law is the Forman/the people, and not the other way around." ” With this paradigm, when people face or are subject to legal problems, I am not "the one to blame" but have to do something that is not legal. Existing, including reviewing the principles, doctrine, substance, and applicable procedures. one of the keywords in progressive law is Liberation. So judges and prosecutors need to learn again to read texts freely and forward, using the current social context and social goals. Is not the text of the law damaging to society if you do not read and interpret it progressively? Judges and prosecutors need not doubt whether they can provide arguments as long as they are free. This is a fundamental argument that can put forward the courage to leave liberal

demands and enable the law to serve, guarantee and take care of Indonesia's needs.

6. Empirical

Many experts who try to formulate corruption see that the language structure and way of delivery are different, but in essence, they have the same meaning. According to Kartono, corruption is the behavior of individuals whose power and position are to gain personal gain, which is detrimental to the public interest and the state. Meanwhile, according to Wertheim, corruption originates from reciprocal services from third parties received or requested by an official to be forwarded to his family, party, or group. In other words, corruption is an act that emphasizes personnel in illegal ways that harm the public interest. Regarding justice, Djoko Tandra should be the state as the policyholder must administer justice by law.

CONCLUSIONS

Sociology is a science that studies socialization, both social processes, social interaction, social club institutions, lifestyle changes, the colonial structure of society, social mobility, gender, social change, social resistance, social resistance, conflict, social integration, family; Law is the whole of the norms which a ruling community with authority to stipulate the law declares or considers as a binding rule for some or all members of a particular organization, with the goal desired by that ruler. The sociology of law is a branch of science that understands, studies, and explains empirical analysis of legal problems faced by other social phenomena. The reciprocal relationship between law and other social phenomena is an integral part of the study of the Sociology of Law. Thus, the emphasis of this Sociology of law is more directed to patterns of people's behavior in viewing what is happening around them. How do people obey the law, break the law, and live the law? The sociology of law is needed by society because it will explain every object studied.

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