Aplication of Shaming Punishment for Corruptors in The Corruption Law Enforcement System in Indonesia

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Abstract: This study aims to find the ideal model of punishment as an effort to eradicate corruption in the corruption law enfoercement system in Indonesia. The discovery of the ideal model is urgently needed in view of the model to eradication corruption that has been applied in Indonesia dominant approach between the legal structure and legal substance, and tend to forget the legal cultural approach, while the law enforcement itself takes a holistic approach between the legal substance, legal structure and legal culture. Without being supported by a conducive legal culture, surely the law in the framework of the fight against corruption can be realized. The application of shaming punishment idea is a certainty in order to restore equality in society as a result of the loss of the state's financial resources that was corrupted by the criminal perpetrator.

Keywords: Shaming Punishment, Legal Culture, Corruption.

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A. INTRODUCTION

TOW very remarkable things relate to the problem of corruption expressed by many people that "it's hard to cope with corruption in Indonesia, and it's not so good to be so corrupt in this country". This phrase seems very reasonable because it sees the fact that corruption and the culprit, rather than immediately shrinking, but even spill over. Until now, corruption is still a chronic and even latent disease in Indonesia. The problem of corruption has become something systemic so that all efforts to eradicate it is not easy to do just because of democratic political changes. Even corrupt practices in Indonesia have come to the most dangerous in the life of the nation and the state. Although there is a clear legal basis for eradicating corruption, corruption remains rampant and does not diminish. The proof of successive rules, which always fix later and add to the first, but corruption in all its forms are still felt and still rampant.

Indonesian legal culture experts, Nitibaskara (2007) critically disclose that viewed from the aspect of legal material, eradication of corruption in Indonesia is quite complete, maybe even excessive. However, these provisions are just like works of literature. It seems that the threat of harsh punishment in the corruption law is not something that can prevent corruption. Even the rules of law in serve as a tool of crime for the purpose of crime. Evil with the law as a tool is a perfect crime, difficult to trace because it is covered by law and is in the law (Nitibaskara, 2001). Attitudes to the prohibition of corruption as a positive law have not been perceived as a law that really lives. The rule of law is not yet realized as a common property that must be upheld. This is related to the level of legal awareness (*rechtsbewustzijn*), especially when the law in action (Nitibaskara, 2009).

Recognizing the phenomenon of rampant corruption with various characteristics contained in the crime is needed a model of crime prevention of corruption by using the legal culture approach prevailing in society, namely by applying shaming punisment in the form of social works. The application of this idea is worth doing considering the criminal act of corruption as an extraordinary crime that has factually undermined the nation's economy and has spent a lot of energy from the community to fight corruptors.

B. LITERATURE REVIEW

In socio legal studies, legal culture as one of the tools of analysis or approach becomes an inevitable concern in Indonesian legal discourse. Legal culture is a crucial factor to the development of law in a state. Legal development not only by establishing new rules or legal organizations and providing legal apparatus, facilities and infrastructure only. However, it is also important to establish a legal culture that is in line with the objectives of the development of the law itself. The term legal culture itself is explicitly first used by Lawrence M. Friedman (1975). He conceptualizes the legal culture within the framework of viewing the performance of the legal system from a social science perspective and explains it behaviorally. The legal culture is used as a major element or prerequisite to explain what is meant by the legal system, in addition to the legal structure and legal substance. It is thus seen from his opinion that interpret the legal culture as "the element of social attitude and value".

The legal culture is a constant social force, but not directly employed in a legal system. The culture of law refers

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to a part of the culture in general that can be habits, opinions, ways of thinking and acting that determine the social power to get or move away from the law. In short, the legal culture is the values and behaviors, "which ... start the machinery of the legal system moving or, conversely, stop it in its tracks" (Friedman, 1975). Therefore, Freidman (1984) interpret the legal culture with the following expression:

> "…people's attitudes toward law and legal system? Their beliefs, values, ideas, and expectations… The legal culture, in other words, is the climate of social thought and social force which determines how law is used, avoided, or abused. Without legal culture, the legal system is inert? a dead fish lying in a basket, not a living fish swimming in its sea".

Daniel S. Lev (1990) gives a somewhat different description when discussing legal culture. Lev separates the legal system and legal culture. This is evident from his statement, "This essay is developed and based on two concepts that need to be given a minimum definition. The first concept of 'legal system', while the other 'legal culture'". He further explained that the content of the concept of the legal system related to the procedure, namely how people deal with the various affairs in the community, how they overcome the anxiety, what kinds of functions they expect to provide assistance, how the relationship of these functions systemically, and sources of power what do they have. While legal culture deals with values relating to law and legal processes but is analytically differentiated from law and legal processes, and is often stated independently. The concept of legal culture consists of two elements, namely relating to (i) procedural legal values, and (ii) substantive legal values. The values of the law of lawfulness are related to the means of social arrangement and management of the conflict (conflict management), while the substantive legal values consist of basic assumptions about the distribution and use of resources in society, right and wrong in social terms, etc.

Lev also distinguishes legal culture in two kinds, first, "internal legal culture", that is, the legal culture of citizens who carry out specific legal duties, such as lawyers, police, prosecutors and judges; and second, "external legal culture", the legal culture of society in general. He also said that to understand the legal culture, there are practical ways that can be done by considering from 2 (two) indicators, namely (a) values related to social governance and conflict management. These values are the cultural basis of the legal system and are helpful in determining the "place-giving system" to legal, political, religious and other institutions at any place and time in the history of a society, (b) basic assumptions on the dissemination and use of existing resources in society, the good and the ugliness of the social etc. These assumptions are in the ideological view of a changing political and social economy that is directly proportional to the change of society, with the possibility of being culturally peculiar or just the opposite.

Meanwhile, Ewick and Silbey (1998) and Smits (2007) confirmed that ideational theorists in the anthropological discipline explicitly conceptualize legal culture as a software or collective consciousness as arise from interactions in the activities of daily life. At the same time, Mezey (2013) explain that they see cultural and legal relationships dynamic, interactive, and dialectical, which in that relationship permits the law as the formator as well as the object of cultural studies, and / or circularly rotates, that one and in turn forms the other. The concept of an ideational ideological culture is somewhat inspired by Geerzt (1983) view that the law is part of the way of thinking about reality, a species of social imagination, so that the reasoning of the law is not merely a reflection even a construction of social reality. Likewise, they use Bourdieu's theorizing of the concept of legal habitus, as "system of durable, transposable disposition, structured structures predisposed to function as structuring structures, that is, as principles of the generation and structuring of the practices and representations" (Bourdieu, 1999). The legal habitus is essentially a set of mental structures and the habitual way of understanding; as a structure of cognition or social tendency; not tangible rules of law but can organize praxis; as the principle of strategy development rather than the principles governing its strategic form (Mautner, 2011).

An important factor that needs to be examined in the study of legal culture is the attitude of a group of cultural advocates towards their own laws. Because "law and legal system are cultural products like language, music and marriage arrangement" as revealed by Bierbauer. In essence, studying how the real work of law in society is necessary. It is also recommended Mezey (2013), for the study of legal culture first to explain the concept and approach of cultural discipline it uses. Even when it raised the cultural functional approach, Malinowski (1961) asserted;

> "*The function approach to the normative problems does not allow us to be misled by the absence of formal and institutionalized of types of legislation, juridiction or codification. Legislation, effective sanctions, and the administration of tribal rules are often carried out as by product of other activities*".

Therefore, Malinowski's advice is important to underline in studying the legal culture, especially in relation to formulating the application of criminal sanctions based on the culture of community law. However, legal culture is a crucial factor in the development of law in a country. Legal development not only by establishing new rules or legal organizations and providing apparatus, legal advice and infrastructure only. But it is also important to establish a

legal culture that is in line with the objectives of the development of the law itself. The legal culture to be established through the development of national law is a legal culture as the embodiment of the rule of law in Indonesia.

C. METHODOLOGY

This paper questions two legal issues, namely (1) how the urgency of prevention of corruption through the legal culture approach? and (2) whether shaming punishment as a legal-based idea of law can be applied to corruptors? These two legal issues are proposed to find the ideal model in the effort to eradicate corruption in Indonesia's corruption criminal law enforcement system. The discovery of this ideal model is urgently necessary given the prevailing model of corruption eradication in Indonesia is dominant using an approach between legal structures and legal substance, and tends to forget the legal cultural approach, while in law enforcement itself requires a holistic approach between the substance, structure and culture of law as Friedman taught. To answer the two legal issues, the author uses normative legal research methods with the approach of triangular concept of legal pluralism, which combines philosophical, normative and sociological approach. Further data analysis is done through qualitative analysis of Miles-Huberman model. For data interpretation activities, the authors use a combination of interpretation methods of structuralism and hermeneutical intrerpretation.

D. RESULT & DISCUSSION

1. Urgency to Eradication Corruption Through the Legal Culture Approach

Currently, corruption has become a problem in many areas of life. Corruptive behavior is not only done by the executive and legislative only, but the legal apparatus was already a lot of corruption involved. This phenomenon has also been hinted by Huntington (1968) that corruption, of course, takes place in all kinds of societies, but more plural and intense in society than in others, and more seriously in the early days of modernization than after. As a country that leads to the era of modernization, the phenomenon of corruption also systematically and massively occurs in the order of life of people in Indonesia.

From independence to reformation, corruption has been prevalent, even though the Indonesian government has enacted several sets of legal rules with the formulation of harsh legal norms. Even Alkostar (2008) - a distinguished judge in Indonesia feared by corruptors - writes in his dissertation that "corruption in Indonesia as well as in some other countries is highly correlated with abuse of power from political power holders". Not surprisingly then due to rampant corruption in Indonesia, which is generally dominated by political power holders in the end positioned Indonesia as one of the most corrupt countries in the world.

Seeing so massively and systemically this problem of corruption, its handling must be comprehensive and not seem to be done with a partial approach between legal structure and legal substance, but also the legal culture as Friedman taught. So far the approach of legal structure and legal substance is more dominant and seems to forget the legal culture approach. It thus appears to be embraced in the political law of the prevention of criminal acts of corruption. From the side of the legal structure by strengthening the Corruption Eradication Commission (KPK) institutionally as an institution that becomes the main engine driving force in the eradication and prevention of corruption, and in terms of legal substance with the birth of laws designed in such a way with extraordinary authority ranging from stage investigation, investigation, seizure, wiretapping, to prosecution, even harsh punishment including the death penalty. In practice, criminal sanctions for corruptors tend to be deprived of liberty, fines, and surrogates.

With both approaches instead of corruption reduced, even more popular as mushrooms in the rainy season. Although the KPK is given extraordinary authority with the law enforcement apparatus of choice from various law enforcement agencies (police, prosecutors and judges of corruption) and the legal rules containing the most severe sanctions, it still has not provided a frightening effect so there is a legal awareness of each people not to commit corruption. A partial approach to the prevention of white-collar crimes has been reviewed by positioning the legal culture as an approach of three approaches that should be applied holistically.

Therefore, it is necessary to transform the legal culture in law enforcement, especially in the effort to overcome corruption. The government's decision to establish KPK with competent authority and apparatus in corruption eradication may be appropriate and adequate. But whether all these steps can free the country from corruption, if the effort is not supported by the realization of the legal culture of society and law enforcement itself. According Pujirahayu (1981), which is expected from the function of law as a means of social engineering today is doing business to move the people to behave in accordance with new ways to achieve a state of society that aspired.

To realize that goal requires a legal awareness of the community to obey the law in which it contains values, views and attitudes that affect the workings of the law which Friedman calls the legal culture. But this ideal legal culture is still far from expectations. There are still people who tend to be more proud of violating the law and it often happens in everyday life, such as violation of traffic signs, and when a

corruptor from the ruling elite group when caught red-handed still smiling and waving as if not feel guilty in front of the media. Worse yet, it is all done with full awareness that the behavior shown is intentionally violating the rule of law.

In this position, the ruling elite does not provide exemplary attitudes about law-abiding behavior. In Keller's (1963) view, the condition is because the ruling elite are the leading positions in society that have previlige as a select group, so the law is often made powerless at all in the name of interest. This elite group of rulers is categorized Mosca (1939) as the ruling class. The corruption practices he exhibits have injured the sense of community justice, how not, people who have been trusted by the people to become the rulers of the government betrayed that trust by doing corruption both for themselves and their groups, and to enrich others in the form of a conspiracy with the economic ruling elite. As a result, corrupt behavior has degraded the embarrassed culture that actually embodies that culture itself already exists and is internalized within each individual as part of the culture of that member of society. A shameful act in an Eastern culture is an act that can degrade his dignity as a human being. The shame culture has become a measure of dignity and a principle of life that is firmly held as a manifestation of human existence that upholds morality and diversity.

In an effort to find an integrative approach to the fight against corruptors, it seems that the legal culture approach that has been tended to be forgotten can be an approach worth considering in an effort to combat corruption. It is based on the idea that without the support of a conducive legal culture, the law built in the framework of the fight against corruption can be realized as expected by both lawmakers and the public as the target of the law. This thinking is in line with Rahardjo's (1980) opinion which sees the legal culture as the basis for the exercise or not of a positive law in society, since the implementation of the positive law is largely determined by the attitudes, views, and values it faces. Even Soemitro (1985) sees the legal culture as a soul that will revive the legal mechanism as a whole, but on the contrary it can also turn off the entire mechanism of law enforcement that is set to apply to society.

The legal culture approach that can be pursued is related to cultural-oriented punishment of living roots in society, such as the application of social sanctions as a form of shaming punishment, which is believed to have a remarkable deterrent effect compared to imprisonment. The idea of applying shaming punishment departs from the perspective of a legal culture where the social forces are constantly working on the law, the social forces can make changes to the law, the social forces can also choose which part of the law to be operated, what changes will be done either openly or in secret. All social forces greatly affect the workings of the law. The attitude of the people who simultaneously do not want to implement a legal product can be said that the society has a legal culture. Through a legal culture approach, the legal work of corruptors is believed to be effective and has a tremendous deterrent effect.

Today's law is not enough to function as a social control only, but the law is expected to be able to move the society to behave in accordance with new ways / patterns in order to achieve the goals aspired. In this regard, legal awareness is required from the community as a bridge between the legal regulation and the behavior of community members. Such conditions result in what has been decided through the law can not be implemented properly in society because it is not in line with values, views, and attitudes that have been lived by the community. The development that occurred in Indonesia can be seen that the social structure of the nation was not in accordance with the modern law chosen by the ruler so that resulted in many lamenting the implementation of modern law itself.

2. Ideas for Application of Shaming Punishment Against Corruptors

The purpose of criminal sanction formulation for corrupt offender in corruption law is juridically intended to provide deterrent effect and break the chains of corruption. No doubt the form of criminal sanctions formulated in corruption laws can be categorized as sanctions with a formidable formulation of threats. However, in the public view so far the punishment of corruptors has not succeeded in providing a deterrent effect. In Nitibaskara's critical assumptions, the amount of corruption remains high because the criminal sanctions that have been applied in the corruption court have not been serious. Sanctions formulated in the corruption law are not feared or have caused a deterrent effect. Within this framework, Nitibaskara (2009) held that: “When criminal threats do not seem frightening, we must not only review criminal justice policy measures against corruption. However, more broadly, we must examine the social realities of Indonesian society”.

This stance implies that the design of punishment for the perpetrators of corruption should also pay attention to the social reality of the community, especially regarding the sense of community justice. It is thus related to the teachings of Nitibaskara that the growing view of society on certain types of crime will affect the treatment of the perpetrators. Telling him also, by examining the actual conditions of society in relation to the most threatened criminal offense, it would be easier to understand how a nation or state treats

perpetrators of criminal acts for crimes deemed most harmful to their people.

Relying on what has been taught by Nitibaskara above, it can be said that the design of the threat of punishment that will be given to the perpetrators of corruption should also pay attention to the social realities of society where the people want for them to be given punishment penalties that can provide tremendous deterrent effect. Such thoughts are born because of the peak of public resentment due to the rampant corruption despite the severe legal threat, but the fact does not also provide a deterrent effect, and corruption is still rampant society. In this context relevant arguments from Rahardjo (2006) are in the expression: "The statement that Indonesia is a law-based country has not addressed the issue finite, but it still brings many problems behind it. One is how we give meaning to the law and set its limits". Therefore, a great idea of punishment is required. This remarkable idea of punishment is applied by "rule-breaking", in which legal practices must dare to free themselves from the confusion of concepts, doctrines, and prevailing principles. Such a method is necessary because if the law is accepted, understood, and executed in the conventional way, the role of law in eradicating corruption will be far from the fire. In fact, instead of the law played a major role; it can hinder the eradication of corruption.

One of these extraordinary ideas of punishment is given in the form of punishment penalties or sanctions for perpetrators of corruption through the application of penal punishment based on the legal culture of society, such as the punishment of social labor. Regarding the definition of punishmant shaming does not meet its definitions clearly in various legal literature. However, that can be used as a reference is the definition proposed by Kahan and Posner (1999), "Shaming can be defined as the process by which citizens publicly and self-consciously draw attention to the bad dispositions or actions of an offender, as a way of punishing him for having those dispositions or engaging in those actions".

Also defined by Andrix (2007), "a shaming sanction is "a criminal penalty designed to stigmatize or disgrace a convicted offender, and often to alert the public about the offender's conviction". The authors themselves have a bottom view if drawn from the word permaluan then simply can be interpreted as a form of punishment where the perpetrators humiliated in public. So the approach of punishment is rooted in a living culture in society, where deeds are deeds denounced by members of society and will cause embarrassing disgrace for the perpetrators, such as embarrassment culture in the culture of certain ethnic groups in Indonesia.

Shame is a powerful tool for ensuring normative compliance and is a central component in theories of restorative justice and informal control. Shaming, however, is underutilized in the criminal justice system and by communities seeking to exercise informal social control. Shaming should be the first signal that the offense was more than technical or harmless. The message is that the offense defies community standards, that the offender has caused real harm. Thus it may be an important tool for communities wishing to be actively involved in criminal justice and a bridge between formal and informal control. Massaro (1997) contends that shaming is worse than imprisonment, precisely because shaming sends the message that criminals are "less than human others who deserve our contempt". In the critical view of Flanders (2007), shaming punishments are a paradigmatically liberal effort to replace the hard treatment aspect of punishment with something else that expresses society's condemnation of the criminal act without the pain associated with imprisonment.

In some literature is still questioning the effectiveness of the implementation of shaming punishment. Some commentators argue that although public shaming sanctions were once effective, they are no longer useful because modern societal conditions do not foster an environment in which such punishments thrive. Others argue that shaming sanctions are inherently cruel and socially unacceptable. Nonetheless, courts continue to implement public shaming sanctions and the legal community has been unable to agree upon a common objection to them (Brilliant, 1989 and Whitman, 1998). But if you learn from the Japanese experience, shaming punishment is applied effectively. In Japan, individuals are so strongly integrated into group life, social sanctions in the form of reintegrative shaming are much more effective at being deterrence than other criminal forms. In other words, for a homogeneous society with strong group ties like Japan, the concept of deinstitunationalization in criminal execution is more likely to be applied. The concept of shaming has more benefits for society, than the application of criminal deprivation of liberty in an institution in a long time or death penalty. Therefore, for Braithwaite, shame can function as both an effective punishment of criminals and a tool for the rehabilitation of offenders. It can be a powerful tool indeed, but only in a society that has a need for it and wields it properly (Braithwaite, 1989).

In this context it is interesting to put forward the opinion of Goldman that arguments in favor of public shaming punishments: (1) public shaming punishments are cost-effective. Some proponents of public shaming sanctions base their support on the economic consequences of such punishments; (2) public shaming prevents indoctrination into

a criminal culture. Public shaming punishments may serve as a means to keep low-level criminals out of the prison system and to prevent them from becoming repeat offenders; (3) public shaming punishments express appropriate moral condemnation. Public shaming sanctions may be an effective alternative to imprisonment because they express appropriate moral condemnation; and (4) public shaming punishments accurately reflect society's values. Because they deprive individuals of their privacy, which is highly valued in today's society, public shaming punishments could be supported as an appropriate form of punishment.

In the context of Indonesia, the idea to apply this shaming punishment is in line with the sentence in consideration letter a of Act 20/2001 stating that:

> *The criminal act of corruption that has been happening extensively, not only harms the state's finances but also has been a violation of the social and economic rights of the society at large, so that corruption should be classified as a crime whose eradication must be done extraordinary*.

Former KPK Counselor Abdullah Hehamahua said the prison sentences for corruptors were deemed ineffective. In order to create a deterrent effect, corruptors need to be subjected to social sanctions in the form of cleaning garbage, for example in Jalan Jenderal Sudirman, by wearing a corruption prisoner suit. Probably three to six months wearing corrupt clothing, then cleaning up garbage on the road and working on oil palm plantations. This suggests that a prison-oriented punishment pattern has not been able to provide a deterrent effect, and it is believed to be only by applying punishment through a culturally appropriate approach to societies worthy of enforcement, such as the punishment of social sanction that puts the shame for the perpetrator.

Due to the consideration of the very nature of society's disadvantage to an act of corruption, the idea of imposing social sanction as a form of shaming punishment for the perpetrators of corruption is very relevant to the study. Corruption activists and law enforcement officers need to rethink the current model of corruption eradication that relies only on substantial approaches and legal structures. Judgment by way of prison does not provide fear even tends to corroborate the reason for punishment as a means of retaliation (taliones). But the revenge is half-hearted and incomplete, so the behavior and corrupt habitus is still strong into the culture of the Indonesian bureaucracy.

It seems simple, but such conditions actually provide a powerful deterrent effect for the perpetrators of corruption. The implementation of shaming punishment is a worthy idea to be studied and considered in the midst of saturation of society to see the actions of the corruptors today. In this context, shaming punishment is a form of criminal sanction formulated in positive criminal law. That is, penal punishment is used as a means of criminal law in tackling corruption. As a criminal sanction, the implementation of the idea of shaming punishment is in line with the purpose of criminal punishment and punishment, namely as an effort to combat crime in order to achieve community welfare and justice for the community.

The consideration of the need for shaming punishment is posited as a criminal sanction in line with Packer's view that criminal sanctions are the best available means or tools available to deal with major crimes or dangers and to confront threats. Furthermore, Packer (1967) states that: (1) The criminal sanction is indispenable; we could not, now or in the foreseeable future get along, without it; (2) The criminal sanction is the best available device we have for dealing with gross & immediate harms and threats from harms; and (3) The criminal sanction is at once prime guarantor and prime threatener of human freedom. Used provedently and humanely, it is Guarantor; used indiscriminately and, it is coercively threatener.

Theoretically, efforts to provide a deterrent effect for the perpetrators of corruption through the implementation of shaming punishment in the form of social work sanction for example, is basically very possible to be formulated in the Corruption Act. It is based on the consideration that corruption is an extraordinary crime, so in the implementation it is possible for corruption eradication agencies to use extraordinary means as long as they have the support and approval of the legislature. The formulation of legislation on the application of shaming punishment as a form of legal sanction to corruptors is fundamentally in line with the teachings of Walker (1991), where the allegedly unpleasant punishment of the person experiencing it should be intended to be felt for a particular reason and the person who ordered the eradication of apostasy is authorized to decide it. That is, the punishment penalty for corruptors in the form of shaming punishment though must be formulated in a criminal law.

Such a choice is a rational in order to save the nation's survival in the future from corrupt behavior that destroys the order of life of nation and state. The phenomenon of not afraid of sanctions including those experienced by corruptors needs to be overcome by a model of punishment that arouses the shame that it becomes afraid to do so. Crimininologically the phenomenon of "not afraid of sanctions" can be one indicator that shows that in social reality society is containing a factor of criminogen that is relatively high.

To anticipate the situation, it seems that extra ordinary punishment becomes something relevant to accompany the model of crime that has extraordinary characteristic that is now increasingly widespread and pervades the entire

archipelago in various levels of society's life order. Studies by other national and international agencies have demonstrated an agreement to combat corruption. For that, extra ordinary punishment becomes one of the more rational alternatives to save this nation from greedy humans. Therefore, it is believed that only in extraordinary ways that must be taken in order to overcome the rampant corruption that is now increasingly and seems to reformulate the implementation of corruption through the implementation of social work ideas as a form of shaming punishment is a necessity in order to restore balance in society resulting from the loss of state finances that are corrupted by the perpetrators of criminal acts.

Efforts to combat corruption, particularly in the legal culture aspect, are a very important and strategic step, meaning that the handling of corruption must start from a formulation policy to reform the criminal law. This effort is also very necessary in order to realize the ideals of the Indonesian nation that is protecting the whole nation and the blood of Indonesia so as to achieve the welfare of the people. Protecting the whole nation and the whole sphere of blood means, protecting with the tools of law and the means of power that exist, so that in this country there is an order or order that ensures moral and material welfare, physical and mental, through applicable law.

Admittedly the pros and cons will be wide open mainly related to the potential reduction of human rights issues. Nevertheless, the application of the idea of the addition of social work crime to perpetrators of corruption is by no means intended to reduce corrupt human rights as an attempt to "retaliate" for the deeds, but merely a moral conviction that the crimes they commit morally are very crimes severe and distressing and injure the morals of community justice. Criminal penalty in the form of shaming punishment for these corruptors precisely to maintain the balance in society due to the impact arising from the deeds it does.

E. CONCLUSION

Criminalization is impossible to wipe out evil from the face of the earth, but at the very least, punishment causes the sense of justice of the victims to materialize. Criminalization includes the idea of criminal penalty through the implementation of shaming punishment for corruptors in the Corruption Act precisely intended to realize the purpose of law, namely peace, justice, benefit and legal certainty. The application of shaming punishment as an extra ordinary punishment becomes something relevant to accompany a model of extraordinary characteristic that is now increasingly merapat and penetrated throughout the archipelago in various levels of the life of the Indonesian society. Therefore, the implementation of the idea of shaming punishment such as social work is a necessity in the corruption law enforcement system in Indonesia as part of the criminal justice system, and is believed to have a tremendous effect on corruption prevention.

The need to reconstruct forms of punishment for perpetrators of corruption based on a living culture within the community is part of a coping and eradication strategy. The cultural approach in this strategy is an inherent part of the law enforcement process through the system approach of the legal system. Paradigm that will be built in the process of eradicating corruption is not only approached from the workings of the legal structure subsystem and the legal structure subsystem, but also the legal culture subsystem. The approach of the legal culture subsystem is actually believed to be a vital energy in the fight against corruptors and simultaneously demonstrates that this strategy of fight against corruptors is done comprehensively and integrally.

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