

Study on the Protection of Women as Gratification Tool in Corruption Crime

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ABSTRACT

Women tend to be used as a tool to fulfill the interests of men, not only as a means to fulfill biological interests, but also serves as a tool to meet political and economic interests. The Director of the Directorate of Intercultural Cooperation Network Cooperation and Corruption Eradication Commission (KPK) Sujarnako said that sex has become part of corrupt practices. When the object of gratification is a woman, it will damage a person's relationship with his family, especially the relationship between husband and wife, father and children and the relationship of mother and children. Therefore, efforts must be made to prevent and protect women so that they are not used as a sexual gratification tool for corruption. This is a moral obligation that cannot be bargained again. This research uses Feminist Legal Theory. Protection of women who serve as a tool of corruption crime is something that must be held by the state. However, until now there is a specific regulation on the protection of women as a tool of gratification of criminal acts of corruption. Therefore the government should issue a separate law and the handling of sexual gratification involving women.

Keywords: Relationship, Women, Gratification

1. INTRODUCTION

Talking about equality between men and women is very much discussed in this third millennium. The world recognizes that women are often treated in a discriminatory manner and even in some cultures, girls are considered no more valuable than boys. In 1979 a Women's Rights Convention was held which regulated the elimination of discrimination against women. This Convention is a hope for all women in the world, including women in Indonesia, which is realized through Act Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, for Indonesian women to get fair treatment without discrimination.

Basically everyone agrees that women and men are different. The question is which are the differences which are innate (the gift of God), and which are obtained or learned, and which are built by the people themselves? The inequality between women and men begins with the confusion of understanding between natural and unnatural differences. Natural differences known as gender differences are actually just all the biological differences that are born between women and men. Beyond all that is the difference known as gender. Non-natural differences or social differences refer to differences in roles and functions devoted to women

and men. This difference is obtained through the process of socialization or education in all institutions (family, education, religion, and custom).

The natural law theory assumes, it has become the woman's nature to become weaker, and therefore depends on the man in the things for her life. This natural law theory has already appeared since the beginning of the birth of philosophy in Greece. So do not be surprised if Aristotle postulates a woman is an incomplete man. Therefore, according to him, it is natural that adult males control slaves, children and women. Men control women because women's souls are not perfect [1].

The notion of women is weak, perpetuated and spread by almost all philosophers, including prominent religious figures such as Chrysostom, who is renowned as bishop of Constantinople who argues that women other than the enemy of friendship, eternal punishment, absolute evil, desirable calamities, family, and the nature of evil [1].

Director of the Directorate of Intercultural Cooperation Network Cooperation and Corruption Eradication Commission (KPK) Sujarnako said that sex has become part of corrupt practices. He also mentioned anyone who uses sex services as a bribe tool. It was said Sujarnako when he was assigned to trace the flow of funds perpetrators of corruption. According to him, law enforcement officers in eastern Indonesia have been found to have sex gratification [2]. Although do not want to mention the initials of the suspect. Sujarnako said if the case occurred around the year 2010-2011 ago. The person has no money and no home, but corruption up to Rp10 to Rp20 billion. After being traced it turns out the money is used for spree, buy women, get drunk, and stay at hotels in Jakarta. Nevertheless, said the current legal institutions in Indonesia including the Commission has not been able to ensnare the perpetrators of corruption who have sex gratification [2].

Corruption acts followed by gratification will damage the relationship between humans and humans, as well as government relations with the people. When the object of gratification is a woman, it will damage a person's relationship with his family, especially the relationship between husband and wife, father and children and the relationship of mother and children.

2. METHOD

The problem of this research is formulated as: What is the national criminal law policy in the protection of women as a tool of sexual gratification?

This research is a normative juridical research. Normative Juridical research is a study that discusses the legal aspects through the literature (library research) with the statutory interpretation. Sources of data used are secondary data sources consisting of primary legal materials, secondary legal materials and tertiary legal materials.

3. RESULTS and DISCUSSION

According to Feminist Legal Theory (FLT), the law is the order of the men that marginalize women. Factually, the law is built and constructed in male logic. The implication, it strengthens patriarchal socio-juridical relationships. Relationships based on the norms, experiences, and power of men, and ignore women's experiences. Thus, to some degree, the law has contributed to the oppression of women [1].

According to Feminist Legal Theory (FLT), the majority of the legal order is built on that biased world view. Feminist Legal Theory (FLT) seeks to fight against this unjust reality. The Feminist Legal Theory (FLT) resistance pursues Gramsci's point of view, namely 'raising

awareness of ideology'. The use of this pathway is important, because women are already imprisoned in the ideology of men preference [1].

In 1967 the United Nations (UN) issued a Declaration on the Elimination of Discrimination against Women. The Declaration contains the rights and obligations of women and the equal rights of women with men and states that measures should be taken to ensure the implementation of the declaration. However, the declaration is non-binding, the United Nations Commission on the Status of Women under the Declaration provides the Convention on the Elimination of All Forms of Discrimination against Women. On 18 December of 1979 the United Nations General Assembly adopted the Convention.

Whereas in practice, the provisions of the Convention shall be in accordance with the living order of the society which includes cultural values, customs and religious norms that are still valid and widely followed by the people of Indonesia. Pancasila as the nation's life view and the 1945 Constitution as a source of national law provides the assurance and assurance that the implementation of the provisions of the Convention is in line with the order of life desired by the Indonesian people.

At a time when complex state societies are formed, society is faced with corruption and gratification corruption. The intensity of corruption varies at different times and places. Like other societal symptoms, corruption is determined by many factors. In the history of Egypt, Babylon, Hebrew, India, China, Greece and Ancient Rome, corruption often surfaced as a problem. Hammurabi of Babylon, who ascended the throne sometime around 1200 BC instructed a provincial governor to investigate a bribery case [3].

Corruption is one of the most popular words in society and has become the theme of everyday conversation. However, there are still many people who do not know what corruption is. In general, the public understands corruption as something that is detrimental to the state's finances. Whereas in Act Number 31 of 1999 juncto Act Number 20 of 2001 concerning Corruption Eradication, there are 30 types of corruption. The 30 types of corruption can basically be grouped into seven, namely: i) financial losses of the State; ii) bribes; iii) embezzlement in office; iv) extortion; v) cheating; vi) conflict of interest in procurement; and vii) gratification [4].

Of the various types of corruption set out in law, gratification is a relatively new thing in the law enforcement of corruption in Indonesia. The gratuities are governed by Article 12B of the aforementioned Act. In the explanation of that article, gratification is defined as a gift in a broad sense, which includes giving money, goods, rebates, commissions, interest-free loans, travel tickets, lodging facilities, travel, free treatment, and other facilities received at both domestic and overseas and which are carried out by means of electronic means and without electronic means. Although already explained in the law, there are still many Indonesian people who do not understand the definition of gratuities, even experts are still debating this [4].

In the explanation of Article 12B paragraph (1) of Act Number 20 of 2001: The meaning of gratification is a grant in the broad sense, which includes the provision of money, goods, rebates, interest-free loan commissions, travel tickets, lodging facilities, travel, free and other facilities. Such gratuities are accepted both domestically and abroad and which are conducted by means of electronic means or without electronic means [5].

From the explanation there is no mention of sexual gratification, sexual services or women as a tool of gratification. sexual gratification can only be included in the meaning of the phrase "and other facilities" which serve as the basis for the classification of sexual services received by a government employee as a gratification (sexual gratification).

Usually these women are used for the lobby of interest. In the case of corruption to permit the importation of cows involving Ahmad Fathanah, there is a student named Maharani who is used as a tool of sexual gratification for a fee of Rp. 10,000,000. In this case Maharani is a victim to be protected. Such protection is currently only available through Act Number 21 of 2007 concerning the Eradication of Trafficking in Persons.

4. CONCLUSIONS

Protection of women who serve as a tool of gratification of corruption crime is something that must be held by the state. However, until now there is no specific regulation on the protection of women as a tool of gratification of criminal acts of corruption. Therefore the government should issue a separate law regulating the protection and handling of sexual gratification involving women. The law should also include material law and formal law in order for the protection of women who become gratification tools to be more optimal. Prevention and protection of women so that they are not used as sexual gratification tools for corruption is a moral obligation that cannot be bargained again.

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