CAN RELIGION PREVENTS CORRUPTION?
THE INDONESIAN EXPERIENCE

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ABSTRAK

Sejumlah penelitian anti-korupsi telah menyatakan bahwa politik, ekonomi, dan kebudayaan berpengaruh terhadap praktik korupsi. Lantas bagaimana dengan pengaruh agama terhadap korupsi? Belakangan, hubungan antara agama terhadap korupsi memunculkan pertanyaan: dapatkah agama mencegah korupsi? Tulisan ini membahas dampak religiusitas dalam korupsi birokrasi di Indonesia. Pada bagian hasil, menunjukkan bahwa praktik korupsi secara negatif diasosiasikan dengan ajaran agama, menunjukkan agama memiliki peran positif dalam pencegahan korupsi berkenaan dengan ajaran normatif anti-korupsi dalam agama itu sendiri. Tulisan ini juga menyatakan hubungan negatif antara agama dan korupsi adalah lebih lemah pada kelompok yang memiliki pengalaman dimintakan pemberian sejumlah "uang pelicin" oleh petugas. Temuan tersebut mengidentifikasikan substisusi antara etika agama dan penegakan hukum dalam pemberantasan korupsi. Dengan terbatasnya studi dan data pada bidang penelitian yang sama, tulisan ini semata adalah studi tentatif untuk berkontribusi pada topik antara hubungan agama dan perilaku korupsi.

Kata kunci: Agama dan korupsi, pencegahan korupsi, praktik korupsi.

ABSTRACT

Researches on Anti-Corruption have found that politics, economics, and culture have a relation to corrupt practices. However, what about the influence of religion on corruption? Recently, there is an increasing interest in understanding the relationship between religion and corruption; could religion prevent corruption? This paper discusses the effect of religiosity on bureaucratic corruption in Indonesia. The results show that corrupt practices are negatively associated with religious heritage, signifying that religious culture takes a positive role in delimiting corrupt practices of government officials since religion has an influence on the normative anti-corruption paradigm. This paper also finds the negative relationship between religion and corruption is weaker for people who had experience requested by an official to paid illicit payment, which identifies the substitution chance of religious ethic and law enforcement in curbing corruption. Given the very few studies and limited data resources in the context of Indonesia, this paper is only a tentative study to contributes to the discussion of religion and corruption relations.

Keywords: Religion and corruption, corruption prevention, corrup practices.

1. Introduction

Since the reformation era of the Republic of Indonesia in 1998, corruption has vexed national leadership. Especially with the launch of bureaucratic reforms, anti-corruption has become even more widespread not only at the national level but also at the local level. The seriousness of the fights against corruption has been exemplified by the establishment of the Indonesian Court for Corruption Crimes (Tipikor Court) and the Corruption Eradication Commission (KPK) through the Law No. 30/2002.

Corruption in contemporary Indonesia has generated much literature in sociology, political science, and economics. These studies have found some possible causes of bureaucratic corruption, including the problem of political institutions and the judicial system as well as the economic development level. However, nowadays, religious heritage has received scant attention from scholars when analyzing corruption among government officials. It is a surprising oversight from the extensive pieces of literature regarding the influence of religion on political behavior at the individual level (Flavin, P., & Ledet, R., 2013). Previously, criticisms of corruption only point to something closely relates to religion, which is morality (Douglas, 2007). From the morality and religious culture, corruption is not acceptable since it involves thievery, dishonesty, abuse of others, and illegality. Therefore, religious heritage may play a significant role in preventing public officials from corrupt activities, and thus decreasing bureaucratic corruption.

In several previous works of literature, religious principles are viewed as a contributory factor to corruption (Treisman, 2007; Mensah, 2014). Yet, these studies are mostly based on western context and focused on the Protestant Christian. The traditional eastern religions like Buddhism and Hinduism and their effects on corruption have almost been ignored. The majority of corruption literature, on the other hand, are transnational surveys. The main purpose of this paper is to use national-level data from Indonesia to investigate whether and how religion influences the prevalence of corruption.

Indonesia presents an interesting case for this analysis not only because it is a country with the largest Moslem population, but also because corruption has become more rampant since its New Order era. Although serious corruption in Indonesia has generated much literature, few studies have examined the influence of religion on corruption in Indonesia, where most individuals believe that religion as something important in their lives. Second, different from western developed countries, Indonesia remains lacks an independent and efficient judicial system, therefore existing laws, regulations, and rules generally are performed weakly. When formal systems do not work effectively, in order to curb corrupt behavior we may rely more on informal power like religious culture since Indonesia has some large faith-based organizations such as Indonesian Ulema Council, Nahdlatul Ulama, Muhammadiyah, Council of Churches in Indonesia, the Bishops' Conference of Indonesia, as well as Hinduism and Buddhism organizations. North (1990)

and Williamson (2000) emphasizes the importance of informal institutional optimization like religious institutions have a crucial impact on formal systems. In this regard, I assume that substitution affect between informal religious constraint and formal law enforcement exists in preventing corrupt practices of public officials, and thus religious traditions may play a much more positive role in fighting against corruption in Indonesia.

Indonesia is a country that has a long history of religious practice. The history of the six major religions being practices could be traced back for centuries. Islam is the most influential religion, which believed that came to Indonesia in the 7th century, not far from the arrival of Christianity in Indonesia. Before that, Buddhism and Hinduism were introduced from India in the 4th century and previously, Indonesian people were Ethno-religionist.

The right of religious belief is protected by the Indonesian constitution. The Association of Religion Data Archives shows that 98.6% of Indonesian people have religious beliefs (ARDA, 2016). According to Population Survey 2010, the population of religious believers in Indonesia classified into 87% Islam, 7% Protestantism, 3% Catholicism, 1% Hinduism, 0.72% Buddhism, 0.05% Confucianism.

This paper shines a light on the relation between religion and corruption in Indonesia and goes further to explore the impact of religion on corruption in substitution between informal religious constraint and formal law enforcement exists in fighting against corruption. My study contributes to the extant literature in several ways: first, to our knowledge, this paper is examining the influence of religion on corruption in the context of Indonesia. A study on the role of religion in preventing corruption is meaningful since religion brings influence to people on their political preference and work ethic; it is also timely for Indonesia as the state is faced with severe corruption. Second, my paper also adds to existing research on the value of religion. The findings in this paper can reveal how religions affect the minds of people and their unethical behavior in an invisible way.

2. Literature Review

The term 'corruption' is broadly and variously defined. There is neither universal nor comprehensive definition as to what constitutes corrupt behaviors. One difficulty in combating corruption is struggling with defining it. Sandholtz and Koetzle conclude that 'virtually every published work on corruption since 1960's wrestles with the problem of defining it' (Wayne Sandholtz & William Koetzle, 2000). The OECD Convention and the UNCAC also do not define corruption. Instead, they establish the offenses for a range of corrupt practices. In many cases, 'corrupt' and 'illicit' are used interchangeably (Bardhan, 1997). This suggests that corrupt behavior violates the principle of legality.

On the other hand, not all illegal behavior is corrupt and not all corrupt behavior is illegal (Eicher, 2009). Sharon Eicher gives a quintessential example that harboring Jews during the Holocaust was illegal but ethical. Susan Rose-Ackerman describes the corruption payment constituting a bribe as 'an illegal or unauthorized transfer of money or in-kind

substitute' (Rose-Ackerman, 1999). In other words, corruption payments may be legal but unethical when they are not allowed under rules of operation.

Fighting against corruption requires a comprehensive understanding of its factors. In this matter, scholars take different approaches. The traditional approach which adopted by many economist and political scientists focuses on economic and administrative causes. Just to mention one example, Treisman (2007), in a comprehensive transnational study, found that corruption could be decreased through long exposure to democracy, higher average income, and high levels of imports. However, recently some scholars have criticized the traditional approach for not taking the moral and cultural aspects into account. Several researchers considered religion as a starting point for understanding these aspects, believing that religion affects corrupt behaviors by shaping cultural attitudes toward social hierarchy and malfeasance in government (Lipset & Lenz, 2000; Dreher, Kotsogiannis, & McCorriston, 2007).

There has been an increasing interest in understanding the influence of religion on preventing corruption. Many empirical studies have suggested that states with strong hierarchical religions are more likely to suffer from corruption. Treisman (2000) has examined the historical, economic, political and other socio-cultural settings as the antecedents of corruption. Where hierarchical religions dominate within a society, it will cost people to challenge corrupt acts of public officials because social hierarchy compliance and loyalty to family are the norms. Moreover, La Porta et al. (1997) argued that strong hierarchical religions–Catholicism, Orthodox Christianity, and Islam– discourage the trust formation trust and in turn promote corrupt behaviors.

Mensah (2014) found that both cultural and religious differences are incrementally related to perceived corruption, even after controlling for other economic and political factors. Paldam (2001) considers religion as a proxy of culture and analyzes the relationship between religion and corruption. He found that there is a lower level of corruption in countries that practicing reform Christianity than in non-Christianity as well as in pre-reform Christian countries. He also warns that although questions such as why religions affect corruption are interesting, it is difficult to propose a single answer because "religions differ in many and subtle ways".

Overall, extant literature has examined the relationship between religion and corruption and suggested that there is an important statistical relationship between them. However, paradoxes exist in these studies. Some of them show that religion as a cultural index has a positive effect on corruption, while others come to the opposite conclusion (Shadabi, 2013). Especially, most of those studies are based on data gathered in developed countries and mainly focused on western religions (Protestantism and Catholicism). Little evidence was provided for the questions of whether and how eastern religions can play a role in resisting corruption. In this paper, we address the aforementioned gap to explore whether and how religion matters to corruption in Indonesia.

3. Religiosity in Indonesia

In Global Top 5 Most Religious Countries 2017 featured by RealClearWorld.com powered by Gallup International's worldwide research[1], Indonesia stands at the 3rd rank. Almost the entire populations in Indonesia (99%) claimed to believe in God, in life after death, in the soul, in heaven, and in hell; compared to people worldwide who believe in the soul (74%) and in God (71%), while nearly half of them believe in heaven (56%), life after death (54%) and hell (49%) (Top 5 Most Religious Countries, 2017).

The worldwide analysis of religious beliefs by different socio-demographic strata shows interesting results. It reveals that all beliefs decline as the interviewee's age goes up: 74% of people between 18 and 24 years old believe in God, while this percentage downs to 67% in those aged 65 and older. Believing in life after death drops from 60% in the youngest strata to 45% in the oldest; the belief in soul goes from 78% to 68%; the belief in hell decreases from 57% to 35%; while the belief in heaven drops from 64% in the youngest and 46% in the oldest (Top 5 Most Religious Countries, 2017).

On the other hand, in Indonesia, there were no significant differences between young and old people, where almost all of them represented a similar percentage. The survey confirmed that religion is a relevant aspect in the lives of individuals in Indonesia, and either age or the levels of education have not a considerable influence on the perception of these values. The figures related to spiritual beliefs – almost all of the population interviewed believe in the soul and in God – show us how important it is for the majority of Indonesian to have faith and to rely on it.

In 2017, *Lembaga Survey Indonesia* (LSI) released a survey about religiosity and corruption.[2] It reveals that generally majority of Indonesian people are religious. There are 74.9% of Indonesian people confess as devout believers. In addition, 82.9% of the Indonesian population take religion as the basis of the decision-making process in their life, especially in an important decision (Burhanuddin Muhtadi & Hendro Prasetyo , 2017).

The obedience to religious teachings also reflected in ritual practices done by Indonesian society. More than half of Indonesian Muslims (55.9%) do regularly salah, a daily religious practice, five times a day and 28.4% who said they do that quite often. Meanwhile, 67.5% of Muslim society in Indonesia always do Ramadhan fasting and 24.6% often do it. Moreover, 14,4% of Muslim individuals in Indonesia always do salah sunnah (additional practice) every day and 30.3% practice it sometimes (Burhanuddin Muhtadi & Hendro Prasetyo , 2017).

4. Corruption in Indonesia

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[1] Research is based on face-to-face interviews in Indonesia with 1,180 respondents with 95% confidence that the maximum margin of sampling error for the total population is ±3.3 percentage points.
[2] Results are based on face-to-face interviews in Indonesia with 1,540 respondents that chosen trough multi-stage random sampling. It was claimed with 95% confidence that the maximum margin of sampling error for the total population is ±2.6 percentage points.

Indonesia prohibits corrupt practices, including active and passive bribery offense. The offenses could be found in its Penal Code, Law No. 31/1999 on Corruption Eradication as amended by Law No. 20/2001 (hereinafter referred to LCE), and Law No. 11/1980 on Anti-Bribery Law and Bribery Offences (hereinafter referred to ABLBO). Active bribery set in the LCE as well as ABLBO and appears to be an overlap (Asian Development Bank, 2017).

Article 5 of the LCE covers the "giving" or "promising" something while article 13 of the LCE criminalizes the "offering" of gifts or payments or promises to public officials. Law on Corruption Eradication, Article 5. Moreover, Article 2 of the ABLBO covers "giving" or "promising" something to someone and including the "offering" offense, since in Bahasa Indonesia there is no difference wording to article 13 of LCE. Therefore, bribery of the public officials could fall within all of those provisions (Asian Development Bank, 2017).

The problem arises because the range of punishment for the offenses is different. Article 5 of the LCE sets out the minimum sentence is one-year imprisonment and/or a fine IDR 50 million (approx. US$ 3,000), and the maximum penalty is five-year imprisonment and/or a fine IDR 250 million (approx. US$ 15,000). Meanwhile, Article 13 does not provide minimum punishment and the maximum punishment for the offense is three years imprisonment and/or IDR 150 million (approx. US$ 10,000). The highest sentence under Article 2 of the ABLBO is five years in prison and/or a fine only IDR 15 million (approx. US$ 1,000).

As in the case of active bribery, there also appears to be an overlap of passive bribery offense since it could fall under LCE and ABLBO. Article 5(2), 11 and 12 of the LCE deal with passive bribery of the civil servant or state apparatus. Article 3 of the ABLBO does not specifically mention public official with the word "anyone", but it could be including public official. Anti-Bribery Law and Bribery Offences, Article 3. In addition, Article 56(2) of the Penal Code also criminalizes requesting or solicitation of crime including bribery. The range of maximum punishment between those provisions are varied, between three years, five years, to nine years imprisonment and/or fine between IDR 15 million (approx. US$1,000) to IDR 250 million (approx. US$15,000).

In criminalizing legal persons for bribery offenses, Indonesia shows its progressive approach (Butt, 2012). The LCE covers not only private companies but also companies receiving state aid or using state facilities. However, the LCE only provides prohibition of bribery committed regarding the employment. The provision does not give any details in what circumstances the offenses of the employees may be attributed to the companies. There is also unclarity on whether corporate liability depends on the natural person's condemnation for the crime.

Even though Indonesia has adequate anti-corruption laws, based on Transparency International, Corruption Perception Index (CPI) of Indonesia in 2019 was 40, this point went up from 38 in 2018 (Transparency International, 2019). The rank was also rose from 89 in 2018 to 85 in 2019 (Transparency International, 2019). This made Indonesia sits at the 4th position among Southeast Asian countries, which in the first position was Singapore with 85 points, in the second place was Brunei Darussalam with 60 points and Malaysia in the third position with 53 points. There were some other countries in the

world that have the same point as Indonesia, which are Burkina Faso, Guyana, Lesotho, Trinidad, and Kuwait.

This improvement is the highest during Joko Widodo's presidency since it was jumped two points. Meanwhile, in the previous years a position, as well as the point of Indonesian CPI, was stagnant. Transparency International Indonesia noted that there are some sectors that must be aware more in CPI, which are the government control of corruption, corruption grade, clear procedure and accountability of public budget, political and bureaucratic corruption, and abuse of power by executive, judicative, legislative, military, and police officials (Tempo, 2020). The CPI point on those sectors was under 40. The lowest point was on the abuse of power by executive, judicative, legislative, military, and police officials which only 21 points. However, this number was rose from 20 points in 2018.

In the survey conducted by LSI, the interaction between citizen and government official mostly happen trough public administration process (50.3%), health care services (46.6%), state school (30.3%), and police officers (14.9%) (Burhanuddin Muhtadi & Hendro Prasetyo , 2017). The biggest probability of corrupt behavior by public officials is when people have a business in the police office, that from 14.9% of people who had business with a police officer, almost one of two people (46.1%) asked to give an illicit payment (Burhanuddin Muhtadi & Hendro Prasetyo , 2017). The probability of people who had experience asked by a police officer an illicit payment was big enough, 14.9% of them will actively give such payment without the requirement from the police officer in the future (40.4%) (Burhanuddin Muhtadi & Hendro Prasetyo , 2017).

Correlation between the experience of citizens being requested to give illicit payment and their experience to actively give such payment in the future quite strong (0.706) (Burhanuddin Muhtadi & Hendro Prasetyo , 2017). In other words, the more people are asked by public officials to give illicit payment, the more those people –at other times- actively give illicit payment without any request. Not only the behavior aspect, but LSI's survey also investigated the paradigm of Indonesia regarding corrupt practices. One out of three respondents said that giving illicit payment in order to smoothen their business with government officials is something normal (Burhanuddin Muhtadi & Hendro Prasetyo , 2017).

In 2016, the Gallup International survey[3] found that more than 8 in 10 Indonesians believe that corruption is widespread throughout the government and businesses all around the nation (GallupPoll, 2016). The percentage of Indonesian people who believe corruption is widespread throughout the state's government rose 84% in 2011 to 91% in 2016. Compared with citizens in other Southeast Asian countries, Indonesian people are much more likely to say that corrupt behavior is prevalent in both the government and business sectors.

Self-assessment of Indonesian corruption levels contradicts the progress found by the Transparency International CPI. In addition, the most recent mean score on Gallup's

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[3] Survey is based on face-to-face interviews in Indonesia with 6,390 adults with 95% confidence that the maximum margin of sampling error for the total population is ±3.8 percentage points.

Corruption Index[4] of Indonesia was worse than the Transparency International CPI, by rank 87 of 176 countries (GallupPoll, 2016). However, the Gallup International CPI has the same finding regarding the police institution. It founds that police were one of the most corrupt institutions in Indonesia, assessed by 88% of respondents (GallupPoll, 2016). The second corrupt agency was the country's judicial system, by 43% (GallupPoll, 2016).

To fight against epidemic corruption, the government of Indonesia created the Corruption Eradication Commission (KPK) in 2002. This commission is an independent agency that has investigated public officials including the police, as well as politicians. But the recent revision of KPK Law No. 19 Year 2019 quite controversial with its Supervisory Board existence. However, since its establishment, KPK has dealt with significant scale cases and prosecuted a number of high-profile cases. Until 2018, the Corruption Eradication Commission (KPK) of the Republic of Indonesia investigated 383 corruption cases, of which it appears that 104 were *incracht* (legally binding) and 113 cases were executed (KPK, 2019).

4. The linkage between Religiosity and Corruption in Indonesia

The aforementioned data shows that religious understanding and ritual practices do not significantly link to anti-corruption behaviors. The more people understand religious teaching and practice religious culture, the more they have an anti-corruption paradigm. As an important implicit constraint, religious culture can contribute to strengthening public official understanding about negative aspect of unethical behavior. However, this only at the normative level. Corrupt behavior remains to happen and not linked directly to religious understanding and practices.

The religiosity of Indonesian society is not a determinant factor of delimiting corruption. Corrupt practices cannot be related to the religiosity of the community. In other words, corrupt behavior can be done by Indonesian no matter they are religious or not. The religiosity of Indonesian individuals remain affects normative anti-corruption perspective. The more religious, the stronger anti-corruption perspective they have. In fact, this perspective still normative, not practical.

Faith-based organizations in Indonesia also not significantly linked to preventing corrupt practices. The participation of Indonesian society to faith-based organizations quite high, more than half of the Indonesian population is engaged in such organization (Burhanuddin Muhtadi & Hendro Prasetyo , 2017). However, being part of faith-based organizations is something not linked to corrupt practices.

One significant factor to determine the corrupt behavior of Indonesians is experience being requested to pay illegal payment to public officials. This experience brings a higher intention of Indonesians to conduct corrupt practices. Therefore, external legal

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[4] The index is a single score calculated based on the results of questions measuring perceived corruption in local businesses and national government.

supervision is an important mechanism to delimit public officials to practice corrupt activities and depress bureaucratic corruption.

On the other hand, religiosity and corrupt practices are thought to come from different dimensions. The relationship between religion and corruption appears through the influence on perspective not yet behavior. These findings could be a reflection of the Indonesian society unable to prevent corruption because of the system and corrupt behavior of public officials so that religious teaching still cannot positively influence them. Religion still cannot alleviate national corruption situation.

Since religious density is significantly negatively associated with anti-corruption behavior, religion, as an informal institutional factor and a part of social culture, has not a significant impact on preventing officials' unethical behavior and cannot reduce the likelihood of them engaging in corruptive practices. Moreover, the legal institutions and the rule of law through formal institution system and external monitoring mechanisms remain the crucial factor to prevent corrupt crimes in religious country like Indonesia. It implies that religiosity cannot serve as an alternative mechanism in preventing corruption.

5. Recommendations

Findings of this paper could be basis for faith-based organizations in Indonesia to mainstreaming anti-corruption initiatives through their religious activities. It is an obligation for faith-based organizations to encourage their community to implement the anti-corruption paradigm into concrete anti-corruption behavior. So far, this duty is not seem effectively done so that still not brings effect yet.

There are at least three strong recommendations to strengthen the role of religious culture in preventing corruption. First, delimiting pro-corruption behavior of Indonesian people who had experience asked to give illicit payments by public officials. Second, to concretize the normative anti-corruption paradigm which affected by religious teachings into concrete anti-corruption actions. Lastly, strengthening the law enforcement of anti-corruption laws to eradicate corruption situation as well prevent public officials do corrupt practices.

Efforts to diminish pro-corruption action, or in the other hand, to increase anti-corruption initiatives, could be done thorough anti-corruption education. This education could be formal by education institution or informal by faith-based organizations that socializing anti-corruption based on religious teachings and obedience to the anti-corruption laws.

At the same time, efforts to increasing anti-corruption behavior are crucial. The purpose is to implement anti-corruption perspective into concrete anti-corruption actions. Indeed, these efforts need clean and good governance, especially among government offices that give public services. Therefore, we could be optimistic of Indonesia as a clean country where the people are not only have anti-corruption paradigm but also anti-corruption behavior.

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